



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
June 30, 2008**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, June 30, 2008, at 9:31 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 Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela C. Schauweker, Management Analyst II, Office of the County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise Scott, Deputy Clerk to the Board of Supervisors.

AGENDA ITEMS1. **RECOGNITION OF COUNTY EXPO WINNERS OF THE CELEBRATE FAIRFAX! FESTIVAL** (9:32 a.m.)

Catherine A. Chianese, Assistant County Executive, announced the following County Expo winners of the Celebrate Fairfax! Festival:

Content:

- First Place – Department of Information Technology
- Second Place – Office of Emergency Management
- Third Place – Department of Transportation

Communication:

- First Place – Office of the Sheriff
- Second Place – Police Department, Animal Services
- Third Place – Police Department, Traffic Division

Design:

- First Place – Department of Public Works and Environmental Services, Division of Solid Waste
- Second Place – Department of Public Works and Environmental Services, Land Development Services
- Third Place – Park Authority

Judges Choice:

- First Place – Department of Public Works and Environmental Services, Division of Storm Water Management
- Second Place – General District Court
- Third Place – Department of Housing and Community Development

Best in Show:

- Fairfax Water

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MATTHEW TIEMANN AND THE GREATER SPRINGFIELD CHAMBER OF COMMERCE** (9:40 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Matthew Tiemann for his award-winning design in the Springfield communitywide flag design competition, and to the Greater Springfield Chamber of Commerce for civic pride that resulted in a noteworthy initiative, outstanding support, and communitywide competition for students in Grades Kindergarten through Grade 12 to design the Springfield flag. Chairman Connolly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO FRIENDS OF THE BURKE CENTRE LIBRARY AND OTHERS** (9:48 a.m.)

Supervisor Bulova moved approval of the Certificates of Recognition presented to Friends of the Burke Centre Library, members of the time capsule committee, and the winners of the student essay contest for their efforts on behalf of the library. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE 2007 RESTON MULTICULTURAL FESTIVAL PLANNING COMMITTEE AND SPONSORS** (10 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to the planning committee and sponsors of the 2007 seventh annual Reston Multicultural Festival. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing the festival on September 6, 2008. Without objection, it was so ordered.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO 2008 EARTH DAY/ARBOR DAY SPONSORS AND PLANNING COMMITTEE** (10:07 a.m.)

Supervisor Bulova moved approval of the Certificates of Recognition presented to the following sponsors of the 2008 Earth Day/Arbor Day celebration: Clean Fairfax Council; Rosemary Byrne; Department of Public Works and Environmental Services, Division of Collections and Recycling; Jeff Smithberger, Northern Virginia Community College, Annandale Campus; and Barbara Saperstone. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Bulova moved approval of the Certificate of Appreciation presented to members of the Planning Committee of the 2008 Earth Day/Arbor Day celebration. Supervisor Smyth seconded the motion and it carried by unanimous vote.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO RESTON INTERFAITH, BURLINGTON COAT FACTORY, PLANET AID, AND WPGC RADIO** (10:13 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Reston Interfaith, 2007-2008 Hunter Mill District Winter Coat Closet, for outstanding commitment and noteworthy support of staff and volunteers for the sixth annual Winter Coat Closet, resulting in the distribution of nearly 5000 coats and more than 1500 hats, gloves, and scarves throughout the County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor Hudgins moved approval of the Certificates of Recognition presented to Burlington Coat Factory, Planet Aid, WPGC radio, Village Square Cleaners of Herndon, and Mr. Mike Cuddehe, for their efforts for the sixth annual Hunter Mill Winter Coat Closet. Supervisor Bulova seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION RECOGNIZING THE PLANNING COMMISSION AND DESIGNATING JULY 6-13, 2008, AS "PLANNING COMMISSION WEEK" IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Smyth moved approval of the Proclamation recognizing the seventieth anniversary of the Planning Commission and to designate July 6-13, 2008, as "*Planning Commission Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

8. **PRESENTATION OF THE A. HEATH ONTHANK AWARDS** (10:31 a.m.)

The Honorable Rosemarie Annunziata, Chairman, Civil Service Commission, gave a brief presentation regarding the A. Heath Onthank Awards, the highest honor the County bestows on its employees. Ernestine Heastie, Chairman, A. Heath Onthank Award Committee, introduced the Committee members.

Susan Woodruff, Acting Director, Department of Human Resources, announced the 2008 A. Heath Onthank Award recipients as follows:

- Mr. Willie F. Bailey, Sr.
- Mr. Jesse F. Bowman
- Mr. Keith Buchanan

- Mr. Oscar F. Calagua
- Mr. James A. Collins
- Mr. Mark P. Dale
- Ms. Karen P. Diviney
- Ms. Beverly J. Howard
- Ms. Jan Kikuchi
- Mr. Thau Huu Nguyen

9. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:54 a.m.)

(APPTS)
(BACs)

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Supervisor Hyland moved the reappointment of Mr. Arthur R. Genuario as the Builder (Single Family) Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Engineer/Architect/Planner #2 Representative.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Supervisor Herrity moved the reappointment of Mr. J. Roger Sims, III as the Springfield District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large Women's Principal and Alternate Representatives.

(NOTE: Later in the meeting, the Board made an additional appointment to the Athletic Council. See page 6.)

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Chairman Connolly moved the reappointment of Ms. Lilyan Spero as the At-Large Chairman's Representative. The motion was multiply seconded and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board made additional appointments to this committee. See below.)

ATHLETIC COUNCIL

(NOTE: Earlier in the meeting, the Board made additional appointments to this council. See page 5.)

Supervisor Hudgins moved the appointment of Ms. Christy Winters Scott as the At-Large Women's Alternate Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

(NOTE: Earlier in the meeting, the Board made an appointment to this committee. See above.)

Supervisor Bulova moved the reappointment of Ms. Margaret Kugler as the Braddock District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of the Honorable Emilie Miller as the Providence District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville, Lee, Mason, Mount Vernon, and Springfield District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the Hunter Mill and Providence District Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

CITIZENS CORPS COUNCIL

Supervisor McKay moved the reappointment of Ms. Johna Gagnon as the Lee Vernon District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Dranesville, Mason, Providence, and Springfield District Representatives.

COMMISSION ON AGING

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)

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

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment:

- Ms. Marcia McDevitt as the Fairfax Area League of Women Voters Representative

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

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)

Supervisor McKay moved the appointment of Mr. Terry Atkinson as the At-Large #3 Fairfax County Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

CONSUMER PROTECTION COMMISSION

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

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**CONFIRMATION:**

Supervisor Hudgins moved the confirmation of the following appointment:

- Ms. Amy Coggin as the Fairfax County Federation of Citizens Associations Representative

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

ECONOMIC DEVELOPMENT AUTHORITY

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

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

CONFIRMATION:

Supervisor Herrity moved the confirmation of the following appointment:

- Mr. Alexander Kim as the Student Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Supervisor Hudgins moved the reappointment of Mr. David Eisenman as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Terri Fox as the Mason District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence District Representative.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

CONFIRMATIONS:

Supervisor Hyland moved the confirmation of the following appointments:

- Ms. Norine Swaminatha as the Alzheimer's Association Representative
- Mr. Stephen A. Morrison as the Business Corporation #2 representative
- Ms. Carleen June Piepoli Basik as the Business/Corporation #7 Representative
- Ms. Gayle Porias as the Business/Corporation #11 Representative
- Ms. Jean Shine Baldwin as the Community Leader #2 Representative

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)

Chairman Connolly moved the following reappointments:

- Ms. Renee Alberts as the At-Large #3 Representative
- Ms. Lynn Schlaaf-Crammer as the At-Large #4 Representative

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

Supervisor Foust moved the reappointment of Ms. Jean McNeal as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Mary Ann Beall as the Providence District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Ms. Lori Stillman as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

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

HEALTH CARE ADVISORY BOARD

Chairman Connolly moved the reappointment of Mr. J. Martin Lebowitz as the At-Large Chairman's Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. David A. West as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. William Finerfrock as the Springfield District Representative. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Susan Conrad as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock District Representative.

HEALTH SYSTEMS AGENCY BOARD

Chairman Connolly moved the reappointment of Ms. Beth Isaacs as the Consumer #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Carol Ann Coryell as the Consumer #6 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Provider #1 and Provider #2 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #6 Representatives.

LIBRARY BOARD

Supervisor Hudgins moved the reappointment of Ms. Stephanie Abbott as the Hunter Mill District Representative. This motion, the second to which was inaudible, carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Herrity moved the reappointment of Mr. William Stephens as the Springfield District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Ronald Miner as the Sully District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence District Representative.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD**CONFIRMATIONS:**

Supervisor Hyland moved the confirmation of the following appointments:

- Mr. John T. DeBell as the Elected Resident/Owner #1 Representative
- Mr. Jack W. Burkart as the Elected Resident/Owner #2 Representative
- Mr. Gregory White as the Elected Resident/Owner #3 Representative

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

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the Providence District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

Supervisor Hudgins moved the appointment of Mr. R. Douglas Pew as the Hunter Mill District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative.

TRANSPORTATION ADVISORY COMMISSION

Supervisor Bulova moved the reappointment of Ms. Janyce Hedetniemi as the Braddock District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Mr. Richard C. Sullivan, Jr. as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Jennifer Joy Madden as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Harry Zimmerman as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Roger Hoskin as the Mason District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland announced the resignation of Mr. Mack Rhoades, Jr. as the Mount Vernon District Representative and asked unanimous consent that the Board direct staff to invite him to appear before the Board to be recognized for his contribution to the County. Without objection, it was so ordered.

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

Supervisor Herrity moved the reappointment of Mr. Eric Thiel as the Springfield District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Jeff Parnes as the Sully District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large and Mount Vernon District Representatives.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

CONFIRMATION:

Supervisor Gross moved the confirmation of the following appointment:

- Captain John R Niemiec as the Fire and Rescue Representative

This motion was multiply seconded, and it carried by unanimous vote.

VOLUNTEER FIRE COMMISSION

CONFIRMATIONS:

Supervisor Gross moved the confirmation of the following appointments:

- Mr. Gerald B. Strider as the Zone 1 Representative
- Mr. Timothy G. Fleming as the Zone II Representative
- Mr. Jeffery D. Sargent as the Volunteer Fire and Rescue Association Representative

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

WATER AUTHORITY

Supervisor Gross moved the reappointment of Mr. Harry Day as the Mason District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Bill Evans as the Mount Vernon District Representative. The second to this motion was inaudible and carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Burton Rubin as the Springfield District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

AD HOC COMMITTEES

FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES

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

TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE

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

DMS:dms

10. **ADMINISTRATIVE ITEMS** (11:09 a.m.)

Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 14. This motion, the second to which was inaudible, 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."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE TILBURY ROAD PROJECT (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 21, 2008, at 4 p.m.** on the acquisition of certain land rights necessary for the construction of Project V00004 (RM101) – Tilbury Road, in Fund 303, County Construction.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, PROVIDENCE, SULLY, AND SPRINGFIELD
DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Deibert Property at Douglass Drive	Dranesville	Father John Court Douglass Drive (Route 937) (Additional ROW Only)
Foster Subdivision	Dranesville	Windrock Drive (Route 3609) Windy Ridge Way
Alexan at Fairfax Ridge	Providence	Waples Mill Road (Route 665) (Additional ROW Only) Interstate Route 66 (Additional ROW Only)
Chestnut Hill	Providence	Chestnut Hill Ave (Route 2758)
Oakdale Estates	Sully	Southfield Drive (Route 5362) Southfield Court West Ox Road (Route 608) (Additional ROW Only)
Ken M & Barbara B Touchton	Springfield	Compton Road (Route 658) (Additional ROW Only)
Pender Veterinary Clinic	Springfield	West Ox Road Route 608 (Ramp to Route 50) (Additional ROW Only)

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, LEE, MASON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P07-17	Community Wireless Structures 145-foot monopole 3457 Gallows Road Providence District	August 31, 2008
FS-M08-22	Verizon Wireless Rooftop antennas 6200 Wilson Boulevard Mason District	September 4, 2008
FS-M08-23	FiberTower Antenna colocation on existing monopole (athletic field light pole) 6560 Braddock Road (Thomas Jefferson High School) Mason District	September 5, 2008
FS-S08-24	FiberTower Antenna colocation on existing monopole (athletic field light pole) 4201 Stringfellow Road (Chantilly High School) Springfield District	September 5, 2008
FS-S08-25	FiberTower Antenna colocation on existing monopole 4643 West Ox Road Springfield District	September 5, 2008
FS-D08-26	FiberTower Antenna colocation on existing monopole Interstate 495 at Old Dominion Drive Dranesville District	September 5, 2008

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L07-61	Fairfax County Park Authority Master Plan Revision 6601 Telegraph Road (Lee District Park) Lee District	December 8, 2008

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND THE MAP OF THE CHESAPEAKE BAY PRESERVATION AREAS, REGARDING RESOURCE PROTECTION AREA BOUNDARIES ON MAP PAGES 47-2 AND 110-1 (PROVIDENCE AND MOUNT VERNON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on July 24, 2008, and before the Board on **August 4, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), and the map of the Chesapeake Bay Preservation Areas, regarding resource protection area boundaries on map pages 47-2 and 110-1.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF OUTSTANDING STATE CODE SECTIONS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 21, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of Outstanding State Code Sections.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), RELATING TO FINES FOR VIOLATION OF COUNTY HANDICAPPED PARKING RESTRICTIONS AND THE UNTIMELY PAYMENT OF CERTAIN PARKING FINES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 21, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), relating to fines for violation of County handicapped parking restrictions and the untimely payment of certain parking fines.

ADMIN 7 – AUTHORIZATION TO SUBMIT PROPOSED GRANT APPLICATIONS UNDER THE FISCAL YEAR 2008 US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) SUPER NOTICE OF FUNDING AVAILABILITY (NOFA)

Authorized the Fairfax County Redevelopment and Housing Authority to apply for grants under HUD Super NOFA for the Housing Choice Voucher Family Self-Sufficiency Coordinator, the Resident Opportunities Self-Sufficiency Service Coordinator, and the Public Housing Family Self-Sufficiency Coordinator.

ADMIN 8 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 2005-SP-015, WASHINGTON, DC SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS (SPRINGFIELD DISTRICT)

- (AT) Approved the request for six months of additional time to commence construction for Special Exception Application SE 2005-SP-015 to October 17, 2008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2005-HM-004, GREAT FALLS HERITAGE PARTNERS, LLC (HUNTER MILL DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 2005-HM-004 to June 5, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE STONE CREEK CROSSING COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 21, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Stone Creek Crossing CPD, in accordance with current CPD restrictions.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 20 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 21, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Langley RPPD, District 20.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 21, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Robinson RPPD, District 17.

ADMIN 13 – APPROVAL OF TRAFFIC CALMING MEASURES AND MULTI-WAY STOPS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON, SPRINGFIELD, SULLY, AND MOUNT VERNON DISTRICTS)

- Endorsed traffic calming measures for Munson Hill Road, Melville Lane, and Cabells Mill Drive consisting of the following:
 - Two speed humps on Munson Hill Road (Mason District)
 - Three speed tables on Melville Lane (Springfield District)
 - Two speed humps on Cabells Mill Drive (Sully District)
- Approved a multi-way stop at the following intersection:
 - Neal Drive and Ashwood Drive (Mount Vernon District)
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 14 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #11.)

11. **ADMIN 14 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT)** (11:10 a.m.)

(AT) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #10.)

Supervisor Gross called the Board's attention to the request for 24 months of additional time to commence construction for Special Exception Application SEA 94-M-047 to March 26, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

Supervisor Gross noted that the following issues have arisen as a result of the request:

- Heavy use of the transit buses on the parking lot.
- Surface condition of the parking lot.
- Party responsible for maintaining the surface of the parking lot.

Supervisor Gross moved approval of the request for 24 months of additional time to commence construction for Special Exception Amendment Application SEA 94-M-047 to March 26, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance, with the understanding that Saul Centers would, at their expense, commence parking lot repairs in early July to facilitate their use by transit buses. This motion, the second to which was inaudible, carried by unanimous vote.

12. **A-1 – AMENDED PARKING REDUCTION SPRING HILL BUSINESS CENTER (PROVIDENCE DISTRICT)** (11:11 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved an amended parking reduction of 29.9 percent for the Spring Hill Business Center, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated June 30, 2008.

13. **A-2 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (11:12 a.m.)

(R) On motion of Supervisor Gross, seconded by Supervisor Bulova, and 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,” the Board concurred in the recommendation of staff and approved the changes to the Fairfax County Purchasing Resolution as outlined in the Board Agenda Item dated June 30, 2008. The proposed changes will become effective July 1, 2008.

14. **A-3 – AUTHORIZATION TO IMPLEMENT A NEW INITIATIVE TO ADDRESS HOME FORECLOSURES IN FAIRFAX COUNTY, TO REALLOCATE FUNDING TO SUPPORT THIS INITIATIVE** (11:13 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize the Fairfax County Redevelopment and Housing Authority to fully implement the three approaches to the new initiative to address home foreclosures in the County as outlined in the Board Agenda Item dated June 30, 2008. Supervisor Gross seconded the motion.

Discussion ensued, with input from Paula C. Sampson, Director, Department of Housing and Community Development (HCD) and John Payne, Deputy Director, HCD, regarding the:

- Number of people facing the threat of foreclosure in the County.
- Banking community and its role in assisting with foreclosure.
- Foreclosure statistical information.
- Accuracy of the number of foreclosures.
- First and second trusts.
- 30 year loan, principal, and interest.
- Interest-free loans.
- Share of appreciation.
- Qualifications for home loans.
- Affordable and workforce housing.
- Silver Lining Initiative.
- Size of affordable dwellings.
- Preservation of affordable housing.

Supervisor Herrity said that recently the Department of Housing and Community Development presented the Board with information on the foreclosure crisis in the

County and he moved that the Board direct the County Executive to work with George Mason University (GMU) and other sources to determine the most accurate sources of foreclosure information and provide the Board and the appropriate County agencies on a monthly basis the following information:

- The number of new foreclosures.
- The number of net foreclosures.
- The average net absorption rate of foreclosed homes.
- The mean number of days the foreclosed homes stay on the market.

Following discussion regarding the motion, Supervisor Herrity stated that he was not intending to amend the motion and withdrew his motion.

Discussion ensued, with input from Ms. Sampson and Mr. Payne, regarding the:

- Direct Strategic Purchase Plan and the criteria utilized in determining what properties can be purchased.
- List of problem properties.
- Criteria including the properties that are clear of violations to the County Code.
- Location of the purchased houses and the prevention of buying 10 houses in one neighborhood or zip code.
- Concentrations and preservation of affordable housing.
- Silver Lining Initiative and funding sources.
- Emphasis on non-profits and utilizing some of the foreclosures for those organizations.
- Home Equity Program.
- Repayment of funds and terms of repayment.
- Number of foreclosures in the County.

Discussion ensued, with input from Kevin C. Greenlief, Director, Department of Tax Administration, Ms. Sampson, and Mr. Payne regarding the:

- Tracking of foreclosures.

- Roles that duress and short sells play in foreclosures.
- Length of time a property stays in foreclosure.
- Indicators of foreclosures.
- Criteria utilized in choosing the properties.
- Amount that is new spending and the reallocation of funds.
- Prioritizing of the Housing Programs.
- Restructuring of the loan.
- Challenges associated with foreclosures and the process of getting oneself out of it.
- Right loans for buyers and the ability to afford where one is living.
- Timeframe for foreclosure before this program would start up.
- Limited inventory and the ranking of homes to be purchased.
- Shortening the time period of the 30 year loan.
- Length of time of the repayment of the home loan and the payoff of the second trust.
- Foreclosed properties in the Blight Housing Program.

Supervisor McKay asked to amend the motion that the Board direct staff to compile the exact criteria that will be used in determining which houses would be purchased and supplied to the Board on or before July 21, 2008, before any action is to be taken in the purchasing of the homes, and this was accepted.

Supervisor Smyth asked unanimous consent that the Board direct staff to examine the potential roles of non-profit organizations on foreclosures. Without objection, it was so ordered.

The question was called on the motion, as amended, which **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting “NAY.”

Supervisor Herrity referenced his written Board Matter which was distributed to the Board earlier in the meeting and moved that the Board direct the County Executive to work with GMU and other sources to determine the most accurate

sources of foreclosure information and provide the Board and the appropriate County agencies on a monthly basis the following information:

- The number of new foreclosures.
- The number of net foreclosures.
- The average net absorption rate of foreclosed homes.
- The mean number of days the foreclosed homes stay on the market.

Supervisor Bulova seconded the motion.

Supervisor Gross asked to amend the motion to include the determination of the validity surrounding “Jingle Mail” and “Shop and Drop,” and this was accepted.

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

AGENDA ITEMS

15. **A-4 – APPROVAL OF THE PROPOSED BYLAWS FOR THE FAIRFAX COUNTY ARCHITECTURAL REVIEW BOARD (ARB)** (12:33 p.m.)

(BACs) On motion of Supervisor Smyth, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed bylaws for the Fairfax County ARB as set forth in the Board Agenda Item dated June 30, 2008.

16. **A-5 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR MULLIGAN ROAD (MOUNT VERNON DISTRICT)** (12:33 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the project agreement in substantial form, including the provision of using up to \$12.1 million in County commercial and industrial funds only for the construction of two additional lanes of Mulligan Road between US Route One and Telegraph Road.

17. **A-6 – COMMENTS ON DESIGN PLANS FOR THE CAPITAL BELTWAY (I-495) HIGH OCCUPANCY TOLL (HOT) LANES PROJECT** (12:34 p.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and offered conditional concurrence with the design plans for constructing HOT lanes on I-495 from the interchange of I-95/395 to just north of the Old Dominion Drive overpass, generally as presented at the May 20 and 21, 2008, public hearings, subject to the modifications, comments, and requests as outlined in the

Board Agenda Item dated June 30, 2008, for additional coordination to ensure that the project remains fully in conformance with the County's Comprehensive Plan. Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Supervisor Foust called the Board's attention to page 68, third bullet, of the Board Agenda Item and asked to replace "which will be required as part of the future extension of the project toward the north," with **"to protect the approved extension of the Scotts Run Stream Valley Trail and to protect the adjacent residential neighborhoods that will be impacted by the future extension of the project towards the north."** This was accepted.

Supervisor Smyth asked unanimous consent that the Board direct staff to include in the design plans the following items:

- Mitigating noise for nighttime construction.
- Examining noise reducing pavement.
- Adding the County's standards for noise and stormwater management.
- Examining the sound wall at George C. Marshall High School.
- Continuous noise wall along the Capital Beltway between Oak and Idylwood Streets.

Without objection, it was so ordered.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation (DOT), regarding the formal requirement for endorsement.

Supervisor McKay asked to amend the motion to include a paragraph at the beginning of the comments, commending the fact that there is now public transit, and this was accepted.

Discussion ensued, with input from Ms. Ichter, regarding the noise walls and the protection of the Scotts Run Stream Valley Park against the future extension.

Supervisor Hudgins called the Board's attention to he written Board Matter, copies of which were distributed to the Board, regarding the Community Resident Information Service (CRiS) for megaproject information. She noted that the CRiS kiosks provide instant access to information about County agencies and services at 28 locations throughout the County (and one in Warrenton) including libraries, government, and community service centers.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to make timely information on megaprojects such as HOT Lanes and the

Dulles Corridor Metrorail project available through the CRiS kiosks as another way of keeping people informed to minimize disruption during the long construction period. Without objection, it was so ordered.

Supervisor Herrity asked to amend the motion to include the addition of language regarding working expeditiously with VDOT to resolve the problems and prevent the failure of the project, and this was accepted.

Supervisor Gross called the Board's attention to page 70, between the fourth and fifth bullets, of the Board Agenda Item asked to amend the motion to include a bullet stating, "**Reevaluate the proposal for sound walls that has a gap of several hundred feet parallel to the Lafayette Village Community between Route 236 and Gallows Road.**" This was accepted.

Supervisor Gross called the Board's attention to page 68, thirteenth bullet, of the Board Agenda Item, and noted that the location of Gallows Road and Woodburn Elementary School is on the border of Mason and Providence Districts. Supervisor Gross asked unanimous consent that the Board direct staff to include the Mason and Providence District Supervisors, along with the Chairman, in any conversation regarding this bullet. Without objection, it was so ordered.

Supervisor Bulova amended the motion to include the amount of tree loss due to this project.

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

18. **A-7 – FAIR OAKS MALL FIRST AMENDMENT TO EXISTING LICENSE AGREEMENT (SPRINGFIELD DISTRICT)** (12:49 p.m.)

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

- Approved a First Amendment to the existing License Agreement with Fair Oaks Mall to permit Fairfax Connector buses to board and discharge passengers at a designated bus stop within the Mall premises.
- Authorized the Director of Transportation to execute the final agreement on behalf of the County.

19. **I-1 – CONTRACT AWARD – GENERATOR SYSTEM REHABILITATION (MOUNT VERNON DISTRICT)** (12:50 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award a contract to Alpha Construction Company, Incorporated, in the amount of \$4,257,000 for the

construction of the Generator System Rehabilitation, Project I00351, Pump Station Renovations, Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

20. **I-2 – CONTRACT AWARD – ENGINEERING DESIGN SERVICES FOR CINDER BED ROAD IMPROVEMENTS (MOUNT VERNON DISTRICT)**
(12:50 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award a contract to Campbell and Paris Engineers, in the amount of \$396,908, including contingency, to provide engineering design services for the relocation and improvement of Cinder Bed Road, Project 4YP214, in Fund 304, Transportation Improvements.

The staff was directed administratively to proceed as proposed.

21. **I-3 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING (A/E) DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WEST OX ANIMAL SHELTER RENOVATION AND EXPANSION PROJECT (SPRINGFIELD DISTRICT)** (12:50 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award a contract to Cole and Denny Incorporated, in the amount of \$1,573,400 to provide A/E design and construction administration services for the renovation and expansion of the West Ox Animal Shelter, Project 009228, in Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

22. **I-4 – CONTRACT AWARD – MOUNT VERNON MENTAL HEALTH CENTER EXPANSION/RENOVATION (MOUNT VERNON DISTRICT)**
(12:50 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award a contract to E. E. Reed Construction LP, in the amount of \$5,698,000 for the construction of Mount Vernon Mental Health Center Expansion/Renovation Project 04A004, Fund 311, County Bond Construction.

The staff was directed administratively to proceed as proposed.

23. **I-5 – CONTRACT AWARD – THOMAS JEFFERSON LIBRARY RENOVATION AND EXPANSION PROJECT (MASON DISTRICT)**
(12:50 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award a contract to Falls Church Construction Corporation, in the amount of \$4,395,000 for the construction of the Thomas Jefferson Library Renovation and Expansion, Project Number 004842, in Fund 302, Library Construction.

The staff was directed administratively to proceed as proposed.

24. **I-6 – PLATINUM PERFORMANCE AWARD PRESENTED TO THE FAIRFAX COUNTY WASTEWATER MANAGEMENT PROGRAM – NOMAN M. COLE JR. POLLUTION CONTROL PLANT BY THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES (NACWA)**
(12:50 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, announcing that the Noman M. Cole Jr. Pollution Control Plant was recently awarded a Platinum Peak Performance Award by NACWA in recognition of the Plant's complete and consistent compliance with the National Pollutant Discharge Elimination System Permit for 10 consecutive years of 100 percent permit compliance, including calendar year 2007. The award honors the outstanding accomplishment of employees in the Wastewater Management Program in protecting and improving environmental quality of water resources in the County as well as in the Chesapeake Bay through effective wastewater treatment at the plant on a 24/7 basis.

25. **I-7 – CONTRACT AWARD – OPEN-END CONTRACTS FOR CIVIL ENGINEERING AND RELATED SERVICES** (12:51 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award contracts to the firms of Burgess and Niple, Incorporated and Bowman Consulting Limited, in the not-to-exceed amount of \$800,000 per one year term, for civil engineering and related services required to accomplish projects in the Park Authority's Capital Improvement Program.

The staff was directed administratively to proceed as proposed.

26. **I-8 – CONTRACT AWARD – OPEN-END CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES** (12:51 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award contracts to the firms of Samaha Associates, PC; Shaffer, Wilson, Sarver and Gray, PC; and Studio 3 Architects,

PC, in the not-to-exceed amount of \$1 million per one year term, for architectural and engineering services required to accomplish projects in the Park Authority's Capital Improvement Program.

The staff was directed administratively to proceed as proposed.

27. **I-9 – CONTRACT AWARD – OPERATIONS AND MANAGEMENT SERVICES – PUBLIC TRANSPORTATION (FAIRFAX CONNECTOR BUS SERVICE)** (12:51 p.m.)

The Board next considered an item contained in the Board Agenda dated June 30, 2008, requesting authorization for staff to award a contract to MV Contract Transportation, Incorporated, for the operation and management of the Fairfax Connector system. The total estimated amount of this contract based on a baseline of \$524,511 annual revenue hours for five years with pre-determined and negotiated revenue hour rates is \$195,222,853. The contract contains provisions for the County to request consideration of lower rates based on an increase in annual revenue hours in increments of \$125,000 annual revenue hours above the baseline service.

BOARD MATTERS

28. **INTENT TO DEFER PUBLIC HEARINGS** (12:52 p.m.)

Supervisor Foust announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Application SE 2008-DR-003.

Supervisor Gross announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Application SE 2008-MA-005.

Supervisor Hyland announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Amendment Application SEA 84-V-035.

Supervisor Smyth announced that she has not heard definitively whether she needs to defer, later in the meeting at the appropriate time, the public hearing on Proffered Condition Amendment Application PCA 2004-PR-003.

Supervisor Frey announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ 2007-SU-014 and Proffered Condition Amendment Application PCA 74-2-150.

Supervisor Hudgins announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Development Plan Amendment Application DPA B-846-03.

Supervisor Frey announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway.

(NOTE: Later in the meeting these public hearings were deferred and/or withdrawn. See Clerk's Summary Items # 74, 75, 76, 77, 83, and 90.)

NV:nv

29. **CREATION OF AN AD HOC COMMITTEE FOR THE CAPITAL BELTWAY HIGH OCCUPANCY TOLL (HOT) LANES PROJECT**
(12:55 p.m.)

(BACs) In a Board Matter presented jointly with Supervisor McKay, Chairman Connolly proposed a new ad hoc task force composed of Board Members. The written Board Matter noted that the Capital Beltway HOT Lanes project is a Public Private Transportation Agreement (PPTA) negotiated by the Commonwealth of Virginia. The contract was agreed to on December 20, 2007. The project is scheduled to be completed and fully operational by December 20, 2012. The accelerated schedule and the complex nature of a design-build contract means that regular and consistent communication between the project, the Board, and the public is vital to its success.

With project design underway, Chairman Connolly asserted that it is clear that improved communication and stronger outreach to citizens and this Board is a necessity. The Virginia Department of Transportation (VDOT) and its partners have addressed some of these concerns by providing short-term and long-term meeting calendars, but he expressed his belief that the creation of an ad hoc committee would allow for a more regular review of the project's progress. Such a committee also would allow for consistent input on the Transportation Management Plan and on solutions for mitigating the inevitable pains during construction.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor McKay, moved that the Board:

- Approve the creation of an ad hoc committee for the Capital Beltway HOT Lanes Project and direct Board Transportation Committee Chairman McKay to convene the group. The committee would meet several times a year specifically and exclusively on that project and related items.
- Include on the committee all Members of the Board with a portion of the project in their district and the Board Chairman. All other Board Members would be welcome at meetings.

Vice-Chairman Bulova seconded the motion, and it carried by unanimous vote.

30. **TRANSFER OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHT-OF-WAY** (12:55 p.m.)

In a Board Matter presented jointly with Supervisor Foust, Chairman Connolly recounted that unexpectedly and unannounced, the property located on Georgetown Pike between the Capital Beltway off ramp and Balls Hill Road was cleared and turned into a staging area for the High Occupancy Toll (HOT) Lanes project. This previously forested area is located directly across the street from Cooper Middle School. The property is adjacent to the historic byway of Georgetown Pike and is otherwise located in a largely residential setting.

Jointly with Supervisor Foust, Chairman Connolly moved that the Board direct staff to prepare and send a letter to Northern Virginia VDOT Administrator Morteza Salehi indicating the desire of the Board to see the property, where the Balls Hill HOT Lanes Staging area is currently located, to be transferred to the County for recreational purposes upon the completion of the construction. Supervisor Foust seconded the motion.

Following discussion, which included the acknowledgement that State Senator Janet Howell and Delegate Margaret G. Vanderhye support this proposal, the question was called on the motion, which carried by unanimous vote.

Chairman Connolly asked unanimous consent that the Board direct staff to formally convey this Board action to VDOT. Without objection, it was so ordered.

31. **MULTIMODAL GRANT ACCEPTANCE AND FUNDING TRANSFER TO NORTHERN VIRGINIA TRANSIT AUTHORITY (NVTA)** (12:56 p.m.)

Chairman Connolly noted that the Virginia Department of Transportation (VDOT) recently made available a \$220,000 multimodal planning grant for the County. In addition, as the Board has discussed before, Chairman Connolly said that the General Assembly has not yet acted to replace the seven Northern Virginia regional transportation taxes and fees that were invalidated by the Virginia Supreme Court earlier this year. Besides supporting the implementation of new transportation projects and services, these funds were originally expected to support the NVTA activities on behalf of the County and its other member governments.

Accordingly, Chairman Connolly moved that the Board authorize the County Executive to:

- Accept a VDOT multimodal planning grant for projects in the County and execute an agreement with VDOT.

- Transfer \$220,000 in County funds to NVTA to support transportation projects and services in the County and Northern Virginia, and execute such an agreement with NVTA.

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

32. **DEDICATED TRANSIT LANES ON ROUTE 7 (DRANESVILLE DISTRICT)** (12:57 p.m.)

In a Board Matter presented jointly with Supervisor Foust, Chairman Connolly noted that rising gas prices have resulted in dramatic increases in transit ridership, particularly on buses in the region. Reliable transit service provides economic security to families that are otherwise going to spend increasingly large portions of their income on gas. Although the Board has designated “transit enhancement corridors” in the past, it is appropriate to expand the corridors where enhanced transit service may be appropriate, given rising fuel costs. In particular, the delay in widening Route 7 through Great Falls presents an opportunity to reassess whether this corridor could be well served by a dedicated transit lane.

Accordingly, jointly with Supervisor Foust, Chairman Connolly moved that the Board direct staff to examine the projected impacts of dedicating a third lane of Route 7 as transit lanes for buses, and report to the Board no later than September, so that the Board may address this issue in the context of the re-planning of Tysons Corner.

Supervisor Hudgins asked to amend the motion to be included in the joint sponsorship of this motion, and this was accepted.

Supervisor Foust seconded the motion, as amended, which carried by a vote of nine, Supervisor Gross being out of the room.

33. **PRESERVATION OF AGRICULTURAL AND FORESTAL (A&F) DISTRICTS, TRANSFER OF DEVELOPMENT RIGHTS (TDR)** (12:59 p.m.)

In a Board Matter presented jointly with Supervisor Foust, Supervisor Herrity, and Supervisor Hyland, Chairman Connolly recounted that the Board asked staff to research a TDR program and protection of the Hunter Mill Road corridor and Great Falls. At the Board’s Environment Committee meeting on June 9, staff responded to these requests with a list of tools that could be used to protect the remaining environmentally sensitive lands in the County, including A&F Districts.

Chairman Connolly said that although most of the County is developed, dozens of A&F districts totaling over 1,200 acres remain. All these districts are in environmentally sensitive areas and serve not only to protect water quality but also enhance the appearance and character of County communities.

Therefore, jointly with Supervisor Foust, Chairman Connolly moved that the Board direct staff to create a strategic action plan to preserve permanently all lands currently under A&F designations, and to prioritize for protection the parcels that are most threatened or most ecologically significant. This strategic action plan should employ policies identified in the June 9 staff report, including but not limited to:

- Purchase of Development Rights
- Stream/historical overlay districts
- TDRs (including those obtained through proffers)

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

34. **EMPOWERING CITIZENS TO FIGHT GLOBAL WARMING: WIND TURBINES AND SOLAR PANELS** (1 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly said that recently constituents contacted his office to ask about bureaucratic barriers to the installation of residential wind turbines and solar panels on their properties. These devices can play a significant role in reducing greenhouse gas emissions. A residential wind turbine, for example, that costs between \$6,000 and \$22,000 can reduce 200 tons of greenhouse gases and over a ton of other pollutants over its lifetime. Unfortunately, these citizens have encountered a couple of hurdles in their efforts to fight global warming. County Zoning requirements for accessory structures and setbacks would force citizens installing a wind turbine to go before the Board of Zoning Appeals to get approval for a reduction in setback requirements. Although the County provides tax incentives to install solar panels, many Homeowners Associations (HOAs) prohibit the installation of solar panels in their covenants. Because both wind turbines and solar panels can reduce emissions, and because citizens have demonstrated an interest in using these technologies, the County should eliminate red tape that is preventing them from helping to fight global warming.

Chairman Connolly moved that the Board direct staff to:

- Prepare a Zoning Ordinance Amendment to de-classify wind turbines and towers associated therewith as accessory structures and undertake to eliminate hurdles to installing wind turbines.
- Explore legislation for the General Assembly to address HOAs' covenants that prevent the installation of solar panels, and report to the Board's Legislative Committee with recommendations.

Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Following discussion, Supervisor Gross asked unanimous consent that the Board direct staff to:

- Examine any noise impacts of wind turbines.
- Solicit input from HOAs.

Without objection, it was so ordered.

Following a brief discussion, Chairman Connolly asked to amend his motion to direct staff to also include the proposed amendment on the agenda of the Board's Environmental Committee, and this was accepted.

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to circulate information on the County's tax incentive program for the installation of solar panels. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Vice-Chairman Bulova.

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

35. **FAIRFAX COUNTY'S FIRST COOL NEIGHBORHOOD (DRANESVILLE DISTRICT)** (1:04 p.m.)

In a Board Matter presented jointly with Supervisor Foust, Chairman Connolly said that over the last six months more than a dozen members of the community met with his office staff and regular County staff to create a Cool Neighborhoods program, which is a template to assist neighborhoods and homeowners to reduce greenhouse gas emissions. Only a month after creating this program, the first community in Fairfax voted to become a Cool Neighborhood. McLean Hunt Estates Civic Association Board unanimously approved becoming a Cool Neighborhood, following commitments by 23 of the 66 homeowners to participate in the program and strive to reduce household emissions by two percent annually.

Accordingly, jointly with Supervisor Foust, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to invite representatives of McLean Hunt Civic Association to appear before the Board to be recognized as the County's first participants in the Cool Neighborhoods program. Without objection, it was so ordered.

36. **TRAILFEST 2008** (1:04 p.m.)

On Saturday, June 7, the County celebrated Trailfest 2008. In coordination with the Park Authority, volunteers worked on trails around the County, including Scotts Run Trail, Accotink Stream Valley Trail, Cub Run Connector Trails, and others. Without the hard work of the staff in the Park Authority and countless volunteers, the County would not have the best trail system in Northern Virginia.

Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to invite Park Authority staff and trail volunteers to appear before the Board at an appropriate time to be recognized by the Board. Without objection, it was so ordered.

37. **POLICE DEPARTMENT WINS TWO PUBLIC SAFETY AWARDS**
(1:04 p.m.)

Chairman Connolly noted that the Police Department recently received two public safety awards from the International Association of Chiefs of Police for outstanding commitment to traffic safety. As outlined in his written Board Matter on the subject, the International Association of Chiefs of Police is a nonprofit membership organization of police executives, with over 20,000 members in over 89 countries. Fairfax County received first place in the 2007-2008 National Law Enforcement Award, which recognizes and rewards the best overall traffic safety programs in the United States. The award criteria include actual enforcement of traffic laws, along with public outreach efforts, educating residents on various traffic safety measures. The Police Department also received the Occupant Protection Award in the Special Category Awards, which includes enforcement and education of the proper use of seat belts and child safety seats. As a result of the Police Department's efforts, instances of property damage, injuries, and fatalities resulting from automobile accidents have decreased every year from 2002 to 2007. From patrol officers on regular beats to specifically designed public safety programs, the Police Department has demonstrated a tremendous commitment to maintaining the safety of all those commuting throughout the County.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite Police Chief David Rohrer, and any members of his department that he believes appropriate, to appear before the Board at an appropriate time to be recognized for receiving these awards and for continuing to provide outstanding and award-winning public safety to the residents of the County. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board added another Police Department accomplishment to the recognition. See Clerk's Summary Item #41.)

38. **FIRE PREVENTION WEEK 2008** (1:05 p.m.)

Chairman Connolly announced that the Fire and Rescue Department will be celebrating its annual Fire Prevention Week from October 5-11, 2008. The theme for this year is "*It's Fire Prevention Week: Prevent Home Fires!*" The power of fire and the time it takes to escape safely in the event of a tragedy are often underestimated. Smoke and poisonous gasses caused by fires are the leading cause of death and can kill an individual long before the actual flames. Each of the County's 37 fire and rescue stations will be hosting various activities for the public, including open houses at all stations on Saturday, October 11, from 10 a.m. to 4 p.m.

Accordingly, Chairman Connolly asked unanimous consent that the Board proclaim October 5-11, 2008, as "*Fire Prevention Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Fire and Rescue Department for recognition at the September 22 Board meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board expanded the invitation to specifically include volunteers. See Clerk's Summary Item #40.)

39. **FRIENDS OF FAIRFAX COUNTY PUBLIC LIBRARY WEEK AND FAIRFAX LIBRARY FOUNDATION MONTH** (1:05 p.m.)

As noted in Chairman Connolly's written Board Matter, each of the 23 library branches has an affiliated "Friends" group that supports the branches with special programs and fund-raising activities, such as book sales. The efforts of these groups enhance the ways in which the libraries support their communities.

Accordingly, Chairman Connolly asked unanimous consent that the Board:

- Proclaim October 19-25, 2008, as "*Friends of the Fairfax County Public Library Week*" in Fairfax County to coordinate with National Friends of Libraries Week.
- Proclaim October as "*Fairfax Library Foundation Month.*"
- Direct staff to invite representatives from each group to appear before the Board at an appropriate time to be recognized for their contributions and to receive the applicable proclamations.

Without objection, it was so ordered.

40. **FIRE PREVENTION WEEK 2008** (1:05 p.m.)

(NOTE: Earlier in the meeting, the Board declared Fire Prevention Week. See Clerk's Summary Item #38.)

With reference to the Board's earlier action regarding Fire Prevention Week, Supervisor Gross asked unanimous consent that the Board include representatives from the volunteer fire departments in the recognition.

Without objection, the request was so ordered.

41. **ADDITIONAL RECOGNITION FOR POLICE DEPARTMENT AWARDS**
(1:04 p.m.)

(NOTE: Earlier in the meeting, the Board took note of awards to the Police Department. See Clerk's Summary Item #37.)

With reference to the Board's earlier action regarding Police Department awards, Supervisor Hudgins noted that Chief Rohrer was recognized by a Hispanic group for his efforts in working with the community and embracing the County's diversity. She asked unanimous consent to add this recognition to the Police Department's upcoming appearance before the Board. Without objection, it was so ordered.

42. **UPDATE ON THE SPECIAL SESSION OF THE GENERAL ASSEMBLY**
(1:06 p.m.)

Chairman Connolly recognized the presence of Tom Biesiadny, staff, Department of Transportation, and Susan Mittereder, Director, Legislative Affairs, and he very briefly recapped the General Assembly's recent special session. He noted that the General Assembly recessed until July 9 and that the Governor's transportation bill died in committee and the Senate's bill that would increase the gas tax will be voted on by the House of Delegates. He also noted that a member from the Tidewater area initiated a bill to finance transportation.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

43. **COUNTY ASIAN AMERICAN HISTORY PROJECT (BRADDOCK DISTRICT)** (1:09 p.m.)

Supervisor Bulova said that at the February 11 Board meeting, she announced the kick-off of a project to capture and tell the history of Asian-Americans who have chosen the County as their home. Products planned for this project include news articles, a book, a video, and Web presence. This task force, numbering about 30 individuals, has been a very "can do" and enthusiastic group of self-starters.

Some leaders of the group have emerged to take ownership of different aspects of the project as follows:

- Cora Foley - Project Chairman and head of the Filipino-American Team
- Hank Chao - with his video documentary/publicity
- Ted Gong - heading up the Chinese-American Team (both of these gentlemen organized a tour of the Immigration Library in Washington DC, followed by lunch at Hank Chao's restaurant)
- Dzung and Vy Nguyen - heading up the Vietnamese-American Team
- Soo Yee - heading up the Korean-American Team
- Jaya Kori - Indian-American Team
- Terry Sam - Photography
- Linda Yao - Publicity

Supervisor Bulova said two Web sites have been created for the history project; the main site is <http://fairfaxasianamericans.community.officelive.com/default.aspx>. The second site was created by Vy Nguyen, the youngest member of the Task Force. Ms. Nguyen, whose family immigrated to the County from Vietnam, is a recent graduate of Flint Hill School and will be leaving the area to attend the University of Toronto. Her web site is <http://fcaahp.books.officelive.com/default.aspx>.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Ms. Nguyen to appear before the Board at its August 4 meeting to be congratulated for her work on the AAHP Task Force and specifically for her creation of a County Vietnamese-American History Project Web site. Without objection, it was so ordered.

44. **AUDIT COMMITTEE REPORT** (1:11 p.m.)

(BACs) Supervisor Bulova moved approval of the Audit Committee Report dated June 23, 2008, as distributed to the Board. It lists such topics as writing tickets citing County ordinances rather than State Code, the timely and cost effective construction of the McConnell Public Safety and Transportation Operations Center, and Sheriff's Departments issues. Other issues were referred to the auditor by the Audit Committee such as space utilization and reduction in gasoline consumption.

Supervisor Bulova added that as part of the action on this report the Board direct staff to begin the process of the examination of Connector fare box recovery and fares in relation to those of Metro and the Virginia Railway Express.

Chairman Connolly clarified that this action will allow staff to begin the process of examining fares. Should the Board wish to make an adjustment consistent with Metro and taking cognizance of increased fuel prices, this action would ensure that it does not get delayed. Staff has indicated the need for fairly long lead time for such an adjustment.

Supervisor Herrity seconded the motion.

Supervisor Hudgins noted that the Board is in the middle of a transportation development plan and this action is consistent with that plan.

Supervisor McKay clarified that the recommendation of the Audit Committee is to regularly review these fares.

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

45. **SMALL BUSINESS OUTREACH INITIATIVE** (1:15 p.m.)

With reference to her written Board Matter, Supervisor Hudgins asked unanimous consent that the Board direct staff to publicize the presence of the Economic Development Authority (EDA) to provide representatives in the Hunter Mill District Office to reach out to small businesses. She welcomed the monthly visits.

Supervisor Gross noted that several Board Member offices have similar programs and asked to amend the request to direct the Office of Public Affairs to develop a template to publicize all of these programs, and this was accepted.

Supervisor Herrity noted that he had a similar Board Matter to present.

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

46. **USE OF COMMUNITY RESIDENT INFORMATION SERVICE (CRiS) FOR MEGAPROJECT INFORMATION** (1:16 p.m.)

(NOTE: Earlier in the meeting, the Board took action on this item. See Clerk's Summary Item #17.)

With reference to her written Board Matter on CRiS, Supervisor Hudgins noted that it was presented earlier in the meeting.

47. **MOUNT VERNON COUNCIL RESOLUTIONS (MOUNT VERNON DISTRICT)** (1:17 p.m.)

Supervisor Hyland said that at the May meeting of the Mount Vernon Council, its general body voted on three resolutions intended to preserve and protect the environmental treasure of Dyke Marsh along the Potomac River. Dyke Marsh is at least 5,000 to 7,000 years old and is one of the most significant temperate riverine marshes in the US National Park System nationwide.

During colonial times, farmers built dikes in the marsh to create arable and grazing land. In the 1950s and 1960s dredging destroyed almost one third of its original area. The Council requests, in its resolutions, that the Board support the extension of a Department of Game and Inland Fisheries regulation that prohibits stationary waterfowl blinds, support marking the boundaries of the National Park Services land to prevent encroachment damage and turtle poaching, and relay to the Department of Public Works and Environmental Services its comments on Dyke Marshes restoration and management plan.

Therefore, Supervisor Hyland moved that the Board:

- Direct the Chairman to sign the letter, on behalf of the Board ,to the Virginia Department of Game and Inland Fisheries, requesting it to retain the regulation that prohibits stationary waterfowl blinds adjacent to Dyke Marsh.
- Direct the Chairman to sign the letter, on behalf of the Board ,affirming the Board's support for the Mount Vernon Council's resolution requesting the National Park Service to mark the boundaries of Dyke Marsh.
- Share the Mount Vernon Council's resolution on Dyke Marsh's Restoration and Management Plan with the Department of Public Works and Environmental Services for its review.

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

48. **NO PARKING SIGNS ON CENTRAL AVENUE (MOUNT VERNON DISTRICT)** (1:17 p.m.)

Supervisor Hyland said that recently, the Mount Vee Manor Home Owner Association (HOA) Board sent him notification that it voted unanimously to request the Department of Transportation to install "No Parking" signs along Central Avenue. Cars park on both sides of this narrow street, effectively reducing it to one lane. Furthermore, the existing "No Parking" signs along the storm water detention pond are not adequate to prevent parking there. The HOA on the west side of Central Avenue also supports this request.

Therefore, Supervisor Hyland moved that the Board direct the:

- Department of Transportation to install “No Parking” signs on Central Avenue at the locations depicted in the attachment contained in his written Board Matter.
- Police Department to strictly enforce this prohibition after installation.

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

49. **FACILITIES MANAGEMENT AND PURCHASING AND SUPPLY MANAGEMENT CAN DO IT, THE VIRGINIA ASSOCIATION OF COUNTIES (VACo) CAN HELP** (1:18 p.m.)

Supervisor Hyland said that the County owns and operates many public buildings vital to the health and safety of the communities. As a part of ownership, the County must budget for maintenance, repair, and operation costs, commonly known as “MRO.” In the past, it has been difficult to secure national pricing for MRO needs. VACo sponsored US Communities Government Purchasing Alliance has awarded a MRO contract to the Home Depot and its wholesale distribution subsidiary, the Home Depot Supply. Maricopa County, Arizona acted as the lead public agency on the solicitation, and advertised the solicitation on behalf of all local governments. Local governments could receive discounts of anywhere between two to five percent on products to support public facilities.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Department of Purchasing and Supply Management to evaluate the solicitation and award contract and return to the Board with its recommendation if the County should utilize this agreement. Without objection, it was so ordered.

50. **“A ROSE BY ANY OTHER NAME”: REQUEST FOR SEPARATE POSTAL DESIGNATIONS FOR COUNTY ADDRESSES ASSOCIATED WITH OTHER LOCALITIES** (1:19 p.m.)

Supervisor Hyland said that efficiency in mail delivery services does not come without a price. As noted in his written Board Matter, while not politically annexed, vast swaths of land in the County, many with unique histories like Mount Vernon, Lincolnia, Accotink, Groveton, Mason Neck, Fort Hunt, Franconia, Belle View, Huntington and many more have been assimilated under the name of the United States Post Offices’ central processing facility. When the Post Office implemented the Zone Improvement Plan, or ZIP codes in the 1960s, many surrounding communities served by sectional center facilities (SEC), the central facility where mail is processed before being distributed to the several community branches, began to use the SEC’s appellation. Post Offices will recognize any community name and deliver the mail so long as the zip code is

correct, but for most people Alexandria has become common usage. Still, many residents buck this trend.

The City of Alexandria has its own unique history as a port on the Potomac that is distinct from the history of many portions of Mount Vernon District. Henrico County, Virginia found that it lost an estimated \$5 million each year to Richmond when neighboring residents and business owners inadvertently paid their taxes to the wrong jurisdiction. At the Henrico County Board of Supervisors' request, the Postal Service surveyed Henrico County residents who had a Richmond mailing address and asked if it supported a new postmark. Sixty-one percent favored the change.

Supervisor Hyland reported that recently the Department of Tax Administration reclaimed \$2.5 million in taxes that either went to the State or adjacent jurisdictions. If this money was properly routed to begin with, it could have saved staff time and accumulated more interest in the General Fund.

Therefore, Supervisor Hyland moved that the Board direct the County:

- Financial and Programs Auditor to inquire into the County's collection of sales taxes to determine what, if any, funds are being sent to the Commonwealth or adjacent jurisdictions that should be sent to the County and take all appropriate measures to ensure those funds are returned.
- Executive to work cooperatively with the United States Postal Service to initiate the process to survey the County residents to change their appellation to a name more historically accurate.

Supervisor Gross seconded the motion and noted problems with inaccurate car registrations and problems with County citizens trying to gain admission to County programs or services when their drivers licenses indicate the wrong locality.

The Board discussion indicated issues with Falls Church, Fairfax, Herndon, Reston, Vienna, and Arlington addresses and some support from Federal elected officials.

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

51. **RECOGNITION OF OLYMPIC TEAM MEMBERS FROM THE COUNTY**
(1:23 p.m.)

Supervisor Hyland said that he is filled with great pride and admiration to inform the Board that a native of the County, Mr. Justin Spring, whose family now lives in the Lorton/Laurel Hill neighborhood, will be representing the United States of America at the 2008 Summer Olympics in Beijing this August.

Supervisor Hyland referred to his written Board Matter and outlined Mr. Spring's accomplishments and plans for the Olympics.

Therefore, Supervisor Hyland asked unanimous consent, that the Board direct the Office of Public Affairs (OPA) to prepare and present a certificate of recognition to Mr. Spring and his family upon his return from the Summer Olympics for his dedication, ambition, and perseverance. Without objection, it was so ordered.

Supervisor Frey noted that there are other local Olympians and asked unanimous consent that the Board direct OPA to include all of them in a formal Board recognition. Without objection, it was so ordered.

52. **“FOOD FOR THOUGHT”: CONSIDERATION OF MEALS TAX**
(1:24 p.m.)

With reference to his written Board Matter on the subject, Supervisor Hyland asked unanimous consent that the Board add, as an agenda item, discussion of a meals tax during the Board's Budget Committee's Lines of Business review. Without objection, it was so ordered.

53. **FAIRFAX COUNTY POLICE (FCPD) WIN FIRST PLACE AT THE NATIONAL LAW ENFORCEMENT CHALLENGE AWARD** (1:25 p.m.)

(NOTE: Earlier in the meeting the Board took action regarding this item. See Clerk's Summary Item #37.)

With reference to his written Board Matter on the subject, Supervisor Hyland noted that the Board already had directed the recognition for the Police Department in relation to its recent prestigious awards.

54. **NEWINGTON ROAD ENTRANCE, ROUBIN ASSOCIATES, LLC (MOUNT VERNON DISTRICT)** (1:25 p.m.)

Supervisor Hyland said that the proposed entrance for a by-right development on Newington Road presents a dangerous situation for neighbors and commuters in this area. The entrance will be adjacent to a heavily used one lane road which traverses underneath a railroad bridge, near roads linking the Fairfax County Parkway and Interstate 95.

Recent correspondence dated May 28, 2008, from the Virginia Department of Transportation (VDOT) indicated that “the close proximity (of the proposed entrance to the one-lane bridge) is not an ideal situation, but the entrance does meet all requisite standards” and that VDOT continues to support the entrance permit for access to this site from Newington Road. However, he said that Department of Transportation (DOT) staff and he believe the opening of this entrance near the railroad bridge will exacerbate an already unsafe condition at

this congested location. Almost certainly, the probability of an accident at this site will increase with the additional turning movements and increase truck traffic generated by the facility.

DOT has consistently noted its concern about this site, but does not have authority over the issuance of entrance permits. The public record indicates strong community opposition to an entrance at this location because of present real safety problems and concerns over intensifying this already aggravated situation based on other studies of proposed developments and their transportation impact. He also noted the input of the State Delegate and Senator, who continue to share their anxiety over this approval and are working diligently to represent the adjacent communities. The granting of an entrance permit onto Newington Road will escalate the safety problems. If the entrance is approved, it is not a matter of if an accident will occur, but when. He expressed the opinion that VDOT is making a mistake and should reconsider its decision.

Because of these reasons and the fact that there are other feasible entrances to this site, Supervisor Hyland asked unanimous consent that the Board direct Fairfax DOT to put its concerns in writing and transmit them to the applicant and VDOT in the continuing effort to ensure safety at this site. Without objection, it was so ordered.

55. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (1:26 p.m.)

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

PMH:pmh

56. **PROPOSED CAROLINE OAKS COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (1:26 p.m.)

Supervisor Herrity said that Glenbard Court serves as one of the main entrance roads of the Caroline Oaks community that is located off Old Keene Mill Road in Burke. He said that Caroline Oaks' Homeowner Association recently contacted his office to establish a CPD on Glenbard Court because the community has seen a recent influx of recreational vehicles and trailers on this small street. This is a townhome community but the roadway does not meet the minimum criteria of the ordinance which requires a minimum district size of 2000 linear feet of street or at least a five block face restriction. This proposed CPD would include Glenbard Court, from Old Keene Mill Road south to its termination in a cul-de-sac.

Therefore, Supervisor Herrity moved that the Board waive the minimum size requirement for the proposed Caroline Oaks CPD. If approved, the community would be responsible for collecting signatures to meet the required levels of support before this district could be established. Supervisor Bulova seconded the motion and it carried by unanimous vote.

57. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR JOHN FOUST** (1:27 p.m.)

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

58. **CONCURRENT PROCESSING - THE JBG COMPANIES - PROFFERED CONDITION AMENDMENT APPLICATION/SPECIAL EXCEPTION APPLICATION PCA C-597-04/SE 2007-PR-014 (LEE DISTRICT)** (1:28 p.m.)

Supervisor Smyth said that the JBG Companies, the applicant for Proffered Condition Amendment Application PCA C-597-04 and Special Exception Application SE 2007-PR-014, located on Boone Boulevard, has requested concurrent processing of the site plans for a new hotel.

Therefore, Supervisor Smyth moved that the Board direct the Director of the Department of Public Works and Environmental Services to process the site plan and other plans associated with Proffered Condition Amendment Application PCA C-597-04 and Special Exception Application SE 2007-PR-014 concurrent with the processing of this proffered condition amendment and special exception applications. This motion does not relieve the applicant from meeting all the applicable County Zoning and Public Facilities Manual requirements associated with this project, nor does it prejudice in any way the Board's consideration of this application. Supervisor Bulova seconded the motion and it carried by unanimous vote.

59. **HOLLYWOOD ROAD AND LEE HIGHWAY SERVICE DRIVE PARKING RESTRICTION (PROVIDENCE DISTRICT)** (1:28 p.m.)

Supervisor Smyth said that she is presenting this matter today to address a pedestrian safety issue on the service road at the northwest corner of Lee Highway and Hollywood Road.

Supervisor Smyth said that the Police Department has brought it to her attention that conditions at the service drive are hazardous to the safe flow of vehicular and pedestrian traffic.

Therefore, Supervisor Smyth moved that the Board direct the Department of Transportation to restrict parking along this service drive as it extends along Hollywood Road and Lee Highway on both sides of the roadway forthwith. Supervisor Bulova seconded the motion and it carried by unanimous vote.

60. **RECOGNITION OF MASTER POLICE OFFICER (MPO) TOM BLACK'S CAREER** (1:28 p.m.)

Jointly with Supervisor Foust, Supervisor Smyth announced that on July 4, 2008, MPO Tom Black will retire from the Police Department after 27 years of exemplary service to the citizens of the County.

Supervisor Smyth referred to her written Board Matter and outlined MPO Black's distinguished career with the County.

Jointly with Supervisor Foust, Supervisor Smyth acknowledged MPO Black for all his efforts on behalf of the countless citizens he has helped over the years. He became involved in all safety aspects for a particular community and when he saw potential for measures to assist with deterring crime activity or improving quality of life, he persistently pursued every available option until those measures were implemented.

In recognition of MPO Black's many years of exemplary service to the citizens of the County and upon his retirement from the Police Department, Supervisor Smyth and Supervisor Foust asked unanimous consent that the Board direct staff to invite MPO Black to appear before the Board on September 8, 2008, to formally commemorate and recognize his service. Without objection, it was so ordered.

61. **VIDEO CONFERENCING** (1:30 p.m.)

(BACs) Jointly with Chairman Connolly, Supervisor McKay said that on February 25, the Board unanimously voted to direct staff to provide an analysis of the options, timeframe, and a blueprint for using video conferencing for meetings of the County's boards, authorities, and commissions (BACs). He noted that a legislative change is required to enact this proposal.

Therefore, jointly with Chairman Connolly, Supervisor McKay asked unanimous consent that the Board forward this matter to the Legislative Committee for review and consideration of adding to the Legislative Program a request for Richmond to provide enabling legislation for the County to conduct meetings of its BACs through video conferencing. Without objection, it was so ordered.

62. **SHERIFF'S OFFICE HONOR GUARD** (1:30 p.m.)

Supervisor McKay said that the Sheriff's Office Honor Guard has taken first place in the best dressed category and second in the marching competition in an annual event sponsored by the Metropolitan Washington Council of Governments. This competition took place at the National Law Enforcement Officers Memorial in Washington, DC during Correctional Officers/Employees Week from May 3-10 of this year.

Supervisor McKay asked unanimous consent that the Board direct staff to invite the Sheriff's Office Honor Guard to a future Board meeting for formal recognition and that certificates be prepared to present to Honor Guard members. Without objection, it was so ordered.

63. **MR. IFTY KHAN'S RETIREMENT** (1:31 p.m.)

Supervisor McKay said that Ifty Khan, director of the Wastewater Collection Division, Department of Public Works and Environmental Services, will be retiring in a few short weeks.

Supervisor McKay referred to his written Board Matter outlining Mr. Khan's accomplishments and asked unanimous consent that the Board direct staff to invite Mr. Khan to a future Board meeting for formal recognition of his service. Without objection, it was so ordered.

64. **ABANDONMENT OF A PORTION OF HOOES ROAD (LEE DISTRICT)**
(1:32 p.m.)

- (A) Supervisor McKay said that several years ago the County resolved a long standing cut-through traffic issue for the Beverly Forest community. The approval closed off Constantine Avenue, a route between the Franconia-Springfield Parkway and Backlick Road. This cut-through traffic issue was created as a result of the construction of the Fairfax County Parkway and had been under consideration for close to 20 years. The original plan was to close the road with construction of the Franconia/Springfield Parkway. The road was closed officially on October 22, 2002. On June 18, 2007, the Board took action directing the Department of Transportation to proceed with the necessary steps required to complete the vacation or abandonment of the Constantine Drive right-of-way, the final step in the process.

To proceed as expeditiously as possible with an abandonment, Supervisor McKay moved that the Board authorize a public hearing to be held before the Board regarding the abandonment of a portion of Hooes Road on **August 4, 2008, at 4 p.m.** Supervisor Gross seconded the motion and it carried by unanimous vote.

65. **FIOS IMPLEMENTATION PERFORMED BY VERIZON AND ITS SUBCONTRACTORS** (1:33 p.m.)

Supervisor McKay said to imagine looking out your window and seeing workers without identification using your yard as a trash dump. Imagine watching a worker—again unidentified—standing in several inches of water in a hole he has just jack hammered in the Virginia Department of Transportation (VDOT) right-of-way during a thunderstorm. Imagine trying to communicate with these unidentified individuals and discovering that they do not speak a word of English.

Supervisor McKay noted that for the past several weeks, his office has been receiving complaints of this nature, directly associated with the FIOS implementation performed by Verizon and its subcontractors. The complaints range from lack of the required prior notification, no supervisor with sufficient language skills, rude workers, no documentation of required easements on site, no identification on vehicles or clothing as required to indicate that the workers are affiliated with Verizon, unsafe construction conditions, and failure to restore the homeowner's property to its before-digging condition.

Supervisor McKay pointed out that this is not a one-time event but a clear pattern of irresponsibility and unaccountability. Supervisor Gross' September 13, 2004, Board Matter referenced similar issues. A story in the October 19, 2005, *Washington Post* entitled "Utilities Cry Foul Over Verizon Dig" reported on continuing problems with Verizon and mentioned a Verizon subcontractor, Ivy H. Smith Company of Herndon.

The Office of Communications Policy and Regulation in the Office of Cable Communications and Consumer Protection has been working with Verizon on this latest issue. Verizon has accepted responsibility for these latest problems and has agreed to put some internal compliance audits of its subcontractors in place. The County has very limited regulatory authority over utilities and communications companies. Without greater power of oversight and regulation, the County will continue to be in reactive mode.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare recommendations for the Board on how to hold Verizon responsible so that homeowners do not continue to suffer the consequences of a utility company running ramshod through neighborhoods. The recommendations should be forwarded to the Legislative Committee for review and consideration of being adding to the upcoming Legislative Program. Without objection, it was so ordered.

There was a brief discussion regarding payment for contractors and subcontractors.

66. **STRIKE TEAM EFFORTS** (1:36 p.m.)

Supervisor McKay announced that he has good news to report on the success of the Strike Team efforts. Willful violators of the law are being prosecuted and fined.

Supervisor McKay referred to his written Board Matter and outlined the successes of the Strike Team.

Supervisor McKay noted that it is critical that the community be aware of this important work in the neighborhoods. Prosecution of willful violators requires time and persistence by staff and patience by citizens.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to publicize the successes of the enforcement efforts. The community deserves to know about the work being done for them to protect the health and safety of neighborhoods. Without objection, it was so ordered.

67. **RECESS/CLOSED SESSION** (1:39 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. *Augusta E. Jackson v. Fairfax County Government*, Case No. 1:07-cv-850 (E.D. Va.)
 2. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
 3. *Louise Root v. County of Fairfax, et al.*, Case No. 1:08cv498 (E.D. Va.)
 4. *Fairfax County Redevelopment and Housing Authority v. Zareen Hudson, Juan Zayas, and Cristian Hernandez, et al.*, Case No. CL-2007-0005458 (Fx. Co. Cir. Ct.) (Lee District)
 5. *T.W.P. Enterprises, Inc., Trading as T.W. Perry v. Antonio Pereira, et al.*, Case No. CL- 2008-0005401 (Fx. Co. Cir. Ct.) (Dranesville District)
 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell and*

- Christopher Wyvell*, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *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)
 8. *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)
 9. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Garbis and Andria Garbis*, Case No. CL-2008-0002838 (Fx. Co. Cir. Ct.) (Springfield District)
 10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phillip Granger and Lorraine R. Granger*, Case No. CL-2008-0003243 (Fx. Co. Cir. Ct.) (Lee District)
 11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne S. Kreiser*, Case No. CL-2008-0001585 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0002100 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 13. *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)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No.

- CL-2008-0004426 (Fx. Co. Cir. Ct.)
(Springfield District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jon M. Boka*, Case No. CL-2008-0002314 (Fx. Co. Cir. Ct.) (Braddock District)
 16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ibrahim Sh-Ibrahim*, Case No. CL-2008-0005229 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelly Matos*, Case No. CL-2008-0001179 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 18. *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)
 19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Beltran Sanchez and Sulma P. Flores*, Case No. CL-2008-0003156 (Fx. Co. Cir. Ct.) (Mason 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 v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)
 22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis*, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramiro Ventura*, Case No. CL-2007-0014562 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Ronald L. Mastin, Fairfax County Fire Marshal v. Marco A. Comacho*, Case No. CL-2008-0007391 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta, a/k/a Maria D'Angeles Argueta*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wells Fargo Bank, National Association*, Case No. CL-2008-0007451 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga*, Case No. CL-2008-0006906 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel F. Sturdivant, II*, Case No. CL-2008-0006954 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Meo K. Khoun*, Case No. CL-2008-0006900 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fidel M. Zoleta and Emilia M.*

- Zoleta*, Case No. CL-2008-0006904 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florence M. Ellington*, Case No. CL-2008-0006693 (Fx. Co. Cir. Ct.) (Sully District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Calderon, Celestina Calderon, and Milton Calderon*, Case No. CL-2008-0006783 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. 9400 Gunston Cove Road, LLC, and Toro's Truck Center, Inc.*, Case No. CL-2008-0006880 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gualtar Antonio Ramos*, Case No. CL-2008-0007170 (Fx. Co. Cir. Ct.) (Providence District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veroushka Uriona Rivas and Oscar Mengoa*, Case No. CL-2008-0007168 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roman Vallejos and Maria Paredo*, Case No. CL-2008-0007167 (Fx. Co. Cir. Ct.) (Providence District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana M. Deras De Alvarado and Roberto Carlos Enrique Del Cid*, Case No. CL-2008-0007169 (Fx. Co. Cir. Ct.) (Providence District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William F. Flores*, Case No.

CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)

40. *Board of Supervisors v. McLean Crest, LLC*, Case No. CL-2008-0006691 (Fx. Co. Cir. Ct.) (Dranesville District)
41. *Board of Supervisors v. U-Haul Company of Maryland, Inc., and Republic Western Insurance Company*, Case No. CL-2008-0001327 (Fx. Co. Cir. Ct.) (Mount Vernon District)

And in addition:

- County of Fairfax, Virginia, \$235,045,000 Public Improvement Refunding Bonds, Series 1993C: Proposed Closing Agreement .
- Board of Zoning Appeals Appeal Applications A 2006-PR-028 and A 2006-PR-052.
- Paul J. Lanteigne, Sheriff of the City of Virginia Beach V. Gene M. Johnson, Director of the Virginia Department of Corrections.

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

DS:ds

At 4:01 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

68. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:01 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 Foust and Supervisor Gross jointly 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."

69. **APPOINTMENT OF MS. OLIVIA McLEAN TO THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR** (4:01 p.m.)

Supervisor Gross moved the appointment of Ms. Olivia McLean to the position of Emergency Management Coordinator, Grade E-9, at a starting salary of \$131,000 annually, effective August 25, 2008. Supervisor Bulova seconded the motion.

Following discussion, with input from Mr. Griffin, who noted that Ms. McLean is still in Florida, the question was called on the motion and it carried by unanimous vote.

70. **DIFFICULT RUN PUMP STATION** (4:02 p.m.)

Supervisor Hyland moved that the Board authorize the County Executive to execute, on its behalf, an agreement with the District of Columbia Water and Sewer Authority regarding the use of the Difficult Run pump station and related easements, in accordance with the terms and conditions discussed in closed session, and subject to final approval by the County Attorney. Supervisor Bulova and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

71. **LEGAL 42 – CLOSING AGREEMENT – PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 1993C** (4:03 p.m.)

Supervisor Hyland moved that the Board approve the proposed Closing Agreement on the terms and conditions outlined by the County Attorney in closed session and authorizes the County Executive or his designee to sign the Closing Agreement on behalf of the County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

72. **3 P.M. – PH REGARDING THE FINANCING FOR THE PURCHASE OF A NEW FIRE PUMPER TRUCK FOR THE CENTREVILLE VOLUNTEER FIRE DEPARTMENT, INCORPORATED (SULLY DISTRICT)** (4:03 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 June 19, 2008.

Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department, presented the staff report.

Following the public hearing, Supervisor Frey moved that the Board:

- Declare that the Centreville Volunteer Fire Department is a provider of emergency services so that they may obtain tax-exempt financing through a local bank for the purchase of a 2008 Pierce pumper truck
- Adopt the Resolution approving the financing by the Centreville Volunteer Fire Department of up to \$575,000 for the purchase of a 2008 Pierce pumper truck.

Supervisor Hudgins 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.”

73.

3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-039 (DUNN LORING METRO, LLC) (PROVIDENCE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-P-030-02 (DUNN LORING METRO, LLC) (PROVIDENCE DISTRICT) (4:06 p.m.)

The Proffered Condition Amendment Application PCA 2005-PR-039 property is located in the northwest quadrant of the intersection of Prosperity Avenue and Gallows Road, Tax Map 49-1 ((1)) 27A; 49-2 ((1)) 13A and 15A.

The Proffered Condition Amendment Application PCA 88-P-030-02 property is located on the north side of Prosperity Avenue approximately 1,200 feet west of its intersection with Gallows Road, Tax Map 49-1 ((13)) 17A and 18A.

Mr. Brian J. Winterhalter reaffirmed the validity of the affidavit for the record.

Supervisor McKay disclosed that:

- He is a member of the Washington Metropolitan Area Transportation Authority (WMATA) Board of Directors.
- “Friends of Jeff McKay” contributed an amount in excess of \$100 to Chairman Gerald Connolly’s re-election campaign.
- “Friends of Jeff McKay” contributed an amount in excess of \$100 to Chairman Gerald Connolly’s congressional campaign.

Supervisor Hudgins disclosed that she is a member of the WMATA Board of Directors.

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

- Former Lee District Supervisor Dana Kauffman.

Mr. Winterhalter 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 Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2005-PR-039, and the associated Conceptual Development Plan (CDP), subject to the proffers dated May 5, 2008.
- Approval of Proffered Condition Amendment Application PCA 88-P-030-2, and the associated Conceptual Development Plan Amendment (CDPA), subject to the proffers dated May 5, 2008.
- Approval of a waiver to allow underground stormwater management facilities in the residential area for Land Unit A of the Dunn Loring/Merrifield Metro Station Development Plan, subject to the conditions of Waiver Number 0378-WPFM-001-2, dated August 4, 2006 (sic).
- Modification of the private street limitations of Section 11-302 of the Zoning Ordinance.
- Modification of the transitional screening requirements and waiver of the barrier requirements to the north, northeast, and internal to the site, in favor of the treatments depicted on the CDP/Final Development Plan Amendment (FDPA).
- Waiver of the 75-foot yard regulation for lots abutting principal arterial highways as required by Section 2-414.1.B of the Zoning Ordinance.
- Modification of the interior parking lot landscaping on the top of the parking deck.
- Modification of the loading space requirement in favor of the loading spaces reflected on the CDPA/FDPA.

Following discussion, with input from Ms. Abrahamson, regarding bulleted item number three, Supervisor Smyth clarified that the date of the conditions is August 24, 2006, not August 4, 2006, as stated.

Supervisor Foust seconded the motion.

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

(NOTE: On May 21, 2008, the Planning Commission approved Final Development Plan Amendment Application FDPA 2005-PR-039, subject to the development conditions dated May 7, 2008. The Planning Commission also approved Final Development Plan Amendment Application FDPA 88-P-030-02.)

74. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-005 (EDUCATION FOR LIFE) (MASON DISTRICT)**
(4:17 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2008-MA-005 until **July 21, 2008, at 3 p.m.** Vice-Chairman Bulova seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

75. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-V-035 (HUNTWOOD, LLC) (MOUNT VERNON DISTRICT)** (4:17 p.m.)

Following discussion, with input from David P. Bobzien, County Attorney, regarding this public hearing, Vice-Chairman Bulova noted that it was withdrawn by staff.

76. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-DR-003 (CHEVY CHASE BANK, FSB) (DRANESVILLE DISTRICT)**
(4:18 p.m.)

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2008-DR-003 until **July 21, 2008, at 3 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

77. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-SU-014 (BO HWAN SUK, SUN OK SUK, AND THE FAIRFAX COUNTY PARK AUTHORITY) (SULLY DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-150 (FAIRFAX COUNTY PARK AUTHORITY) (SULLY DISTRICT) (4:19 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2007-SU-014 and Proffered Condition Amendment Application PCA 74-2-150 until **July 21, 2008, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

78. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-052-07 (CESC SKYLINE LLC) (MASON DISTRICT)** (4:19 p.m.)

The application property is located in the southwest corner of the intersection of Leesburg Pike and George Mason Drive, Tax Map 62-3 ((1)) 37, 39, 40 and 41C.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Proffered Condition Amendment Application PCA C-052-07, subject to the proffers dated June 26, 2008.
- Waiver of the transitional screening and barrier requirements between the residential and non-residential uses within the original application area.
- Waiver of the service drive along Route 7.
- Modification of the eight-foot wide asphalt trail and Commercial Revitalization District streetscape requirements, in favor of that

shown on the Conceptual Development Plan/Final Development Plan.

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

(NOTE: The Planning Commission approved Final Development Plan Amendment Application FDPA C-052-13, subject to the conditions dated June 11, 2008.)

79. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-PR-003 (ARLINGTON BOULEVARD CONSOLIDATION LLC) (PROVIDENCE DISTRICT)** (4:26 p.m.)

The application property is located on the south side of Arlington Boulevard west of its intersection with Williams Drive, Tax Map 49-3 ((1)) 135 and 49-3 ((9)) 11A pt.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavit for the record.

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

- Northern Virginia Association of Realtors Political Action Committee (PAC)

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

- Northern Virginia Association of Realtors PAC

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

- Northern Virginia Association of Realtors PAC

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

- Northern Virginia Association of Realtors PAC

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

- Northern Virginia Association of Realtors PAC

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

- Northern Virginia Association of Realtors PAC

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

Discussion ensued, with input from Mr. Sampson, regarding the proffers.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Mr. Sampson, regarding the parking ratio.

Suzianne Battista, 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 2004-PR-003, subject to the proffers dated June 26, 2008.
- Waiver of the service drive requirement along Route 50 in favor of the travel lane depicted on the Generalized Development Plan (GDP).
- Modification of the transitional screening and barrier requirements along the southern, southwestern, and southeastern portions of the site in favor of the landscaping and barriers depicted on the GDP.
- Modification of the loading space requirement to permit three loading spaces for Building A.

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

80.

3:30 P.M. – JOINT PH ON THE PROPOSED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS 2009 THROUGH 2014 (4:36 p.m.)

Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, gave a brief staff report and introduced Leonard “Bud” Siegel, Arlington/Fairfax Preliminary Engineering, Virginia Department of Transportation, who gave a presentation.

Discussion ensued, with input from Mr. Siegel, regarding:

- Rolling Road
- Funding
- The original date that the widening of Telegraph Road was put on the six-year program
- West Ox Road
- Centreville Road
- Funding for on-road bike facilities
- The fluctuating road construction cost increases

Mr. Siegel said that he will report with additional information regarding some of the issues raised.

Following the public hearing, which included testimony by two speakers, Vice-Chairman Bulova stated that she had items for the record.

Mr. Herrity stated that he had an item for the record.

Supervisor Hyland moved approval of the Secondary System Construction Program for FY 2009 through 2014, according to Attachment I of the Board Agenda Item dated June 30, 2008. Supervisor Smyth seconded the motion.

Following discussion, Supervisor Hyland amended his motion that the Board direct:

- Department of Transportation (DOT) staff to review the surrounding Base Realignment and Closure (BRAC) Annual Plan Review (APR) nominations and development in the area, if built to the maximums allowed in the Comprehensive Plan, and return to the Board with their recommendations on improvements needed to ensure a operable level of service in the affected community area.
- Department of Planning and Zoning and Department of Public Works and Environmental Services to create electronic maps that show both currently permitted and planned development in the area.

- DOT to evaluate the Transportation Plan and offer any suggestions or amendments to better provide multi-modal transportation in the area of concern.

This was accepted.

Discussion ensued regarding the road projects and Supervisor Herrity raised a question regarding the planning process for the southern portion of Rolling Road.

Supervisor Hyland clarified his amendment that staff should ensure that the planning process continues for the southern portion of Rolling Road.

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

(NOTE: Later in the meeting, another speaker presented testimony regarding this item. See Clerk's Summary Item #94.)

DET:det

81. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO ADD A NEW CHAPTER, CHAPTER 121 (GRAFFITI ORDINANCE), REGARDING REPAIR OR REMOVAL OF THE DEFAACEMENT OF BUILDINGS, FACILITIES, AND PERSONAL PROPERTY** (5:15 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 June 12 and June 19, 2008.

Robert Bermingham, Gang Prevention Coordinator, presented the staff report.

Discussion ensued concerning logistics to responding to reports of graffiti, reporting statistics, and future budgetary considerations, with input from Major Maggie DeBoard, Commander, Patrol Bureau II, Police Department.

Discussion continued concerning graffiti on State or utility-owned receptacles/surfaces with additional input by Mr. Bermingham concerning clean-up responsibility and criteria. Mr. Bermingham noted that in the past, if a State agency did not respond in a timely manner, the County used the inmate labor workforce from the Sheriff's Department.

Supervisor Hudgins noted the need for statistical data to determine budgetary impacts, with input from Major DeBoard regarding the careful tracking of cases of old versus new graffiti.

Supervisor McKay asked unanimous consent that the Board direct staff to provide a continuing update of the use of County resources to determine budgetary constraints and the possible need to address those constraints in the future. Without objection, it was so ordered.

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, to add a new Chapter 121 (Graffiti Ordinance), regarding repair or removal of the defacement of buildings, facilities, and personal property. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being out of the room.

82. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 15519 LEE HIGHWAY (SULLY DISTRICT)** (5:37 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 June 12 and June 19, 2008.

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development (HCD), presented the staff report.

Discussion ensued concerning a pending sale of the property, a dispute of the pending sale, the time frame involved upon enactment of the ordinance, and the identify of the owners, as noted by Ms. Sadar from records from the Department of Tax Administration (DTA).

Following the public hearing, which included testimony by two speakers, Supervisor Frey moved:

- Adoption of the Ordinance declaring 15519 Lee Highway blighted, constituting a nuisance.
- Approval of the blight abatement plan for 15519 Lee Highway.

Supervisor Hyland seconded the motion.

Discussion ensued concerning the identify of the legal owner of the property, as identified in Attachment 3 of the Board Agenda Item, with further input from Ms. Sadar who noted that HCD cited the owners of record as listed at DTA which was required by statute. Discussion continued concerning whether those cited were the actual owners or listed on behalf of an organization.

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

83. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 15011 LEE JACKSON MEMORIAL HIGHWAY (SULLY DISTRICT)**
(5:53 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 June 12 and June 19, 2008.

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report, and noted that as of last weekend, the house had been razed and that the remaining debris was expected to be cleared from the property by the end of the week.

Following the public hearing, Supervisor Frey moved to defer decision on the Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway until **July 21, 2008, at 3 p.m.** Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor McKay and Chairman Connolly being out of the room.

84. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD), TO CONSIDER AMENDING PARKING REGULATIONS** (5:57 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 12 and June 19, 2008.

Hamid Majdi, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A, RPPD. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Discussion ensued concerning the effective date of the amendment, with input from Ellen Gallagher, Chief, Capital Projects and Operations, Department of Transportation, who stated that she expected that police would first issue warning tickets. Vice-Chairman Bulova further clarified that by stating that while the

Code change would go into effect the following day, warning tickets alerted residents of the Board's actions so that offending vehicles could be moved. Discussion continued concerning the process for revoking an RPPD sticker, with additional input from Mr. Majdi.

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

85. **4 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON PART OF THE RIGHT-OF-WAY OF SUNCREST LANE (PROVIDENCE DISTRICT)** (6:08 p.m.)

- (Os) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 12 and June 19, 2008.

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

Following the public hearing, Supervisor Smyth moved adoption of the Ordinance and Order vacating and abandoning part of the right-of-way of Suncrest Lane. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Frey and Chairman Connolly being out of the room.

86. **4:30 P.M. – PH ON A PROPOSED MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TOWN OF CLIFTON, VIRGINIA RELATED TO THE CLIFTON PROFESSIONAL OFFICES PROJECT (SPRINGFIELD DISTRICT)** (6:09 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 June 12 and June 19, 2008.

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

Following the public hearing, Supervisor Herrity moved adoption of the Ordinance approving entering into and authorizing the County Executive to execute a MOU with the Town of Clifton and that the ordinance **would become effective at 12 a.m. on July 1, 2008.** Vice-Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Frey,

Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Chairman Connolly being out of the room.

87. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE ESKRIDGE ROAD IMPROVEMENTS PROJECT (PROVIDENCE DISTRICT)** (6:12 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 June 12 and June 19, 2008.

Beth Buckley, Right-of-Way Agent, Land Acquisition Division, Capital Facilities, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 008919/00001, Eskridge Road Improvements, Commercial Revitalization Program, Fund 315. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Chairman Connolly being out of the room.

88. **4:30 P.M. – PH ON INCORPORATING REFERENCES TO THE HUNTER MILL ROAD TRAFFIC CALMING STUDY IN THE COMPREHENSIVE PLAN: PLAN AMENDMENT S07-CW-T1 (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)** (6:15 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 June 12 and June 19, 2008.

Daniel C. Stevens, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins submitted items for the record.

Supervisor Smyth moved approval of Plan Amendment S07-CW-T1. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor McKay and Chairman Connolly being out of the room.

89. **4:30 P.M. – PH ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW** (6:22 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 June 12 and June 19, 2008.

Robert M. Ross, Assistant County Attorney, presented the staff report.

Discussion ensued concerning convicted drivers and the relevance to previous convictions. Mr. Ross noted that when the County adopted a State Code, fines incurred were then due to the County rather than the State.

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law, adopting actions of the 2008 General Assembly into Chapter 82. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Herrity, Supervisor McKay, and Chairman Connolly being out of the room.

90. **4:30 P.M. – PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA B-846-03 (RESTON SQUARE HOTEL LLC) (HUNTER MILL DISTRICT)** (6:29 p.m.)

Supervisor Hudgins moved to defer the public hearing on Development Plan Amendment Application DPA B-846-03 until **July 21, 2008, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Herrity, Supervisor McKay, and Chairman Connolly being out of the room.

91. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 7, REGARDING A CHANGE IN THE EMPLOYEE CONTRIBUTION RATE FOR THE POLICE OFFICERS RETIREMENT SYSTEM** (6:29 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 12 and June 19, 2008.

Robert Mears, Executive Director, Retirement Administration Agency, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 7, to reduce the employee contribution rate from 11 percent to 10 percent in the Police Officers Retirement System. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being out of the room.

92. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2 AND 3, REGARDING CHANGES IN THE SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY BENEFITS FOR THE UNIFORMED AND EMPLOYEES' RETIREMENT SYSTEMS** (6:31 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 June 12 and June 19, 2008.

Robert Mears, Executive Director, Retirement Administration Agency, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2 and 3, to revise service connected disability retirement benefits in the Uniformed and Employees' Retirement Systems by changing the reduction based on Social Security benefits from 40 percent to 30 percent. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being out of the room.

93. **5 P.M. – PH ON REZONING APPLICATION RZ 2007-MV-011 (CARRHOMES, LLC) (MOUNT VERNON DISTRICT)** (6:35 p.m.)

The application property is located on the west side of Telegraph Road approximately 100 feet north of its intersection with Newington Road, Tax Map 99-4 ((1)) 32 and 33.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

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

Discussion ensued concerning the use of a pipestem, the absence of noise and geotechnical studies, tree save, stormwater management, and grading.

Following the public hearing, which included testimony by nine speakers, St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland, following a comprehensive presentation outlining his concerns, moved **denial** of Rezoning Application RZ 2007-MV-011 from the R-1 District to the PDH-2 District. Supervisor Smyth seconded the motion.

Following discussion regarding Board Members' positions, the question was called on the motion and it **CARRIED** by a recorded vote of four, Supervisor Foust, Supervisor Hyland, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Gross and Supervisor Herrity voting "NAY," Supervisor Hudgins abstaining, Supervisor Frey, Supervisor McKay, and Chairman Connolly being out of the room.

94.

5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN (8:15 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 June 12 and June 19, 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 included testimony by the following individuals:

- Delegate Vivian Watts, who presented testimony she would have given during the public hearing on the Proposed Six-Year Virginia Department of Transportation Secondary System Construction Program for Fiscal Years 2009 through 2015.
- Mr. David Siegler, regarding the County's "authorization for release of personal information" in relation to licensing requirements for massage therapists.

Following Mr. Siegler's presentation, Supervisor Hudgins asked unanimous consent that the Board direct the County Attorney to review his inquiry. Without objection, it was so ordered.

- Mr. John Antonelli, regarding Metro changes to the blue and orange lines.

ADDITIONAL BOARD MATTER

95. **RICHMOND TIMES DISPATCH EDITORIAL** (8:42 p.m.)

Supervisor Herrity circulated copies of an editorial from the *Richmond Times Dispatch* regarding State transportation projects and read excerpts that he stated the Board needed to address. He particularly noted that the project referenced in the last paragraph was a creative project with creative financing originated in Northern Virginia. He said that the comments demonstrated a complete lack of understanding of the high occupancy toll (HOT) lane project and its financing. He further noted that citizens' complaints stemmed from the use of a very fast project called Design Build which expedited the process.

Supervisor Herrity moved that the Board direct staff to prepare a letter on behalf of the Board, for the Chairman's signature, to the Editor of the paper to clarify the following:

- That funds come from a creative funding arrangement, not the State.
- That concerns were with the speed at which the project was being designed, not that the project was being done, and that it was being done by using Design Build.
- Reiterating the multi-modal benefits of the creative solution, the funding and the speed to completion.
- That transportation was critical to the economic well-being in the County and therefore, the State.

Vice-Chairman Bulova seconded the motion, noting that there was some State funding in the project, but that the majority came from other sources as this was a unique public/private partnership.

Supervisor Gross asked to amend the motion to include:

- Reference to the Ad Hoc Committee that was established this morning.
- Focus a portion of the response on communication.

This was accepted.

Supervisor Herrity noted that the paper was read by legislators in Richmond, and it was important for them to know that the County was not ungrateful.

Delegate Vivian Watts, who spoke earlier during Public Comment, was recognized and addressed the Board concerning public/private partnerships.

Discussion continued concerning the State's contribution to this project. Delegate Watts noted that much of the funding was going toward the total reconstruction of all of the Beltway interchanges, which, given the age of the Beltway, was very necessary.

Supervisor Hudgins asked to amend the motion to include in the letter the concerns of the Board and the citizens in addressing the State's role in the start of the public/private partnership, and the continued need for public involvement. This was accepted.

Supervisor Hyland asked to amend the motion to include sending copies of the letter to the Leadership in the General Assembly, and this was accepted.

Vice-Chairman Bulova called the question on the motion, as amended, and it carried by a vote of eight, Supervisor Frey and Chairman Connolly being out of the room.

96. **BOARD ADJOURNMENT** (8:52 p.m.)

The Board adjourned.

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