



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
July 21, 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, July 21, 2008, at 9:38 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 Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 9:44 a.m.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:38 a.m.)

Supervisor McKay asked the Board to keep in thoughts the family of Joseph V. Gartlan Jr., a former member of the Virginia Senate, who died Thursday, July 17. He was a political heavyweight in the area of human services, mental health, and the environment and made an undeniable mark on the County.

(NOTE: Later in the meeting, the Boar further mourned the loss of Senator Gartlan. See Clerk's Board Summary Item #59.)

Supervisor Frey announced the loss of Charger, one of the first bloodhounds acquired for the Police Department K-9 Unit, who died a month ago of cancer at the age of 6.

AGENDA ITEM2. **CERTIFICATES OF RECOGNITION PRESENTED TO COUNTY POLICE OFFICERS MIKE GUBESCH AND MARK DALE, AND COUNTY K-9 POLICE DOGS JUSTICE AND NIKO** (9:41 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Pfc. Mike Gubesch and K-9 police dog Justice for winning the Virginia Police Canine Association Iron Dog competition, and Master Police Officer Mark Dale and K-9 partner Niko, who also represented the County in the competition. This motion was multiply seconded and it carried by unanimous vote.

ADDITIONAL BOARD MATTER3. **INTRODUCTION OF BOY SCOUT TROOP 2215 (SPRINGFIELD DISTRICT)** (9:49 a.m.)

Supervisor Herrity recognized members of Boy Scout Troop 2215 from Springfield accompanied by Ms. Victoria Rose and Ms. Nancy Jackabon. Troop 2215 is the first Home School Troop in the County. On behalf of the Board, he warmly welcomed them to the Board Auditorium.

AGENDA ITEMS4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE POLICE DEPARTMENT** (9:50 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Police Department for receiving the 2007–2008 National Law Enforcement Award and the Occupant Protection Award in the special category from the International Association of Chiefs of Police and to recognize Police Chief

Colonel David M. Rohrer for recognition by Ayuda – a community-based, nonprofit organization of multi-lingual legal and social services for low-income immigrants in the metropolitan region. Supervisor Gross seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING AUGUST 5, 2008, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (10:02 a.m.)

Chairman Connolly relinquished the gavel to Vice-Chairman Bulova and moved approval of the Proclamation to designate August 5, 2008, as "*National Night Out*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. DALE RUMBERGER** (10:12 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Mr. Dale Rumberger for 32 years of dedicated service in Fairfax County Public Schools. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. KAREN DICKERSON** (10:26 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Ms. Karen Dickerson for her contributions and achievements as a Special Olympic Virginia athlete. Supervisor Gross seconded the motion and it carried by unanimous vote.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MR. VANCE ZAVELA** (10:33 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Mr. Vance Zavela for his community work that resulted in being named Rotarian of the Year by Rotarian International District 7610, and receiving the Citation of Meritorious Service from the Rotary Foundation, and the Four Avenues of Service Citation from the Rotary Club of McLean. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

ADDITIONAL BOARD MATTER9. **INTRODUCTION OF MASON DISTRICT INTERNS** (10:42 a.m.)

Supervisor Gross introduced the following interns in her office:

- Ms. Aya Saed, a student at Annandale High School.
- Ms. Shahana Islam, a student at JEB Stuart High School.
- Ms. Emily Vorek, a student at George Mason University.

On behalf of the Board, she warmly welcomed them to the Board Auditorium.

AGENDA ITEMS10. **10 A.M. – PRESENTATION OF THE TRANSPORTATION ADVISORY COMMISSION (TAC) 2007 TRANSPORTATION ACHIEVEMENT AWARD** (10:43 a.m.)

Janyce Hedetniemi, Chair, TAC, presented the 2007 Transportation Achievement Award to:

- Ms. Jeanmarie Roberson, Engineer, Department of Public Works and Environmental Services

11. **10 A.M. – PRESENTATION OF THE 2007 VOLUNTEER FIRE AND RESCUE SERVICE AWARDS** (10:48 a.m.)

Timothy Fleming, Chair, Volunteer Fire Commission, and Jeffrey Katz, Volunteer Liaison, presented the 2007 Volunteer Fire and Rescue Service awards to the following individuals who have demonstrated extraordinary commitment to the Fire and Rescue Department through hundreds of hours of time spent providing fire and emergency medical service or in other roles to support the goals of the County combined career-volunteer system:

- Volunteer Firefighter of the Year – Mr. Keith A. Edgemon, Dunn Loring Volunteer Fire and Rescue Department
- Volunteer Operational Officer of the Year – Mr. Thomas K. Warnock, Burke Volunteer Fire and Rescue Department
- Volunteer Basic Life Support (BLS) Provider of the Year – Ms. Camilla M. Hollenbeck, Fair Oaks Volunteer Fire and Rescue Company

- Volunteer Advanced Life Support (ALS) Provider of the Year – Ms. Deborah Volker, Franconia Volunteer Fire Department
- Volunteer Rookie of the Year – Mr. Jeffrey A. Snow, Vienna Volunteer Fire Department
- Volunteer Canteen Member of the Year – Mr. James W. Jordan, Centreville Volunteer Fire Department
- Administrative Member of the Year – Ms. Marva E. Williams, Centreville Volunteer Fire Department
- Administrative Officer of the Year (Tie) – Ms. Susan A. Orsini, Burke Volunteer Fire and Rescue Department
Mr. Patrick J. Decker, Franconia Volunteer Fire Department

The following individuals received special recognition:

- Mr. Robert J. Mizer, Burke Volunteer Fire and Rescue Department
- Mr. Alan M. Woolf, Fair Oaks Volunteer Fire and Rescue Company
- Mr. Robert Burke and Mrs. Virginia Burke, Dunn Loring Volunteer Fire Department (Mr. Burke was unable to attend.)

The following individual received the Fire Chief's Award:

- Mr. Gerald B. Strider, Bailey's Crossroads Volunteer Fire Department

12.

(APPTS)
(BACs)

10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (11:06 a.m.)

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Supervisor Foust moved the appointment of Ms. Kristin Cabral as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the 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 Foust moved the appointment of Mr. John Terzaken as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock, 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 Hyland moved the confirmation of the following appointment:

- Ms. Sylvia Eubanks as the North County Regional Representative for Target Area #2

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

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #1, #2, #3, and #5 Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

Chairman Connolly moved the appointment of Ms. Judy Goodman Corn as the At-Large Chairman's Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Providence District Representative.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Chairman Connolly moved the reappointment of Mr. Thomas M. Stanners as the At-Large #3 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)

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

HEALTH CARE ADVISORY BOARD

Supervisor Bulova moved the reappointment of Mr. John R. Clark as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN RIGHTS COMMISSION

Supervisor Gross moved the appointment of Mr. Ahmed Selim as the At-Large #6 Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

Chairman Connolly moved the reappointment of Ms. Laura McDowall as the At-Large #2 Chairman's Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Ms. Kathleen Murphy as the Dranesville District #2 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. John Byers as the Mount Vernon District #1 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Hunter Mill District #2 Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Supervisor Smyth moved the appointment of Mr. Rod Solomon as the Providence District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins and Supervisor Smyth jointly asked unanimous consent that the Board direct staff to invite Mr. Conrad Egan, the outgoing Providence District Representative, to appear before the Board to be recognized. Without objection, it was so ordered.

Supervisor Frey moved the reappointment of Mr. Robert Carlson as the Sully District Representative. Supervisor Hyland 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 Herrity moved the appointment of Ms. Lisa S. Willey as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

TRANSPORTATION ADVISORY COMMISSION

Chairman Connolly moved the appointment of Mr. Edson L. Tennyson as the At-Large Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Frank Cohn as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

TREE COMMISSION

Chairman Connolly moved the appointment of Ms. Cheryl Robinette as the At-Large Chairman's Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Supervisor Hyland moved the appointment of Mr. Vincent Bollon as the Citizen Appointed by Board of Supervisors #2 Representative. Supervisor Bulova 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.

DET:det

13. **ADMINISTRATIVE ITEMS** (11:14 a.m.)

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

Supervisor Gross called the Board's attention to Admin 6: Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Civil Penalties and the Appeal Period, and requested clarification as to whether the reduction was in calendar or business days. Following input from Lorrie Kirst, Deputy Zoning Administrator, Department of Planning and Zoning, discussion ensued concerning the timing of a violation that might connect with a holiday and a weekend. Supervisor Gross asked unanimous consent that the Board direct staff to prepare an operational guideline to address such instances. Without objection, it was so ordered.

Supervisor McKay called the Board's attention to Item B of the Board Agenda Item which identified violations which were now subject to the 10-day notice and noted that a number of egregious violations were not included, such as outdoor storage and illegal businesses. Discussion ensued concerning the effects of House Bill 679 and House Bill 1071, and whether there were other avenues to achieve reduced periods of time for such violations. Discussion continued with input from Ms. Kirst and Jan Brodie, Deputy County Attorney, concerning the State ordinance referencing short-term recurring violations and whether the County had the authority to reduce the time on outdoor storage violations. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous

consent that this matter be referred to the Legislative Committee for further review. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following a request to review the statutory language in advance of the public hearing, Supervisor McKay asked unanimous consent that the Board direct the County Attorney to determine why the issues raised today could not be addressed under this legislation. Without objection, it was so ordered.

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

ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with a registration number, as Plans Examiners:

- Michael J. Gallagher 279
- Hiren C. Joshi 280
- Timothy S. Doody 281
- Alester Sturdivant, Jr. 282

Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:

- William R. Ackman, Jr. 75
- Mirza T. Baig 70
- Charles B. Fronda 104
- Yosif A. Ibrahim 243
- Jiri F. Kovats 16
- Camylyn Lewis 254
- Michael F. Meyers 147
- Gary D. Newlen 155

- Mark S. Stires 140
- Lana Tran 201
- Andrew J. Williams 216

Reinstated the following individual, identified with his registration number, as a Plans Examiner:

- Lance K. Kilby 190

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 REVIEW APPLICATION (PROVIDENCE DISTRICT)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-P07-53-1	AirCell LLC Rooftop antennas 1751 Pinnacle Drive (Providence District)	September 19, 2008

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cascades Estate Lots Section 12A	Dranesville	Seneca Road (Route 602) [Additional Right of Way (ROW) Only]
		Woolington Road
		Sinegar Place
Middleton Farms Section 6	Hunter Mill	Middleton Farm Court
		Bradley Woods Court

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Maple Hill Meadows	Providence	Maple Hill Road (Route 2516)
Westwood Park Section 2	Providence	Jeanee Street (Route 2358)
Avondale Glen	Providence	Heathland Drive Saint Augustine Lane Oakton Road (Route 664) (Additional ROW Only) Oakton Road (Route 664) (Additional ROW Only) Oakton Road (Route 664) (Additional ROW Only)
Pendleton Park – James P. Robinson – Stone Road	Sully	Stone Road (Route 662) (Additional ROW Only) Stone Road (Route 662) Lee Highway (Route 29) (Additional ROW Only)

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5 (OFFENSES)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 8, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 5 (Offenses).

ADMIN 5 – APPROVAL OF TRAFFIC CALMING MEASURES, CONSIDERATION FOR CUT-THROUGH RESTRICTIONS, AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE AND LEE DISTRICTS)

- (Rs)
- Endorsed the following traffic calming measures:
 - Two speed humps on Ingleside Avenue (Dranesville District)
 - Adopted the Resolution restricting cut-through traffic on the following street:
 - Russell Road (Lee District)
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible, and that staff and VDOT develop cut-through plans in conjunction with the applicable community as soon as possible.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CIVIL PENALTIES AND THE APPEAL PERIOD

- (A) (R) (NOTE: Earlier in the meeting, additional action was taken on this item. See page 10.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 18, 2008, at 8:15 p.m. and before the Board on **October 20, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding civil penalties and the appeal period.

14. **A-1 – ADOPTION OF PRINCIPLES FOR PUBLIC INVESTMENT IN SUPPORT OF COMMERCIAL REDEVELOPMENT** (11:21 a.m.)

- (P) Supervisor McKay moved that the Board concur in the recommendation of staff and adopt as Policy the 16 Principles for Public Investment in Support of Commercial Redevelopment and the accompanying process for the evaluation of request for such public investment. Supervisor Gross seconded the motion.

Following discussion, with input from Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment, regarding public notification, the inclusion of Tysons, and process and public investment. James P. Zook, Director, Department of Planning and Zoning, provided additional input concerning the process.

Chairman Connolly inquired as to the inclusion in the staff report of any violations or significant variations of these principles, with input from Mr. Zook. Discussion continued concerning coordination.

Supervisor Hyland noted a comment from the Southeast Fairfax Development Corporation concerning Principle #15 and its recommendation that it be eliminated. Input followed from Len Wales, County Debt Manager, Department of Management and Budget, concerning compromise language that had been worked out in conjunction with the Community Revitalization and Reinvestment Advisory Group (CRRAG).

Supervisor Frey directed the Board's attention to Principle #1 concerning the location of the redevelopment site or area being in an area of the County that was of "strategic importance." Discussion ensued, with input from Ms. Byron, regarding a careful discussion of what projects do apply.

Supervisor Frey expressed concern about various Principles relating to Tax Increment Financing (TIFs) and the question of the assumption of risk, particularly as it related to Principle #11 relative to Community Development Authorities (CDAs), noting that investing public dollars to enhance or attract development was a new concept for the County.

Discussion ensued concerning the use of TIFs and the subsequent affect on the County's AAA bond ratings with input from Mr. Wales concerning consultation with the County's various financial advisors as well as their use in other Virginia jurisdictions. Following additional questioning, Mr. Wales stated that the County's bond rating per se would not be directly affected by the use of a TIF.

Following comment concerning adequate public input into the process, Supervisor Foust asked to amend Item #5 (Tier 2) of the Board Agenda Item and add the following:

- That each proposal be submitted back to the Board's Revitalization Committee for review and analysis before it is submitted to the Board for a vote.

This was accepted.

Supervisor Smyth asked unanimous consent that the Board direct staff to prepare timing guidelines. Without objection, it was so ordered.

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

BOARD MATTER15. **TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE** (11:50 a.m.)

(BACs) Following discussion, with input from James P. Zook, Department of Planning and Zoning, on the anticipated completion of the Tysons Corner Transportation and Urban Design Study Coordinating Committee's recommendation and the need for additional transportation analyses, Supervisor Smyth asked unanimous consent that the Board direct Mr. Zook to consult with Clark Tyler, Chair of the Coordinating Committee, to:

- Construct a reasonable timetable for the Committee's final recommendation and the subsequent transportation analyses.
- Provide additional detail on what the additional transportation analyses will cover.
- Report with information at the Board's next meeting.

Without objection, it was so ordered.

AGENDA ITEMS16. **A-2 – APPROVAL OF THE LOCATION OF A FUTURE METRO ENTRY PAVILION ON FAIRFAX CORNER DEVELOPMENT, PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-S-039-6 (SPRINGFIELD DISTRICT)** (12:09 p.m.)

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

- Approved Location B within Fairfax Corner Development as the site to be dedicated in accordance with the proffers accepted with PCA 87-S-039-6 for a future Metro Entry Pavilion.
- Indicated that those issues identified by the study group enlisted in Attachment 4 of the Board Agenda Item be considered during the future design of such pavilion.

17. **A-3 – AMENDMENTS TO FINANCING DOCUMENTS BETWEEN THE LORTON ARTS FOUNDATION (LAF) AND THE COUNTY** (12:10 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the amendments to financing documents between the LAF and the County. Supervisor Bulova seconded the motion.

Chairman Connolly noted that:

- Tina Leone, Executive Director, LAF, was in the auditorium.
- 100 percent of the retail space had been leased.
- Len Wales, County Debt Manager, Department of Management and Budget, had been instrumental in making the project become a reality.

Chairman Connolly announced that the LAF had extended an invitation to the Board to preview the site on the afternoon of August 21 and that additional details would be forthcoming.

Supervisor Gross called the Board's attention to page 33 of the Board Agenda Item concerning an increase in costs due to a much larger network of tunnels and inquired whether the Board had any recourse from the federal government for the recovery of that additional cost. Input followed from Alan Weiss, Assistant County Attorney, regarding this issue.

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

18. **A-4 – REQUEST TO DESIGNATE OLD KEENE MILL ROAD FROM ACCOTINK CREEK TO FAIRFAX COUNTY PARKWAY AS A BLUE STAR MEMORIAL HIGHWAY (BRADDOCK AND SPRINGFIELD DISTRICTS)** (12:15 p.m.)

- (R) Supervisor Herrity moved that the Board concur in the recommendation of staff and adopt the Resolution requesting that the Commonwealth Transportation Board designate Old Keene Mill Road between Accotink Creek and the Fairfax County Parkway as a Blue Star Memorial Highway. Supervisor Bulova seconded the motion.

Supervisor Bulova noted that a portion of the area was in the Braddock District and asked unanimous consent that the Board direct staff to make that correction to the Board Agenda Item. Without objection, it was so ordered.

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

19. **A-5 – REVISIONS TO CHAPTER 10 OF THE PERSONNEL REGULATIONS** (12:16 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapter 10 of the Personnel Regulations. Chairman Connolly seconded the motion.

Chairman Connolly noted that the proposal required that the two weeks paid leave be utilized within 12 weeks of the birth or adoption date. Discussion ensued with input from Susan Woodruff, Acting Director, Department of Human Resources.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to allow the leave to be taken within the first 12 months of the birth or adoption date. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Herrity noted that the County was faced with personnel reductions and the Board Agenda Item did not address potential costs that agencies would have to absorb. Supervisor Gross asked unanimous consent that the Board direct the Department of Human Resources to provide follow-up information no later than January of next year as to the usage from the date of passage to the end of the calendar year to determine the impact on leave as well as operational costs. Without objection, it was so ordered.

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

20. **A-6 – PARKING REDUCTION FOR TYCON III AND TYCON IV (PROVIDENCE DISTRICT)** (12:21 p.m.)

Supervisor Smyth asked unanimous consent to defer consideration of a parking reduction for Tycon III and Tycon IV until this afternoon when the Board considers Proffered Condition Amendment Application PCA C-597-04 and Special Exception Application SE 2007-PR-014. Without objection, it was so ordered.

(Note: Later in the meeting, this item was considered. See Clerk's Summary Item #72.)

21. **A-7 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2009 REVENUE SHARING PROGRAM FUNDS AND MATCHING FAIRFAX COUNTY FUNDS (SPRINGFIELD AND SULLY DISTRICTS)** (12:21 p.m.)

(R) On motion of Supervisor Frey, seconded by Supervisor Herrity, 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 adopted the Resolution designating a maximum of \$1 million in FY 2009 VDOT Revenue Sharing Program Funds to partially fund the widening of Stringfellow Road.

22. **A-8 – AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT (MOUA) BETWEEN THE COUNTY AND THE FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION** (12:22 p.m.)

(BACs) On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved amendments to the MOUA between the County and the Fairfax County Convention and Visitors Corporation.

23. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-Y07-16, UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SULLY DISTRICT)** (12:22 p.m.)

The Board next considered an item contained in the Board Agenda dated July 21, 2008, announcing that the Planning Commission approved Public Facilities Review Application 2232-Y07-16, UOSA. The Planning Commission noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*, as amended. The application approval to replace existing gravity sewer line with new gravity sewer line (approximately 25,000 linear feet) within the Cub Run Stream Valley Park in Centreville, portions of the following Tax Maps: 0642-0403-D; 0642-0402-A; 0642-01-0035; 0642-01-0005A; 0642-04-A; 0642-03-0028; 0642-03-0026A; 0642-01-0001F; 0534-01-12; 0534-06-D; 0534-06-E; 0534-08-I; 0534-09-A; 0534-01-0002; 0534-09-B; 0534-0502-A; 0532-01-0001; 0532-02-B; 0532-02-C; 0532-02-D; 0532-02-E; 0434-01-0004; 0434-03-F; 0434-03-H; 0434-03-J; 0434-03-M; 0434-03-N; 0434-03-Q; 0434-07-0008; 0434-07-0009; 0434-07-0007; 0434-07-0006; 0434-07-0005; 0434-07-0004; 0434-01-0005B; 0434-01-0005A; 0434-01-0009; 0434-06-0011; 0434-08-0001; 0432-01-0012; 0432-02-0009E; 0432-02-0009C2; 0432-02-0029I; 0432-01-0003; 0432-02-0029E2 in Sully District.

24. **I-2 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 2009 FEE SCHEDULE** (12:22 p.m.)

The Board next considered an item contained in the Board Agenda dated July 21, 2008, requesting approval for staff to implement the FY 2009 Fee Schedule on October 1, 2008.

The staff was directed administratively to proceed as proposed.

25. **I-3 – WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) FISCAL YEAR (FY) 2009 OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM** (12:22 p.m.)

The Board next considered an item contained in the Board Agenda dated July 21, 2008, regarding the WMATA FY 2009 Operating Budget and Capital Improvement Program.

Chairman Connolly noted that entities to which the Board belongs continue to increase subsidies and membership dues and that it was imperative that these entities understand the County's financial constraints, at least for the coming year. Supervisor McKay noted that he and Supervisor Hudgins have had lengthy conversations with Metro concerning subsidies.

26. **I-4 – QUARTERLY STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:26 p.m.)

The Board next considered an item contained in the Board Agenda dated July 21, 2008, regarding the quarterly status report on the Board's second four-year Transportation Program.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation, concerning the placement of this information on the County's website.

Supervisor Gross asked unanimous consent that the Board direct staff to make the following correction to handwritten page 22 of the Board Agenda Item concerning the Route 50 Pedestrian Bridge:

- Change the installation date of July 12, 2008, to sometime in August.

Without objection, it was so ordered.

Supervisor Bulova inquired as to the status of the overpass associated with the Burke Centre VRE garage and adjunct trails, with input from Ms. Ichter.

Supervisor Smyth recounted a conversation with the Virginia Department of Transportation (VDOT) in conjunction with the High Occupancy Travel (HOT) Lanes, concerning the removal and possible reuse of the span for the Washington and Old Dominion (W&OD) Trail.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to look into the possible reuse of the span. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

27. **I-5 – BELLE VIEW/NEW ALEXANDRIA COMMUNITY FLOODING AND AMENDMENT 2 OF THE BELLE HAVEN WATERSHED FLOOD DAMAGE REDUCTION STUDY AGREEMENT BETWEEN THE COUNTY AND THE US ARMY CORPS OF ENGINEERS (MOUNT VERNON DISTRICT)** (12:31 p.m.)

The Board next considered an item contained in the Board Agenda dated July 21, 2008, requesting authorization for the County Executive, on behalf of the County, to sign the second Amendment of the Belle Haven Watershed Flood Damage Reduction Study Agreement between the County and the US Army Corps of Engineers.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

28. **TYSONS CORNER CENTER DAY** (12:32 p.m.)

Chairman Connolly noted that Tysons Corner Center opened its doors nearly 40 years ago. Jointly with Supervisor Smyth, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proclaim July 22, 2008, as “*Tysons Corner Center Day*” in Fairfax County and direct staff to prepare a proclamation for presentation to the appropriate representatives from Tysons Corner Center at the July 22 celebratory event. Without objection, it was so ordered.

29. **PROPOSAL TO INCREASE ENERGY EFFICIENCY BY 30 PERCENT FOR NEW HOMES** (12:32 p.m.)

Chairman Connolly said that buildings are responsible for approximately one-third of greenhouse gas emissions in the US, so improvements to building code energy efficiency requirements could reduce emissions dramatically. At the International Code Council (ICC) meeting in September, building code officials will consider strengthening energy efficiency standards in new homes by 30 percent. This would reduce carbon dioxide emissions by 464 million tons annually. County staff has been very involved in preparations for this conference and for this standard.

Working with staff and its understanding, Chairman Connolly asked unanimous consent that the Board direct staff to support the proposal to increase energy efficiency by 30 percent for new homes at the September conference of the ICC. Without objection, it was so ordered.

30. **FIREFIGHTERS' "FILL THE BOOT" CAMPAIGN TO BENEFIT MUSCULAR DYSTROPHY ASSOCIATION (MDA)** (12:33 p.m.)

Chairman Connolly announced that it is time for the "Fill the Boot" campaign to benefit the MDA. Accordingly, he asked unanimous consent that the Board direct staff to:

- Issue a proclamation commending the annual "Fill the Boot" campaign scheduled for Labor Day weekend in September.
- Invite the appropriate representatives from the Department of Fire and Rescue and the MDA to receive the proclamation at the September 8 Board meeting.

Without objection, it was so ordered.

31. **NATIONAL ASSOCIATION OF COUNTIES (NACo) AWARDS** (12:33 p.m.)

Chairman Connolly announced that NACo awarded the County five Achievement Awards this year for the following outstanding County programs:

- IT Project Management
- DART Program: Transparency/Accountability in Finance
- School Readiness Collaboration
- Changing Lives through Literature: Alternative Sentencing
- Security Awareness Day

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite the personnel involved in each of these programs to appear before the Board at an appropriate time to be recognized and thanked for their achievements on behalf of the citizens of the County.

Supervisor Gross asked to amend the request to also include recognition for the County's third place finish in the communities over 500,000 population category in the Digital Counties Survey. She noted that at last week's NACo conference in Kansas City she accepted that award, along with the Department of Information Technology's Michael Dent. This was accepted.

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

32. **MENTAL ILLNESS AWARENESS WEEK** (12:35 p.m.)

Chairman Connolly noted that Mental Illness Awareness Week is approaching. Accordingly, he asked unanimous consent that the Board proclaim October 5-11, 2008, as "*Mental Illness Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives to be presented with the proclamation at one of the September Board meetings. Without objection, it was so ordered.

33. **HISPANIC HERITAGE MONTH** (12:35 p.m.)

Chairman Connolly noted that Hispanic Heritage Month is approaching. Accordingly, he asked unanimous consent that the Board proclaim September 15-October 15, 2008, as "*Hispanic Heritage Month*" in Fairfax County and direct staff to invite the appropriate representatives from Equity Programs and others to be presented with the proclamation at one of the two September Board meetings. Without objection, it was so ordered.

34. **DISABILITY EMPLOYMENT AWARENESS MONTH** (12:35 p.m.)

Chairman Connolly noted that Disability Employment Awareness Month is approaching. Accordingly, he asked unanimous consent that the Board proclaim October as "*Disability Employment Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives from Equity Programs and others to be presented with the proclamation at one of the two September Board meetings. Without objection, it was so ordered.

35. **DOMESTIC VIOLENCE AWARENESS MONTH** (12:36 p.m.)

Chairman Connolly noted that Domestic Violence Awareness Month is also in October. Accordingly, he asked unanimous consent that the Board proclaim October as "*Domestic Violence Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office of Women and others to be presented with the proclamation at one of the two September Board meetings. Without objection, it was so ordered.

There was brief input from Merni Fitzgerald, Director, Office of Public Affairs, concerning the scheduling of the September Board meetings.

36. **AMERICAN INDIAN HERITAGE MONTH** (12:36 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim November 2008 as "*American Indian Heritage Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Equity Programs and others to be presented with the proclamation at the October 20 Board meeting. Without objection, it was so ordered.

37. **SUBSTANCE ABUSE AWARENESS WEEK** (12:37 p.m.)

Chairman Connolly noted that Substance Abuse Awareness Week is approaching. Accordingly, he asked unanimous consent that the Board proclaim October 27-31 as "Substance Abuse Awareness Week" in Fairfax County and direct staff to prepare the proclamation for presentation to the Fairfax-Falls Church Community Services Board at its conference at the Government Center on October 31. Without objection, it was so ordered.

38. **FOUR COUNTY AREAS NAMED MONEY MAGAZINE'S TOP 100 CITIES IN WHICH TO LIVE (BRADDOCK, HUNTER MILL, AND SPRINGFIELD DISTRICTS)** (12:37 p.m.)

Chairman Connolly announced that CNN/*Money Magazine* recently published its "Best Places to Live" in 2008, listing the 100 best small cities in which to live in the US. Four of the top 100 were communities in the County:

- Hunter Mill at #19
- Sully at #25
- Burke at #31 (Braddock and Springfield Districts)
- Reston at #37 (Hunter Mill District)

Chairman Connolly congratulated all of those communities, but asserted that ALL of the County is the best place to live.

Chairman Connolly asked unanimous consent that the Board direct staff to prepare a press release with this information. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

39. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE A. GROSS** (12:39 p.m.)

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

40. **INTRODUCTION OF SUMMER INTERNS (LEE DISTRICT)** (12:39 p.m.)

Supervisor McKay introduced the following summer interns from his office:

- Charles Wilson-de Grazia, a student at James Madison University
- Michael Busenhart, a student at Hamilton College in New York

41. **SECURITY CAMERAS AT COUNTY METRO STATIONS** (12:39 p.m.)

In a joint Board Matter with Chairman Connolly and Supervisor Hudgins, Supervisor McKay said that at the July 10 Washington Metro Area Transit Authority (WMATA) Board meeting, the board was briefed by Metro Transit Police Chief Michael Tabom on the Emergency Management and Jurisdiction Camera Program and funding of outdoor security cameras at high crime Metro stops.

Supervisor McKay stated that during a pilot program (January 2006 through January 2008) at the U Street Metro station, where an exterior camera was installed in an area that was clearly visible to the public, reported crimes fell approximately 30 percent. He said that the police have recommended that suburban Metro stations be outfitted with exterior cameras and Metro has agreed to install the cameras if localities cover the equipment costs. Two stations in the County that have seen significant instances of crime are Franconia/Springfield and Vienna.

Supervisor McKay said that installation of cameras at each of these stations in a way that does not infringe on individuals' privacy rights would be a significant contribution to public safety. At a time when there is record ridership at County stations, it is imperative to help protect riders and their property so that they will continue to use public transit.

Supervisor McKay moved that the Board:

- Direct the Police Department to begin coordination with the Metro Transit Police on the best ways to implement this program. Police Chief Rohrer is supportive of this effort.
- Make available up to \$75,000 from funds available from the Northern Virginia Transportation Commission (NVTC) to be allocated to install security cameras at both the Franconia/Springfield and Vienna Metro stations.

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

42. **PROPOSED AMENDMENT TO THE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) ORDINANCE TO INCLUDE COLLEGES AND UNIVERSITIES** (12:41 p.m.)

Supervisor Bulova stated that for several years her office has been hearing from residents on several roadways abutting the Northern Virginia Community College (NVCC) campus in Annandale about problems related to students parking in the community to avoid the college parking fees. A potential remedy was the suggestion to close access to the campus from the community. Based on

community input at a well attended meeting at NVCC last week, the neighborhoods do not favor this proposal.

Supervisor Bulova said that staff suggested that it was possible to amend the existing RPPD ordinance to include colleges and universities so that petitioning blocks with residential addresses within 2000 feet of an entrance to the college do not have to meet the 100 minimum parking spaces or the 75 percent occupied spaces and 50 percent non-resident parking requirements.

Accordingly, Supervisor Bulova moved that the Board direct staff to:

- Initiate an amendment to the RPPD ordinance that will add roadways near college and university campuses, subject to the same criteria currently in place for the establishment of an RPPD next to a high school or Metrorail station.
- Present this proposal to the Board for approval as soon as possible.

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

43. **JOINT BUDGET RESOLUTION WITH THE SCHOOL BOARD**
(12:43 p.m.)

- (R) Supervisor Bulova noted that the Board engaged in a joint budget workshop with the School Board on Friday, July 18. The subject of the workshop was the projected significant decrease in revenue available for the next year's budget because of the general economy and falling property values. Both Boards agreed to participate in a Lines of Business Review (LOBs) process and a School programs review process. The Board of Supervisors took a straw vote at that meeting and unanimously approved this joint process.

Accordingly, Supervisor Bulova moved adoption of the Joint Resolution to Undertake a Detailed Review of County Lines of Business and School Programs to Identify Opportunities for Streamlining, Consolidations, and Eliminations. Supervisor McKay seconded the motion, which carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Herrity, Supervisor Smyth, and Chairman Connolly voting "AYE."

44. **ENCOURAGING PRIVATE SECTOR WORKFORCE HOUSING**
(12:45 p.m.)

Supervisor Herrity asserted that the lack of affordable housing for employees of businesses in the County in proximity to their place of employment has a significant impact on the economic vitality in the region. The lack of such housing has had immediate bottom-line impacts on local businesses' ability to recruit and retain its workforce. It decreases productivity, profit, and diminishes

quality of life. Long commutes and rising fuel prices are “fueling” the problem, resulting in higher turnover, employee dissatisfaction, and additional training and recruiting costs. These businesses are essential to the health of the County’s tax base. He maintained that in these difficult economic times the Board needs to take whatever reasonable steps it can to encourage businesses to stay and grow or relocate to the County.

Supervisor Herrity said that businesses have a vested interest in the well-being of their personnel and the community. In the County and around the country, businesses and public entities have taken creative steps to address workforce housing shortages. He cited two examples in the County and said that several businesses are considering similar efforts. The two County examples are the trendsetting Fort Belvoir Residential Communities and George Mason University (GMU). The university, challenged by existing in one of the nation’s most expensive housing markets and experiencing difficulty in attracting and retaining the high caliber of professors and employees it desired due to a lack of affordable housing options, is now in the process of developing its own workforce housing. As GMU already held deed to a significant amount of land proximate to its main campus, GMU explored available options for leveraging these assets to provide reasonably priced housing for its faculty and staff. It is now planning a market-supported mix of multi and single-family housing products to be provided on GMU land over a 10-year timeframe. The detailed development plan called for GMU to offer this employee amenity via a 501(c)(3) not-for-profit foundation which would retain land ownership in perpetuity while offering the majority of units for sale to qualified employees. This is just one creative and innovative example of one of the local employers providing workforce housing for their employees.

Supervisor Herrity said that the County’s own Residences at the Government Center shows that with a simple ground lease there are private companies that will deliver turnkey workforce housing development, construction, management, and maintenance solutions. The more the County can leverage the private sector to provide workforce housing, the greater the burden that can be relieved from taxpayers. Whether it is constructing workforce housing or providing some type of employer-assisted zero-interest loans to cover down payments or closing costs, employers benefit from a stable workforce living nearby, employees benefit from time saved on their commute, and communities benefit from reduced congestion and increased investment from new residents.

Accordingly, Supervisor Herrity moved that the Board direct the County Executive to explore and consider meaningful actions or policies that the County could enact that would encourage and facilitate the efforts of businesses and public entities to address the shortfall in affordable housing for their own employees. Examples might be providing innovative financing for qualified workforce housing projects through the Economic Development Authority or addressing existing zoning or process impediments for businesses to develop

workforce housing. He asked that the County Executive report in October with his findings. Supervisor Frey seconded the motion.

Following discussion, which included information about the GMU program and clarification that it is a rental program, other nationwide programs, and other innovative programs, Supervisor Gross asked to amend the motion to direct staff to present its findings at a meeting of the Board's Housing Committee first, and this was accepted.

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

45. **RESIDENCES AT THE GOVERNMENT CENTER (SPRINGFIELD DISTRICT)** (12:53 p.m.)

Supervisor Herrity said that representatives of Dallas-based contractor JPI, the selected contractor for the Residences at the Government Center, provided two open houses last week for the community and County government employees to view their conceptual design. He said that he attended both open houses. From the discussions he had at these open houses and from the hundreds of phone calls, meetings, and emails he received since the announcement of the selection of the contractor, he said that the message is clear that the community and the County employees overwhelmingly support the requirement that this project be limited to workforce housing for County employees.

Supervisor Herrity asserted his understanding that this project was first conceived by the Board as one that was for County employees. He said that promises were made to the surrounding community that this project was for County employees only. Furthermore, it is consistently being billed by this Board as housing for County employees.

Supervisor Herrity said that as the Board has been briefed, conversion of this program to County employees only would result in the project's losing a federal tax credit of approximately \$2.5 million. The developer will likely look to the County to make up some or all of this amount during negotiations if the project were to be converted to County employees only.

Supervisor Herrity stated that at the Workforce Housing Summit that a few Board Members attended several weeks ago, this project was announced as one for "our firefighters, policemen, teachers, and bus drivers." Many of the speakers stressed the importance of the link between workforce housing and the easing of traffic congestion problems. One way to do this is to house employees where they work. He said that the best solution for the County employees who work in the Government Center complex or offices throughout the County is to have affordable housing right next door or close to where they work.

Supervisor Herrity noted that surveys conducted by the County have shown overwhelming interest by County employees in the Residences. Of the roughly 12,000 County employees, over 930 indicated an interest in living at the Residences. He said that the County has not yet surveyed the over 22,000 public school employees, almost double the number already surveyed. He asserted that there appears to be more than enough interest to fill the 270 units at the Residences.

Supervisor Herrity said that County employees are the most important and valuable asset. Many of them, however, live outside the County and must travel great distances to go to work. The commute for many employees has now been exacerbated by the increasing cost of fuel. He stated his expectation that this will drive turnover of County and school employees as the cost of the commute becomes prohibitively expensive.

In addition to the retention benefits of having the Residences being for County employees only, Supervisor Herrity said that several of the County managers he spoke with agreed that this is absolutely necessary to attract employees to settle here. He said that many of them are losing potential candidates because housing is so expensive in this area and the wages are not sufficient to maintain the quality of life they have or could have elsewhere. An example of this is the County's recent experience with hiring the new Park Authority Director. In that case the ability to offer housing enabled the County to attract and sign the leading candidate.

Supervisor Herrity said that as discussed earlier, employee only workforce housing is not without precedent both within the County and nationally. Affordable and workforce housing is consistently promoted as being for County teachers, firefighters, and police officers, yet very few actually occupy affordable or workforce housing. He said that the Residences offers the perfect opportunity to step up to the plate and deliver for County employees.

Supervisor Herrity said that time is running out to make this change; negotiation on the Ground Lease and Contract to Lease are due to be completed by the end of August. Defining the occupants of the Residences is a critical part of these negotiations.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to negotiate the Ground Lease and Contract to Lease for the Residences at the Government Center to be for County employees only. County employees should be defined as to include County school employees. Non-County employees may be permitted only if there are no eligible County employees available to fill any vacancies. Supervisor Frey seconded the motion.

Discussion ensued regarding the motion concerning the veracity of the statement that the project was first conceived for County employees only as well as the idea of having a diversity of residents at the project and affordable housing goals.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved to amend the motion to change “to be for County employees only” to “with the aim that these units will be primarily marketed among the County workforce. Supervisor Hyland seconded the amendment to the motion.

Further discussion ensued on the motion including the effect on the tax credits, with input from David P. Bobzien, County Attorney.

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

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

PMH:pmh

46. **REZONING APPLICATION RZ 2004-PR-008 (PROVIDENCE DISTRICT)**
(1:12 p.m.)

Supervisor Smyth said that on April 25, 2005, the Board approved Rezoning Application RZ 2004-PR-008 to build a small infill subdivision and to construct a 560 foot section of sound wall in the Virginia Department of Transportation (VDOT) right-of-way connecting two existing sound walls adjacent to Interstate 66. The proffered sound wall will protect both the new subdivision and the existing neighborhood from highway noise. Since zoning approval, VDOT changed policy on acceptance of sound walls in State right-of-way. After meeting with the developer, Edgemore Homes, staff and the Northern Virginia VDOT District Administrator, Morteza Salehi, a reasonable resolution was negotiated to permit the noise wall to be constructed in the location originally identified in the approved rezoning application.

Supervisor Smyth expressed her appreciation to staff and Mr. Salehi for his professionalism and assistance with helping to ensure that current and future residents will be better protected from Interstate 66 highway noise.

Therefore, pursuant to condition one as contained in the VDOT letter, Supervisor Smyth moved that the Board support the Edgemore Homes proposal to construct the proffered noise wall as depicted in the approved Rezoning Application RZ 2004-PR-008. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Foust and Supervisor Herrity being out of the room.

47. **PARKING RESTRICTIONS ON LARGE COMMERCIAL VEHICLES**
(1:12 p.m.)

Supervisor Foust said that there have had a number of complaints concerning extended parking, including overnight and weekend parking, of large commercial

vehicles in and around the commercial areas of McLean. The 2007 session of the General Assembly enacted *Virginia Code* § 46.2-1222.2, which now permits local governing bodies, by ordinance and subject to certain exceptions set forth in the enabling legislation, to limit parking of certain large vehicles on streets adjacent to the commercial areas of the County for periods of no more than two hours.

Virginia Code § 46.2-1222.2 is as follows:

- Local ordinances prohibiting parking of certain vehicles — The governing body of any county, city, or town may by ordinance limit to no more than two hours the length of time of parking on streets, adjacent to commercial business areas, of vehicles with gross weights in excess of 12,000 pounds or lengths of 30 feet or more, unless such vehicles are actively engaged in loading or unloading operations or waiting to be loaded or unloaded or are engaged in or preparing to engage in utility or similar service work. (2007, c. 487.)

Therefore, Supervisor Foust moved that the Board direct staff to study and report to the Board on the implementation of this enabling legislation. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

48. **WATER RATES** (1:13 p.m.)

Supervisor Hudgins said that in Board Matters from June 2005 and July 2007 she asked the Board to address water rates for residents within the Town of Vienna and for those Vienna residents outside of the Town boundaries. Apparently the problem of different water rates paid by certain County residents utilizing the different water systems that serve water in the County continues to grow not only in Vienna, but in Falls Church as well.

For example, the dramatic difference in the water rates paid by County residents who purchase water from the City of Falls Church versus those that are paid by County residents who purchase water from Fairfax Water continues to foment. Information adduced from the recent federal court case between the City of Falls Church and Fairfax Water disclosed that the County residents who purchase water from the City of Falls Church pay nearly twice as much as County residents who purchase water from Fairfax Water. The current service rate imposed by the City of Falls Church upon County residents for three months, for 24,000 gallons of water is \$85.19, whereas the service rate imposed upon County residents who purchase water from Fairfax Water is \$47.05 a quarter.

Supervisor Hudgins said that what makes this particular discrepancy all the more egregious is that the funds derived from the City of Falls Church's commodity charge are transferred annually from the City of Falls Church's Water Works Renewal Fund into the City of Falls Church's General Revenue Fund. Therefore,

those County residents who purchase water from the City of Falls Church are effectively subsidizing the City of Falls Church's property tax rate and keeping it lower than it otherwise would be.

Another inequitable and equally disturbing situation has arisen with respect to those County residents who live outside the town limits of the Town of Vienna and who purchase water from the Town. The basic water rate service charge imposed upon County residents who live outside the Town is \$112.88. In contrast, the basic water rate service charge imposed by the Town of Vienna on its Town residents is \$103.76. The City of Falls Church rate is \$85.19, and effective April 2, 2008, Fairfax County residents receiving water from Fairfax Water are paying a rate of \$47.05. The discrepancy in water rates leading to the apparently unequal treatment of the County residents by the various systems that provide water to the County is of serious concern to the County, its citizens, and this Board.

Accordingly, jointly with Supervisor Smyth, Supervisor Hudgins moved that, in accordance with the oversight authority granted pursuant to *Virginia Code* Ann.§ 15.2-823 and *Virginia Code* Ann.§ 15.2-2111, the Board direct the Consumer Protection Commission to conduct an investigation, with the assistance of appropriate County staff, and report with findings and possible recommendations by the end of the year regarding why certain County residents are forced to pay different water rates to the various systems that furnish water service within the County. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Herrity being out of the room.

49. **DULLES TOLL ROAD SET ASIDE FOR TRANSIT** (1:18 p.m.)

Supervisor Hudgins said that the Commonwealth of Virginia, which has maintained and operated the Dulles Toll Road, including the collection of tolls, will transition from the Virginia Department of Transportation (VDOT) to the Metropolitan Washington Airports Authority (MWAA). The Department of Rail and Public Transportation (DRPT), therefore, has informed the County that beginning in Fiscal Year 2011 MWAA, not DRPT, will be responsible for the \$6,645,000 set-aside for Dulles Toll Road transit.

It has always been the County's understanding that the Dulles Toll Road set aside for the Fairfax Connector express bus service, by agreement with the Commonwealth and DRPT, was to continue until Metrorail opened for passenger service to Wiehle Avenue (now estimated to be 2012). The loss of the Dulles Toll Road set aside is exactly opposite of the programs and policies that must be maintained to build transit ridership in advance of successfully implementing Metrorail service in the Dulles Corridor. This has been strongly communicated in a response by the County.

Supervisor Hudgins asked unanimous consent that the Board send a letter to MWAA with a copy to the State noting its commitment and indicating that the

Board would like to reaffirm the commitment that it continue the subsidy as agreed upon until the rail project begins. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Herry being out of the room.

50. **EMERALD ASH BORER** (1:20 p.m.)

Supervisor Hudgins said that on July 8, 2008, staff identified sites in Herndon and Springfield infested with the emerald ash borer. These insects are a serious threat to ash trees across the County. This is only the second time that these non-native beetles have been found in the County since a minor outbreak was contained in 2003. This problem is so serious that the Virginia Department of Agriculture and Consumer Services issued a quarantine in the County on Monday, July 14 to halt the movement of ash trees out of the County.

Supervisor Hudgins said that this past Friday her office met with a utility company to discuss its tree cutting schedule in Hunter Mill District. The issue was raised with them.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to correspond directly with utility and tree services companies, specifically outlining what the process of obtaining a compliance agreement, so that they and their subcontractors are fully aware when clearing and removing trees in the County.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to include nurseries, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Bulova asked to amend the request to include the Virginia Department of Transportation, and this was accepted.

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

51. **TWENTY-FIFTH ANNIVERSARY OF SLAVE MEMORIAL (HUNTER MILL DISTRICT)** (1:22 p.m.)

Jointly with Supervisor Hyland, Supervisor Hudgins said that on Saturday, September 27 at 11 a.m., the Slave Memorial Wreath Laying Ceremony will be held at Historic Mount Vernon to commemorate the twenty-fifth anniversary of the dedication of the Slave Memorial on its premises. This monument is one of its kind and stands in tribute to the lives and legacies of those enslaved not only at Mount Vernon, but throughout the nation.

In recognition of this event, Black Women United for Action (BWUFA), along with a group of dedicated community volunteers, is organizing a series of dynamic outreach programs designed to further educate the public about the slave

connection, the monument's symbolic power and its compelling significance to American history. The theme for this year's commemoration is "A Salute to the US Military" with a major focus on the role patriotic slaves played in the early stages of the Revolutionary War to the present day.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the BWUFA to appear before the Board to be recognized for their efforts in educating the public about the richness, spirit, and creative resources embodying a group of people who survived such impoverished circumstances. Without objection, it was so ordered.

52. **NATIONAL SURFACE TRANSPORTATION POLICY AND REVENUE STUDY** (1:22 p.m.)

Supervisor Hudgins said that last week, the National Capital Region Transportation Planning Board (TPB) heard a presentation by the National Surface Transportation Policy and Revenue Study Commission. The report was compelling and outlined national challenges including deteriorating infrastructure and over-capacity of the current surface transportation system, price of congestion, needs, and causes of the crisis, as well as expiration of SAFETEA-LU in 2009.

Therefore, Supervisor Hudgins asked unanimous consent that the presentation be referred to the Board's Transportation Committee and that the Board direct staff to invite Tom Skancke, President of Skancke Company and a representative from the Study Commission, to address the committee at a future date. Without objection, it was so ordered.

53. **DEPUTY COUNTY EXECUTIVE VERDIA L. HAYWOOD PRESENTED WITH AWARD** (1:25 p.m.)

Supervisor Hudgins that on June 3 Deputy County Executive Verdia L. Haywood was presented with the 2008 Arnold B. Kassabian Memorial Award by the Fairfax Bar Association.

Supervisor Hudgins noted that Mr. Haywood's contributions have touched and improved the lives of thousands of County residents by designing programs and services for children and families of the County dealing with poverty, homelessness, mental health, or substance abuse issues.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Haywood to appear before the Board to be recognized for this achievement and for his dedication to improving the lives of so many in the County. Without objection, it was so ordered.

54. **RETIREMENT OF MR. MICHAEL RIERSON** (1:25 p.m.)

Supervisor Frey said that after 35 years with the County Park Authority, Michael Rierson is retiring. Mr. Rierson has worked tirelessly over the years to protect valuable artifacts, historic properties, cultural, and natural resources.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Rierson to appear before the Board on August 4 in recognition for his years of service to the County. Without objection, it was so ordered.

55. **FIFTIETH PASTORAL ANNIVERSARY FOR BISHOP FLOYD B. BROWN, JR. (SULLY DISTRICT)** (1:26 p.m.)

Supervisor Frey announced that that Bishop Floyd B. Brown, Jr. recently celebrated his fiftieth Pastoral Jubilee Anniversary with the Church of the Blessed Trinity in Centreville.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Bishop Brown to appear before the Board on September 22 for recognition of this wonderful accomplishment. Without objection, it was so ordered.

56. **COMMONWEALTH CENTRE PUBLIC HEARING (SULLY DISTRICT)** (1:26 p.m.)

Supervisor Frey said that to proceed with development of Commonwealth Centre the abandonment of a dedicated public roadway known as Newbrook Drive must occur. Staff has reviewed the proposal and asked the applicant to complete agreements and other items needed to proceed with the abandonment of the right-of-way. Ordinarily, action on a vacation/abandonment is not scheduled until all necessary agreements and revisions are complete. However, the applicant is on a tight construction schedule and has indicated it will have all outstanding issues resolved prior to a public hearing on this matter. Given the applicant's commitment, staff has agreed to allow the public hearing to be scheduled.

Therefore, Supervisor Frey moved that the Board authorize the advertisement of a public hearing to be held before the Board on September 8, 2008, regarding the abandonment of Newbrook Drive. The applicants understand that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards in any way. Supervisor Smyth seconded the motion and it carried by unanimous vote.

57. **INTENT TO DEFER PUBLIC HEARINGS (HUNTER MILL AND SULLY DISTRICTS)** (1:27 p.m.)

Supervisor Frey announced his intent to defer the following public hearings:

- Rezoning Application RZ 2007-SU-014
- Proffered Condition Amendment Application PCA 74-2-150

Supervisor Frey announced his intent to withdraw the Spot Blight Abatement Ordinance for 150ll Lee Jackson Memorial Highway. He added that the action was no longer necessary as the property owners are now in compliance.

Supervisor Hudgins announced her intent to defer the public hearing on Development Plan Amendment Application DPA B-846-03.

(NOTE: Later in the meeting, the Board deferred the public hearings. See Clerk's Summary Items #68 and #70.)

58. **1953 COUNTY PRIMARY AND SECONDARY HIGHWAY SYSTEM MAP** (1:29 p.m.)

Supervisor Frey said that County Primary and Secondary Highway System map dated January 1, 1953, had been found. He explained that he was turning it over to the Department of Transportation.

59. **FORMER VIRGINIA STATE SENATOR JOSEPH V. GARTLAN, JR. (MOUNT VERNON DISTRICT)** (1:30 p.m.)

(NOTE: Earlier in the meeting, the Board recognized the death of Senator Gartlan. See Clerk's Summary Item #1.)

Supervisor Hyland acknowledged the accomplishments of former Virginia State Senator Joseph V. Gartlan Jr., who recently died.

60. **CONCURRENT SITE PLAN PROCESSING – PROFFERED CONDITION AMENDMENT APPLICATION PCA 93-V-028-02 AND SPECIAL EXCEPTION APPLICATION SE 2007-MV-031 (MOUNT VERNON DISTRICT)** (1:31 p.m.)

Supervisor Hyland said that the applicant for Proffered Condition Amendment Application PCA 93-V-028-02 and Special Exception Application SE 2007-MV-031, Lorton Corner Road LLC, is requesting that the Board approve a motion for concurrent processing of its site plan.

Therefore, Supervisor Hyland moved approval of request for concurrent processing for the property which is the subject to Proffered Condition

Amendment Application PCA 93-V-028-02 and Special Exception Application SE 2007-MV-031 and direct staff to accept and review site plan submissions pertaining to this property. This motion should not be construed as a favorable recommendation on these applications, nor does this motion relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or standards. Supervisor Smyth seconded the motion and it carried by unanimous vote.

61. **RECOGNITION FOR CERTAIN COUNTY EMPLOYEES** (1:31 p.m.)

Supervisor Hyland said that earlier this month, two constituents were so impressed by County staff they took the time to write letters commending the assistance of Praveen Tewari and Prescott Barbash in the Department of Cable Communications and Consumer Protection and Luis Lopez and Gonzalo Cebas in the Facilities Management Department.

Supervisor Hyland referred to his written Board Matter explaining the actions of employees and he asked unanimous consent that the Board direct staff to place certificates of commendation in their personnel file with the appreciation of the Board. Without objection, it was so ordered.

62. **NOISE ORDINANCE INTERPRETATION FOR GENERATOR USE DURING A BLACKOUT** (1:32 p.m.)

Supervisor Hyland said that recently a resident of New Alexandria, who experienced flood damage to her basement during Hurricane Isabel in 2003, visited his office to request an amendment to the Noise Ordinance to allow the use of generators during a blackout. Some weeks before, County police officers informed her that someone called to complain that her generator's noise had kept them up late. However, her generator was powering her sump pump which was preventing her basement from flooding. Shortly after she turned the generator off, the police officers returned and apologetically informed her that her generator could remain on. Chapter 108-6-1 of the Noise Ordinance states that "an exemption from the provisions of this Chapter is granted for noise created in the performance of emergency work." He said that after requesting an interpretation from the Department of Planning and Zoning, he was informed that the use of a generator during a blackout meets the definition of an emergency.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Zoning Administrator to confirm this interpretation and circulate it to the Fairfax County Police Department to ensure its proper dissemination to the line officers. Without objection, it was so ordered.

63. **COST SAVINGS OF A FOUR DAY WORK WEEK** (1:33 p.m.)

Supervisor Hyland referred to his written Board regarding a four day work week and asked unanimous consent that the Board direct the Office of the County Executive to study the issues involving a four day work week to include its cost saving associated with County operating costs, its effect on the public's access to County services, compatibility with the teleworking program, and associated potential environmental benefits. Without objection, it was so ordered.

64. **RECESS/CLOSED SESSION** (1:34 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. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique Vereen*, Case No. CL-2006-0009795 (Fx. Co. Cir. Ct.) (Lee District)
 2. *Appeal Application A 2008-LE-030, Hermilio Machicao* (Lee District)
 3. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (United States Court of Appeals for the Fourth Circuit)
 4. *In re Grievance of Kenneth A. Carroll, Case No. 0810* (Fx. Co. Civil Service Commission)

5. *County of Fairfax, Virginia, on Behalf of Richard J. Curro v. Robert W. Barfield, Jr.*, Case No. CL 2008-0004639 (Fx. Co. Cir. Ct.)
6. *ARPA Enterprises, Inc. v. Fairfax County Zoning Administrator, et al.*, Case No. CL-2008-0002106 (Fx. Co. Cir. Ct.) (Providence District)
7. *Shirley Ann Stewart v. Court Services Division and Thomas B. Haddock, Esquire*, Case No. CL-2008-0004767 (Fx. Co. Cir. Ct.)
8. *Tuyen Pham v. Thuy Dang and Sung Yoon*, Case No. GV-08-014091 (Fx. Co. Gen. Dist. Ct.)
9. *Kenny Dang v. Thuy Dang and Sung Yoon*, Case No. GV-08-014090 (Fx. Co. Gen. Dist. Ct.)
10. *Tin Do v. Thuy Dang and Sung Yoon*, Case No. GV-08-014089 (Fx. Co. Gen. Dist. Ct.)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Ricardo Orellana and Angelica Orellana*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rime Milton Rojas Salguero and Yola Nancy Foronda de Jaldin*, Case No. CL-2008-0004293 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Javier Nava and Ana S. Nava*, Case No. CL-2008-0004727 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paula R. Brassfield*, Case No. CL-2007-0013238 (Fx. Co. Cir. Ct.) (Dranesville District)

15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yahya Feda and Mohamed Rjiba*, Case No. CL-2008-0004973 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susan Ruth, Executor for the Estate of John A. Ruth*, Case No. CL-2008-0000220 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vivian A. Cross and Julio Cross*, Case No. CL-2008-0004936 (Fx. Co. Cir. Ct.) (Providence District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas A. Porras*, Case No. CL-2008-0005010 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca D. Amaya*, Case No. CL-2008-0008084 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariam Del Carmen Machado and Lucio Machado*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor R. Fernandez, Lilian R. Rioja, Mario A. Cobarrubias, and Norca T. Cobarrubias*, Case No. CL-2008-0008081 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marina Flores and Domingo Flores*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Garcia, Rosa Garcia, and Virgilio Martinez*, Case No. CL-2008-0008359 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nick M. Pittas and Helen Pittas*, Case No. CL-2008-0008545 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur W. Smith and William T. Smith*, Case No. CL-2008-0008405 (Fx. Co. Cir. Ct.) (Providence District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu*, Case No. CL-2008-0006278 (Fx. Co. Cir. Ct.) (Providence District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Grover Ruiz*, Case No. CL-2008-0008360 (Fx. Co. Cir. Ct.) (Braddock District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. James D. Turner and Karen S. Turner*, Case No. CL-2008-0008137 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward Martinez Miranda*, Case No. CL-2008-0008037 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Dang and Lily Dang*, Case No. CL-2008-0007390 (Fx. Co. Cir. Ct.) (Dranesville District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olivero Leiva Mercado, Jacqueline Del Socorro Gomez, and Esterlina Zeledon*, Case No. CL-2008-0008255 (Fx. Co. Cir. Ct.) (Braddock District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hafiz Mohammad Imran*, Case No. CL-2008-0008257 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nida Hassan and Tahir Hassan*, Case No. CL-2008-0008404 (Fx. Co. Cir. Ct.) (Braddock District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Yi C. Ahn*, Case No. 08-0019341 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene S. Austin*, Case No. 08-0019342 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alan Mandelblat*, Case No. 08-0019344 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fatima Saine*, Case No. 08-0019343 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- Board of Supervisors v. McDonald's Corporation, et al., Virginia Supreme Court Record Number 001484.

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

DMS:dms

At 3:20 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTION FROM CLOSED SESSION**65. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (3:20 p.m.)**

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

AGENDA ITEMS**66. 3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-005 (EDUCATION FOR LIFE) (MASON DISTRICT) (3:21 p.m.)**

(NOTE: On June 30, 2008, the Board deferred the public hearing on this item until July 21, 2008.)

The application property is located at 3431-A Carlin Springs Road, Tax Map 62-1 ((1)) 16 F.

Mr. Benjamin T. Danforth reaffirmed the validity of the affidavit for the record.

Mr. Danforth 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.

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

- Mr. William B. Wrench

Discussion ensued, with input from Mr. Danforth, regarding the site location.

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 Special Exception Application SE 2008-MA-005, subject to the development conditions dated June 27, 2008.
- Modification of the barrier requirement in favor of that shown on the SE Plat.

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor McKay being out of the room.

67. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-DR-003 (CHEVY CHASE BANK, FSB) (DRANESVILLE DISTRICT)** (3:27 p.m.)

(NOTE: On June 30, 2008, the Board deferred the public hearing on this item until July 21, 2008.)

The application property is located at 1427, 1433, and 1441 Dolley Madison Boulevard, Tax Map 30-2 ((5)) 6, 9, and 10.

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

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

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

- Mr. B. Francis Saul III
- Bank of America Political Action Committee

Following the public hearing, Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Foust submitted items for the record.

Discussion ensued, with input from Mr. Flinn, regarding the:

- Development conditions.
- Contribution to the Dranesville District Walkways Fund.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2008-DR-003, subject to the development conditions dated July 21, 2008.
- Modification of the transitional screening requirement along Dolley Madison Boulevard, in favor of that shown on the SE Plat.
- Modification of the barrier requirement along Dolley Madison Boulevard, in favor of that shown in the Special Exception (SE) Plat.
- Waiver of the loading space requirement.
- Modification of the front yard requirement in a Commercial Revitalization District, in favor of what is shown on the SE Plat.
- Waiver of the service drive requirement along Dolley Madison Boulevard.
- Modification of the required peripheral parking lot landscaping, in favor of that shown on the SE Plat.
- Waiver of construction of the required on-road bike lane, in favor of a contribution by the applicant to the Dranesville District Walkways Fund.

Supervisor Bulova seconded the motion.

Supervisor Foust noted that this is one of the first commercial applications to agree to obtain LEED-Certification.

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

68. **3 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) (3:35 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 August 4, 2008, at 3:30 p.m. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

69. **3 P.M. – BOARD DECISION ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 15011 LEE JACKSON MEMORIAL HIGHWAY (SULLY DISTRICT)** (3:36 p.m.)

(NOTE: On June 30, 2008, the Board held a public hearing on this item and deferred decision until July 21, 2008.)

Supervisor Frey moved to withdraw the application to declare 15011 Lee Jackson Memorial Highway blighted, constituting a nuisance, because the owners voluntarily removed the fire damaged structure with a valid demolition permit and the blighted conditions no longer exist. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

70. **3:30 P.M. – PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA B-846-03 (RESTON SQUARE HOTEL LLC) (HUNTER MILL DISTRICT)** (3:37 p.m.)

On behalf of Supervisor Hudgins, Supervisor Gross moved to defer the public hearing on Development Plan Amendment Application DPA B-846-03 until August 4, 2008, at 3:30 p.m. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

71. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-MA-021 (GHANA AMERICAN COMMUNITY ASSOCIATION) (MASON DISTRICT)** (3:38 p.m.)

The application property is located at 6424 General Green Way, Tax Map 81-1 ((19)) 2.

Mr. Charles Osei Dankwah reaffirmed the validity of the affidavit for the record.

Mr. Dankwah 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 (ZED), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Special Exception Application SE 2007-MA-021, subject to the development conditions dated June 10, 2008. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

72. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-597-04 (JBG/TYCON 3 LLC AND JBG TYCON 2 LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2007-PR-014 (JBG/TYCON 3 c/o KENNETH F. FINKELSTEIN) (PROVIDENCE DISTRICT)

AND

A-6 – PARKING REDUCTION FOR TYCON III AND TYCON IV (PROVIDENCE DISTRICT) (3:44 p.m.)

[NOTE: Earlier in the meeting, the Board deferred action on A-6 – Parking Reduction for Tycon III And Tycon IV (Providence District). See Clerk's Summary Item #20.]

The application property is located in the southeast quadrant of the intersection of Howard Avenue and Boone Boulevard at 8229 Boone Boulevard, Tax Map 39-1 ((6)) B1 and 69A.

Mr. Antonio J. Calabrese reaffirmed the validity of the affidavit for the record.

Mr. Calabrese 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 Ms. Lewis and Mr. Calabrese, regarding the:

- Amount of acres advertised.
- Recycling program associated with the application.
- Attributes of a cool roof.
- Provisions for bicyclists.

- Preferential parking for hybrid vehicles.
- LEED-certification of the building.
- Energy Star appliances utilized by the building.

Following the public hearing, Catherine E. Lewis, 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 C-597-04 subject to the proffers dated June 18, 2008.
- Special Exception Application SE 2007-PR-019 (sic), subject to the development conditions dated May 15, 2008.
- Modification of the front yard requirement along Boone Boulevard, in accordance with Section 2-418 of the Zoning Ordinance.
- With reference to Action Item A-6, that the Board concur in the recommendation of staff and approve a parking reduction of 13.5 percent for Tycon IV, pursuant to Paragraph 4(B), Section 11-102 of the Zoning Ordinance as it applies to the 8.8 acre property identified as parcels 39-1 ((6)) B1 and 69A subject to the conditions recommended by the County Executive amending condition number eight to include the following at the end of the sentence, “prior to the approval of a site plan or site plan revision that utilizes this parking reduction.”

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

Following clarification from Ms. Lewis, Supervisor Smyth moved approval of Special Exception Application SE 2007-PR-014, subject to the development conditions dated May 15, 2008.

Supervisor Hyland seconded the motion, as amended, and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

73. **3:30 P.M. – PH ON A PROPOSAL TO ABANDON PART OF THE RIGHT-OF-WAY OF SANGER STREET (MOUNT VERNON DISTRICT)**
(3:57 p.m.)

- (O) (NOTE: On June 2, 2008, the Board deferred the public hearing on this item until July 21, 2008.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

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

Discussion ensued, with input from Mark Goetzman, Attorney, Walsh, Colucci, Lubeley, Emrich, and Walsh PC, regarding the installation of no parking signs.

Supervisor Hyland submitted items for the record.

Following the public hearing, Supervisor Hyland moved adoption of the Order for abandonment for part of the right-of-way of Sanger Street. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins and Supervisor McKay being out of the room.

DS:ds

74. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE TILBURY ROAD PROJECT (LEE DISTRICT)** (4 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

Tasneem Zore, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

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

Supervisor McKay moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project V00004 (RM101), Tilbury Road, Fund 303, County Construction. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and

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

75. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S07-IV-S1, WEST OF I-95 AND BACKLICK ROAD, NORTH OF FULLERTON ROAD (LEE DISTRICT)** (4:05 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

Cheryl Van Allen, Planner II, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ, regarding whether there are pending plan amendments in the immediate vicinity and the floor area ratio (FAR).

Following the public hearing, which included testimony by two speakers, Ms. Van Allen presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Gardner and James Chandler, Senior Transportation Planner, Transportation Planning Section, Department of Transportation, regarding the application.

Supervisor McKay moved that as an option, Parcels 99-1 ((1)) 22 and 23A may be appropriate for office use up to 1.4 FAR if consolidated. Alternatively, office and possible hotel use at an intensity of up to 1.6 FAR may be appropriate if parcels 99-1 ((1)) 22 and 23A and 99-1 ((5)) 3 and 4 are consolidated. In either scenario, the following conditions should be met:

- Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development.
- Provision of a unified development plan.
- Provision of vehicular access to Fullerton Road.
- Support retail is provided to serve employees and visitors.

Supervisor Foust seconded the motion.

Following discussion regarding density and the Engineering Proving Ground, the question was called on the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

76. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RECODIFICATION OF TITLE 63.1, CHAPTER 10 OF THE CODE OF VIRGINIA TO TITLE 63.2, CHAPTER 17** (4:29 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

Doug Hansen, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, 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 112 (Zoning Ordinance), as outlined by staff in the Board Agenda Item. The proposed amendment will become effective at 12:01 a.m. on the day following adoption. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Herrity, Supervisor Hudgins, and Supervisor Hyland being out of the room.

77. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PUBLIC HEARING NOTICE REQUIREMENTS FOR LEVY AND FEE AMENDMENTS** (4:32 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

Doug Hansen, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding public hearing notice requirements for levy and fee amendments, as presented in the staff report dated June 2, 2008, with an effective date of 12:01 a.m. on the day following adoption. Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Herrity, Supervisor Hudgins, and Supervisor Hyland being out of the room.

78. **4:30 P.M. – PH 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)** (4:34 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

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

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

Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Langley RPPD, District 20. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

79. **4:30 P.M. – PH 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)** (4:36 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

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

Following the public hearing, which included testimony by two speakers, Supervisor Herrity stated that he had an item for the record.

Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Stone Creek Crossing CPD, in accordance with current CPD restrictions. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Herrity and Supervisor Hudgins being out of the room.

80. **4:30 P.M. – PH 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)** (4:40 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

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

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Robinson RPPD, District 17. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey, Supervisor Herrity, and Supervisor Hyland being out of the room.

81. **4:30 P.M. – PH ON 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** (4:42 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

Michael Long, Senior Assistant County Attorney, presented the staff report.

Following discussion, with input from Mr. Long, regarding enforcement, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to relay to the Police Department the need for reinforced enforcement of this provision to the Code. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide information regarding the number of tickets issued in the past year for violating the handicapped parking restriction. Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to communicate to the Police Department that, when issuing the tickets, it include

that the \$500 fine is a violation of the County Code, not the State Code. Without objection, it was so ordered.

Discussion ensued, with input from Mr. Long, regarding whether there was a need for the current signs to reflect the new amount.

Following the public hearing, which included testimony by one speaker, Supervisor Gross noted that the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) still uses the antiquated term “handicapped” when referring to parking reserved for people with disabilities. The Fairfax Area Disability Services Board has requested the County drop that terminology and replace it with whatever the State is using.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to review this issue and report with recommendations. Without objection, it was so ordered.

Supervisor Hudgins moved adoption of the 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. The proposed amendment increases the handicap parking restriction fine in the County to the State maximum of \$500. In addition, the late fee is increased to \$25 if not paid within 15 days of the offense. Supervisor Gross seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide a list of County projects that were incomplete due to ADA compliance, or provide reference as to where the list can be found. Without objection, it was so ordered.

The question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE.”

82. **4:30 P.M. – PH ON 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** (4:53 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2008.

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

Discussion ensued, with input from Mr. Ross, regarding motorized vehicles.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles), regarding adoption of outstanding State Code sections, as outlined in the Board Agenda Item. Supervisor Bulova and Supervisor Smyth 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."

83. **BOARD ADJOURNMENT** (4:58 p.m.)

The Board adjourned.

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