



# ***CLERK'S BOARD SUMMARY***

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

**MONDAY  
November 17, 2008**

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**21-08**

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**DAL:dal**

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, November 17, 2008, at 9:41 a.m., there were present:

- Vice-Chairman Sharon Bulova, presiding
- 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

Mount Vernon District Supervisor Gerald W. Hyland and Chairman Gerald E. Connolly were absent from the entire meeting.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Karen J. Harwood, 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 A. Long, Deputy Clerk to the Board of Supervisors.

**BOARD MATTER**

1. **MOMENT OF SILENCE AND ABSENCE OF BOARD MEMBERS**  
(9:41 a.m.)

Vice-Chairman Bulova announced that Chairman Connolly will not be at the Board Meeting today because he is attending an orientation on Capitol Hill for newly elected Members of Congress.

Vice-Chairman Bulova asked everyone to keep in thoughts Mount Vernon District Supervisor Gerald Hyland, who is undergoing surgery today due to a car accident this past weekend.

**AGENDA ITEMS**

2. **PROCLAMATION DESIGNATING NOVEMBER 2008 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (9:43 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate November 2008 as "*Adoption Awareness Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Foust being out of the room, Supervisor Hyland and Chairman Connolly being absent.

3. **RESOLUTION OF RECOGNITION PRESENTED TO SAINT MARY OF SORROWS CATHOLIC CHURCH** (9:52 a.m.)

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Gross and moved approval of the Resolution of Recognition presented to Saint Mary of Sorrows Catholic Church for its 150<sup>th</sup> anniversary. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by a vote of seven, Supervisor Herrity being out of the room, Supervisor Hyland and Chairman Connolly being absent.

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

4. **RESOLUTION OF RECOGNITION TO HONOR THE LIFE OF MR. JEFFREY WATKINS** (9:57 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. and Mrs. Scott Watkins to posthumously honor the life of their son Jeffrey Watkins for his dedication to the residents of the County. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FRIENDS OF LITTLE ROCKY RUN** (10:07 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to the Friends of Little Rocky Run for its annual Alice Ferguson Potomac Watershed Cleanup. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. CONRAD EGAN** (10:15 a.m.)

(BACs) Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. Conrad Egan for his years of service to the Fairfax County Redevelopment and Housing Authority. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE MAGNET HOUSING PROGRAM** (10:25 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to HCD and the Magnet Housing program for receiving the 2008 Thomas H. Muehlenbeck Award. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Herrity being out of the room, Supervisor Hyland and Chairman Connolly being absent.

**ADDITIONAL BOARD MATTER**

8. **COUNTY RECEIVES AWARD AND APPOINTMENT OF SUPERVISOR HUDGINS AS SECRETARY-TREASURER FOR THE VIRGINIA ASSOCIATION OF COUNTIES (VACo)** (10:33 a.m.)

Supervisor Hudgins announced that the County received an innovative award in Health and Human Services at the VACo annual conference November 9-11. The award was given to Health and Human Services for healthy women, healthy babies. It is an important award in that it recognizes the County's programs that help keep babies healthy as they leave the hospital and begin their lives at home. On behalf of the Board, Supervisor Hudgins thanked the Department of Family Services and the Health Department for the work that they are doing on that program.

Supervisor Gross announced that Supervisor Hudgins was elected as Secretary-Treasurer of the VACo 2008-2009 Executive Committee. On behalf of the Board, she congratulated her on the appointment.

**AGENDA ITEMS**9. **10 A.M. – PRESENTATION OF THE ENVIRONMENTAL EXCELLENCE AWARDS** (10:36 a.m.)

Stella Koch, Chairman, Environmental Quality Advisory Council, presented the 2008 Environmental Excellence awards in three categories, as follows:

- County resident – Chet McLaren

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Gross and moved approval of the Certificate of Recognition presented to Mr. McLaren for his leadership roles and a wide range of environmental organizations both in the Braddock District and Countywide. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

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

- Organization – The Katherine K. Hanley Family Shelter

Supervisor Herrity moved approval of the Certificate of Recognition presented to representatives of the Katherine K. Hanley Family Shelter for incorporating a range of energy efficient measures, environmentally site design, and building material approaches and other environmental features in the design of the Katherine K. Hanley Family Shelter. Supervisor Hudgins and Vice-Chairman Bulova jointly seconded the motion and it carried by a vote of seven, Supervisor Frey being out of the room, Supervisor Hyland and Chairman Connolly being absent.

- Business – “Jack the Ripper” Certified Arborists Incorporated

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Gross and moved approval of the Certificate of Recognition presented to “Jack the Ripper” for its sustained and ongoing commitment to sound environmental business practices and its environmental preservation and beautification efforts. Supervisor Herrity and Supervisor Hudgins jointly seconded the motion and it carried by a vote of six, Supervisor Frey and Supervisor McKay being out of the room, Supervisor Hyland and Chairman Connolly being absent.

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

10. **10:15 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (10:53 a.m.)

Stella Koch, Chairman, EQAC, presented its annual report, and outlined several of the Council's recommendations concerning the County's environmental agenda as well as chapters within the report. Ms. Koch noted that the Council is in the process of creating a new chapter which will be an invitation for environmental stewardship for citizens within the County.

Understanding that budget constraints have impacted all programs within the County, and have resulted in some very challenging choices, including those affecting environmental services, Ms. Koch outlined the Council's three very specific requests as follows:

- Continue to support the breadth and depth of the environment programs that have been established.
- Consider implementation of a stormwater utility fee.
- Proceed with an Energy Coordinator position as recommended in the Fiscal Year 2009 Environmental Improvement Program.

On behalf of the Council, Ms. Koch expressed her thanks and appreciation to staff for continued outstanding work and willingness to meet with EQAC to discuss environmental issues. She personally acknowledged and thanked Noel Kaplan, Senior Environmental Planner, Department of Planning and Zoning, and Kambiz Agazi, Environmental Coordinator, Office of the County Executive, for their endless coordination efforts.

Supervisor Gross called the Board's attention to a table on Page 161 of the report regarding environmental crimes and encouraged citizens to call 911 for emergency environmental issues.

With regards to implementation of a stormwater utility fee, Supervisor Gross asked unanimous consent that the Board direct staff to update and re-circulate to the Board, in advance of the Fiscal Year 2010 Budget presentation, the information regarding stormwater utility fees to refresh the memories of the Board and acquaint the new Members of the Board with the issues.

Following discussion regarding this issue, with input from Anthony H. Griffin, County Executive, and Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, without objection, the request was so ordered.

Supervisor Smyth raised an issue regarding noise impact and recommended that the Council direct more attention to this issue.

Supervisor Smyth noted that while attending the VACo Conference, November 9–11, she attended a seminar regarding energy planning, and the Energy Coordinator for Loudoun County recommended the usage of energy accounting Software.

With regard to the Land Use and Transportation recommendations, Supervisor Smyth said the County needs to look at the overall impact and how to plan for the future.

Discussion ensued, with input from Ms. Koch, regarding the recommendation on lighting.

Discussion ensued regarding erosion and sediment controls.

With regard to the land use analysis, Supervisor McKay recommended that the council monitor the Virginia Department of Transportation 527 Program and how it will be implemented in the County.

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#### **ADDITIONAL BOARD MATTER**

11. **ORDERS OF THE DAY** (11:24 a.m.)

Vice-Chairman Bulova announced that appointments to citizen Boards, Authorities, Commissions, and Advisory Groups would be presented later in the meeting.

(NOTE: Later in the meeting, the appointments were presented. See Clerk's Summary Item #30.)

#### **AGENDA ITEMS**

12. **ADMINISTRATIVE ITEMS** (11:24 a.m.)

Supervisor Gross moved approval of the Administrative Items. The second to this motion was indistinguishable.

Supervisor Gross called the Board's attention to Admin 4 – Approval for the Fairfax-Falls Church Community Services Board (CSB) to Apply for and Accept Virginia Tobacco Settlement Foundation Funds for Implementation of an Early Childhood Prevention Program for Children Ages Three to Eight and discussion ensued regarding the:

- Inclusion of the wrong attachment.
- Timeframe of grant applications.

- Revised attachment.

Anthony H. Griffin, County Executive, called the Board's attention to Admin 13 – Authorization to Advertise a Public Hearing on the Proposed Comprehensive Agreement with JPI Development Services, LP for the Development and Operation of “The Residences at the Government Center” Pursuant to the Public-Private Education and Infrastructure Act of 2002 (Springfield District) and asked that the Board defer action on this item until after closed session.

Supervisor Gross amended her motion to approve the Administrative Items, with the exception of Admin 13, and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Foust being out of the room, Supervisor Hyland and Chairman Connolly being absent.

**ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, SPRINGFIELD, AND SULLY DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-H08-49	Cricket Communications Antenna colocation on existing monopole 10907 Sunset Hills Road (Hunter Mill District)	January 16, 2009
FS-D08-50	Cricket Communications Antenna colocation on existing tower 9916 Georgetown Pike (Great Falls Volunteer Fire Department station) (Dranesville District)	January 16, 2009
FS-S08-73	Cricket Communications Antenna colocation on existing monopole 7008 Elkton Drive (Springfield District)	January 16, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L08-100	MediaFLO USA, Incorporated Antenna colocation on existing tower 3900 San Leandro Place (Lee District)	January 22, 2009
FS-S08-101	MediaFLO USA, Incorporated Antenna colocation on existing tower 6199 Old Arrington Lane (Springfield District)	January 22, 2009
FS-Y08-102	AT&T Mobility Corporation Antenna colocation on existing electric transmission tower Bay Valley Lane (Sully District)	January 22, 2009
FS-B08-103	T-Mobile Northeast LLC Antenna colocation on existing monopole 9525 Little River Turnpike (Woodson High School) (Braddock District)	January 25, 2009
FS-S08-64	Cricket Communications Antenna colocation on existing monopole 9501 Old Burke Lake Road (Burke Volunteer Fire Department station) (Springfield District)	January 26, 2009
FS-S08-68	Cricket Communications Antenna colocation on existing monopole 5755 Revercomb Court (former Police Firing Range) (Springfield District)	January 26, 2009
FS-Y08-104	T-Mobile Northeast LLC Rooftop antennas 14631 Lee Highway (Sully District)	January 31, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-D08-81	Cricket Communications Rooftop antennas 1350 Beverly Road (Dranesville District)	February 5, 2009

**ADMIN 2 – ADDITIONAL TIME TO RECORD THE SUBDIVISION FOR SPECIAL EXCEPTION APPLICATION SE 2003-LE-036, DIANE COX BASHEER, TRUSTEE, AND KENNETH O. THOMPSON, TRUSTEE (LEE DISTRICT)**

- (AT) Approved the request for 18 months of additional time to record the subdivision for Special Exception Application SE 2003-LE-036 to December 21, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, MASON, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
5501 Sideburn Road	Braddock	Sideburn Road (Route 653) [Additional Right-of-Way (ROW) only]
Forest Heights Estates	Dranesville	Forest Heights Court
Bell Manor Estates	Mason	Bell Manor Court  Summers Lane (Route 3399) (Additional ROW only)
ZP NO 40 LLC	Mount Vernon	Richmond Highway (US Route 1) (Additional ROW only)
Monument Drive at Fairfax Corner	Springfield	Monument Drive (Route 7969)
Monument Drive at Fairfax Corner BOS Property	Springfield	Monument Drive (Route 7969)  Monument Drive (Route 7969) (Additional ROW only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Grand View – Section One	Sully	Old Centreville Road (Route 898) (Additional ROW only)

**ADMIN 4 – APPROVAL FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT VIRGINIA TOBACCO SETTLEMENT FOUNDATION FUNDS FOR IMPLEMENTATION OF AN EARLY CHILDHOOD PREVENTION PROGRAM FOR CHILDREN AGES THREE TO EIGHT**

NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

Authorized CSB to apply for and accept funding in the amount of \$218,307 from the Virginia Tobacco Settlement Foundation for a grant designed to support the Al's Pals: Kids Making Healthy Choices Program, a tobacco use prevention program for youth ages three to eight. The total award will be disbursed as follows: \$70,266 for year one; \$73,041 for year two; \$75,000 for year three.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SINGLETONS GROVE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **December 8, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Singletons Grove CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- Old Centreville Road (Route 858), from Tanners House Way to cul-de-sac inclusive, east side only.
- Singletons Way (Route 7784), from New Braddock Road to Old Centreville Road; from New Braddock Road to the south west corner of parcel 62-5((05))A.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **December 8, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Robinson RPPD, District 17.

The proposed district expansion includes Sideburn Road (Route 653), from Portsmouth Road to Stallworth Court.

**ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MOUNT VERNON DISTRICT)**

- Endorsed traffic calming measures for Highland Lane consisting of two speed humps on Highland Lane (Mount Vernon District).
- Directed staff to request the Virginia Department of Transportation to install the approved measures as soon as possible.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE WHITE OAKS COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 8, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the White Oaks CPD, in accordance with current CPD restrictions. The proposed district expansion includes Ashbridge Court (Route 5856), from Shiplett Boulevard to the cul-de-sac inclusive.

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE RESTON COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 8, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Reston CPD, in accordance with current CPD restrictions.

**ADMIN 10 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100-\$500 VIOLATION FINE SIGNS AND WASHINGTON AND OLD DOMINION (W&OD) REGIONAL PARK TRAIL CROSSINGS**

Endorsed the installation of Yield to Pedestrians in Crosswalk \$100-\$500 Violation Fine signs at the five subject locations, as shown in Attachment I of the Board Agenda Item dated November 17, 2008.

**ADMIN 11 – FORMAL ACCEPTANCE OF THE DEDICATION OF MURDOCK STREET BY FAIRFAX COUNTY (SULLY DISTRICT)**

- (R) Adopted a Resolution accepting the offer of dedication for Murdock Street.

**ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09068 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR TRAFFIC MANAGEMENT RELATED TO THE CONSTRUCTION OF THE HIGH OCCUPANCY TOLL (HOT) LANES PROJECT**

- (SAR) Approved SAR AS 09068 for FCPD to accept funding from VDOT in an amount not to exceed \$2,658,147 to be used for traffic and incident management during the HOT lanes project. No local cash match is required.

**ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED COMPREHENSIVE AGREEMENT WITH JPI DEVELOPMENT SERVICES, LP FOR THE DEVELOPMENT AND OPERATION OF “THE RESIDENCES AT THE GOVERNMENT CENTER” PURSUANT TO THE PUBLIC-PRIVATE EDUCATION AND INFRASTRUCTURE ACT OF 2002 (SPRINGFIELD DISTRICT)**

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 7.)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk’s Summary Item #43.)

13. **A-1 – APPROVAL OF GRANT TRANSFER TO CLEAN FAIRFAX COUNCIL, INCORPORATED AND THE ALICE FERGUSON FOUNDATION** (11:28 a.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Herrity and Supervisor Hudgins, and carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent, the Board concurred in the recommendation of staff and approved the transfer of State Litter Prevention and Recycling Grant funding of \$97,104 to Clean Fairfax Council, Incorporated, and \$25,000 to the Alice Ferguson Foundation.

14. **A-2 – APPROVAL OF THE REVISED VOLUNTEER FIRE COMMISSION CHARTER** (11:29 a.m.)

- (BACs) On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent, the Board concurred in the recommendation of staff and approved and adopted the revised charter for the Volunteer Fire Commission.

15. **A-3 – APPROVAL OF THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ (CRS) FIELD ALLOCATION POLICY**  
(11:29 a.m.)

(P) Supervisor Gross moved that the Board approve the CRS Field Allocation Policy. Supervisor Smyth seconded the motion.

Supervisor Gross called the Board’s attention to handwritten page 15, item number 6, of the Board Agenda Item, and discussion ensued, with input from Patricia D. Franckewitz, Director, CRS, regarding the:

- Ratio of children to chaperones.
- Party responsible for the children.
- Problem of public urination.
- Field-use monitors.
- Purchase of the properties, utilities, and the cost to the County.
- Usage hours and the time allotted for the community.

The question was called on the motion and carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

16. **A-4 – APPROVAL OF THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ (CRS) GYM ALLOCATION POLICY**  
(11:50 a.m.)

(P) On motion of Supervisor Gross, jointly seconded by Supervisor Hudgins and Supervisor Smyth, and carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent, the Board concurred in the recommendation of staff and approved the proposed Gym Allocation Policy.

17. **A-5 – APPROVAL OF DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ (CRS) POLICY REGARDING A MEMORANDUM OF UNDERSTANDING (MOU) FOR SYNTHETIC TURF FIELDS** (11:51 a.m.)

(P) Supervisor Gross moved approval of the CRS policy regarding a MOU for synthetic turf fields. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Patricia D. Franckewitz, Director, CRS, and Christopher A. Leonard, Deputy Director, CRS, regarding the:

- Impact of this item on pending MOUs.

- Mini-grant proposal.
- Fields and the allocation process.
- School usage of the fields.
- Adoption of a field.
- Allocation based on play and the lack of flexibility.

Supervisor Gross withdrew her original motion and moved that action on this item be deferred until late January. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Ms. Franckewitz, regarding the possible need for action on this item in December.

Vice-Chairman Bulova relinquished the gavel to Acting-Chairman Smyth and moved that action on this item be deferred until December 8, 2008.

Following discussion, Vice-Chairman Bulova withdrew her motion.

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

The question was called on the motion, to defer action on this item until late January, and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

18. **A-6 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), THE UNITED STATES (US) ATTORNEY FOR THE DISTRICT OF COLUMBIA (DC), AND THE METROPOLITAN POLICE DEPARTMENT (MPD) OF WASHINGTON, DC** (12:18 p.m.)

Supervisor Gross the Board concur in the recommendation of staff and authorize the Chief of Police to sign the MOU between the FCPD, the US Attorney for DC, and the MPD, authorizing FCPD to participate as members in the Presidential Inauguration Task Force (PITF). Supervisor McKay seconded the motion.

Discussion ensued, with input from Maggie DeBoard, Major, Police Department, regarding the payback period.

The question was called on the motion and carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

19. **A-7 – APPROVAL TO ACCEPT THE TERMS AND CONDITIONS FOR FAIRFAX COUNTY DONATION TO THE MEDICAL CARE FOR CHILDREN PARTNERSHIP (MCCP) FOUNDATION AND MEDICAL CARE FOR CHILDREN PARTNERSHIP FUND AGREEMENT**  
(12:20 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize the County Executive to:

- Give notice to terminate the existing agreement between the Northern Virginia Community Foundation (NVCF) and the County and to request transfer of all assets held by NVCF in the fund to the MCCP Foundation.
- Execute agreements substantially in the form of the Terms and Conditions for Fairfax County Donation to the Medical Care for Children Partnership Foundation and the Medical Care for Children Partnership Fund Agreement.

Supervisor Herrity seconded the motion.

Discussion ensued, with input from Patricia M. Stevens, Executive Director, Office of Public Private Partnerships, regarding the:

- Usage of the Endowment Fund.
- Number of children serviced under the MCCP Foundation.
- Decline in the number of children being serviced and the attribution factor.
- Operational piece and cost.

The question was called on the motion and carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

20. **A-8 – APPROVAL OF PRINCIPLES FOR THE AUTHORIZATION OF THE FEDERAL SURFACE TRANSPORTATION PROGRAM [FISCAL YEAR (FY) 2010 TO FY 2015]** (12:25 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and:

- Endorse the principles for the next authorization of the Federal Surface Transportation Program to cover the period from Federal FY 2010 to FY 2015, as outlined in the Board Agenda Item dated November 17, 2008.

- Direct staff to communicate the principles to the County's Federal delegation and other key members of Congress.
- Endorse the transportation projects for consideration for inclusion in a Federal economic stimulus package.

Supervisor Hudgins seconded the motion.

Supervisor Smyth mentioned that she had announced a project on Friday, November 14, for inclusion in this item and asked unanimous consent that the program possibly be added later, once finalized by Katharine D. Ichter, Director, Department of Transportation. Without objection, it was so ordered.

The question was called in the motion and carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

21. **A-9 – APPROVAL OF A PROPOSED AMENDMENT TO THE CONSOLIDATED PLAN ONE YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2009 TO INCLUDE THE IMPLEMENTATION OF NEIGHBORHOOD STABILIZATION PROGRAM (NSP) ACTIVITIES**  
(12:27 p.m.)

Discussion ensued, with input from Paula C. Sampson, Director, Department of Housing and Community Development (HCD), and John Payne, Acting Deputy Director, Real Estate and Development, HCD, regarding the NSP activities and the fiscal impact of the two new positions.

Supervisor Foust called the Board's attention to handwritten page 13 of the Board Agenda Item, and discussion ensued, with input from Ms. Sampson and Mr. Payne, regarding the:

- 15 percent discount.
- Affordable housing dollars for 30 years.
- Examination of a person's financial condition after 15 years.
- Implementation of a two percent interest rate.
- Views from the non-profit community on this program.
- Reasoning for waiting the 15 years for recertification.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and:

- Adopt the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to include the implementation of NSP activities with the federal funding allocation of \$2,807,300.
- Authorize signature of the Consolidated Plan Certifications and Federal funding application form (SF424) required by the US Department of Housing and Urban Development (HUD).
- Authorize the Department of Housing and Community Development (HCD) to request additional NSP funds from the State.
- Authorize modifications to the existing Silver Lining Program.

Vice-Chairman Bulova seconded the motion.

Supervisor Frey asked to amend the motion to examine all sales in the vicinity of the proposed sale and to change certification from every 15 years to **every year**. This was accepted.

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

- Annual recertification process.
- Reflection of the value of the property in the recertification process.
- Equity returned to the County.
- Application of an affidavit.
- Silver Lining Program and the recertification process after five years.
- Impediment of purchasing properties and the 15 percent discount.
- Factors associated with pricing.
- Role recertification plays in the Zoning Ordinance.
- Properties converted into rental units and ensuring the original owners are still living there.

Supervisor Hudgins called the Board's attention to handwritten page seven of the Board Agenda Item, and asked unanimous consent that:

- The zip code for Herndon in the fourth paragraph be changed to **20170**.
- Herndon be changed to **Reston** in the eighth paragraph.

Without objection, it was so ordered.

Discussion ensued further, with input from Ms. Sampson, regarding the inclusion of language for persons with disabilities in this item.

Vice-Chairman Bulova relinquished the gavel to Acting-Chairman Gross and asked unanimous consent that the Board direct staff to examine the:

- Federal funding associated with this program.
- Two percent interest rate and the 15 percent below appraisal value.
- One year versus the 15 year recertification process.
- Zoning Ordinance compliance and the possibility of rental properties existing.
- Private versus the foreclosure sales.
- Possible inclusion for persons with disabilities.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

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

22. **A-10 – ENDORSEMENT OF COUNTY STAFF COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT FOR THE NATIONAL MUSEUM OF THE UNITED STATES ARMY AT FORT BELVOIR, VIRGINIA (MOUNT VERNON DISTRICT)** (12:56 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Herrity, and carried by a vote of seven, Supervisor Hudgins being out of the room, Supervisor Hyland and Chairman Connolly being absent, the Board concurred in the recommendation of staff and:

- Approved the cover letter and comments prepared by staff on the Draft Environmental Assessment and Finding of No Significant Impact for the National Museum of the US Army at Fort Belvoir.

- Authorized the transmittal of these materials to Fort Belvoir.

23. **I-1 – CONTRACT AWARD – OPEN-END CONTRACTS FOR GEOTECHNICAL ENGINEERING AND RELATED SERVICES**  
(12:58 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2008, requesting authorization for staff to award open-end contracts to the firms of Burgess and Niple, Incorporated, and ECS Mid-Atlantic, LLC in the not-to-exceed amount of \$200,000 per one year term for geotechnical engineering and related services required to accomplish projects in the Park Authority's Capital Improvement Program.

Discussion ensued, with input from Deborah Garris, Branch Manager, Synthetic Turf Fields Branch, Park Authority, regarding the not-to-exceed amount.

The staff was directed administratively to proceed as proposed.

24. **I-2 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE I-66 SOLID WASTE TRANSFER STATION WORKERS' FACILITY (SPRINGFIELD DISTRICT)**  
(12:59 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2008, requesting authorization for staff to award a contract to Ritter Architects, PLLC in the amount of \$101,211 to provide preliminary architectural and engineering services for the I-66 Workers Facility, Project 174007, in Special Revenue Fund 110, Refuse Disposal.

The staff was directed administratively to proceed as proposed.

25. **I-3 – CONTRACT AWARD – KENMORE SUBDIVISION SANITARY SEWER EXTENSION AND IMPROVEMENT (DRANESVILLE DISTRICT)** (12:59 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2008, requesting authorization for staff to award a contract to Jones Sitework, Incorporated, in the amount of \$444,607.30 for the construction of the Kenmore Subdivision Sanitary Sewer Extension and Improvement, Project X00826, Extension Projects, Fund 402, Sewer Construction Improvements.

Following a brief discussion regarding engineering estimates, the staff was directed administratively to proceed as proposed.

26. **I-4 – CONTRACT AWARD – ANNUAL CONTRACT FOR CONSTRUCTION SERVICES** (1:01 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2008, requesting authorization for staff to award a contract to Ashburn Contracting Corporation in the amount of \$2,925,734 for the Annual Contract for Construction Services. The contract will provide for general horizontal construction including earthwork, concrete, paving, pedestrian improvements, sewers and other miscellaneous items.

The staff was directed administratively to proceed as proposed.

27. **I-5 – CONTRACT AWARD – ANNUAL CONTRACT FOR STORMWATER AND FLOOD PROOFING IMPROVEMENTS** (1:01 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2008, requesting authorization for staff to award a contract to Environmental Quality Resources, LLC in the amount of \$1,803,827.90 for the annual contract for Stormwater and Flood Proofing Improvements. This contract provides for construction, repair, and enhancement of multiple stormwater ponds, storm drainage, stream restoration, and flood proofing projects countywide.

The staff was directed administratively to proceed as proposed.

28. **I-6 – MOBILITY DEVICE SECUREMENT POLICY** (1:01 p.m.)

(P) The Board next considered an item contained in the Board Agenda dated November 17, 2008, requesting authorization for staff to implement the New Mobility Device Securement Policy effective January 1, 2009.

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

- Interchangeable usage of buses.
- Specific requirements and laws applicable for school buses.
- Improvements needed to the buses to use them interchangeably.
- Practicality of interchangeable usage of school buses.
- Encouragement of the school community to use mass transit.

The staff was directed administratively to proceed as proposed.

29. **I-7 – FAIRFAX CONNECTOR CHARTER BUS SERVICE POLICIES AND RATES** (1:05 p.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2008, requesting authorization for the Department of Transportation to:

- Operate FAIRFAX CONNECTOR charter bus service according to the policies outlined in the Board Agenda Item.
- Implement the hourly charter rate of \$75.00, effective January 1, 2009, and \$80.00, effective July 1, 2009, with semi-annual adjustments thereafter.

The staff was directed administratively to proceed as proposed.

**EBE:ebe**

30. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (1:05 p.m.)

(APPTS)  
(BACs)

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD**

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

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointments of the Braddock District, Mason District, and Mount Vernon District Business Representatives.

**ARCHITECTURAL REVIEW BOARD**

Supervisor McKay moved the reappointment of Ms. Pamela J. Cressey as the Related Professional Group #2 Representative. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

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

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

**CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS**

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

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

Supervisor Smyth moved the appointment of Mr. Michael B. Fraser as the Providence District Representative. Supervisor Gross seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

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

**CHILD CARE ADVISORY COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**CITIZENS CORPS COUNCIL**

Supervisor Smyth moved the appointment of Ms. Jean L. Zettler as the Providence District Representative. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**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.

**COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)****CONFIRMATION:**

Supervisor Gross moved confirmation of the following appointment:

- Mr. Daniel J. Conway as the City of Fairfax At-Large #3 Representative

Supervisor Smyth seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**CONSUMER PROTECTION COMMISSION**

Supervisor Frey moved the appointment of Ms. Felicia Boyd as the Fairfax County Resident #3 Representative. Supervisor McKay seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

Supervisor Herrity moved the appointment of Mr. Harold C. Belkowitz as the Fairfax County Resident #8 Representative. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**FAIRFAX AREA DISABILITY SERVICES BOARD**

On behalf of Chairman Connolly, Vice-Chairman Bulova moved the reappointment of Ms. Judy Goodman Corn as the At-Large Chairman's Representative. Supervisor McKay seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

Supervisor Herrity moved the appointment of Ms. Keysha K. Blakely as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

The Board deferred the appointments of the At-Large #2 Business Community Representative, and the Braddock and Lee District Representatives.

**FAIRFAX COMMUNITY LONG TERM COORDINATING COUNCIL****CONFIRMATIONS:**

Supervisor Hudgins moved confirmation of the following appointments:

- Mr. Thomas C. West as the Business/Corporation #3 Representative
- Mr. Kenneth Connelly as the INOVA Health Systems Representative
- Mr. Albert J. McAloon as the Redevelopment and Housing Authority Representative

Supervisor Smyth seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

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

On behalf of Chairman Connolly, Vice-Chairman Bulova moved the appointment of Ms. Jane Haycock Woods as the At-Large #2 Representative. Supervisor Gross seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**HEALTH SYSTEMS AGENCY BOARD**

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

**HUMAN SERVICES COUNCIL**

Supervisor Herrity moved the reappointment of Mr. Robert Gaudian as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

The Board deferred the appointment of the At-Large #7 Representative.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointment of the Providence District Representative.

**SMALL BUSINESS COMMISSION**

Supervisor McKay moved the appointment of Ms. Kelly Pride Hebron as the Lee District Representative. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointment of the Tenant Member #1 Representative.

**TREE COMMISSION**

Supervisor Smyth moved the reappointment of Ms. Penelope Firth as the Providence District Representative. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**YOUTH BASKETBALL COUNCIL ADVISORY BOARD****CONFIRMATION:**

Supervisor Hudgins moved confirmation of the following appointment:

- Ms. Mary Thompson as the Mott Community Center Representative

Supervisor Smyth seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**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.

NV:nv

**ADDITIONAL BOARD MATTERS**

31. **RECOGNITION OF THE PRESENCE OF THE HONORABLE JAN L. BRODIE** (1:15 p.m.)

Vice-Chairman Bulova recognized the presence of the Honorable Jan L. Brodie in the Board Auditorium and warmly welcomed her. Judge Brodie had formerly served as a deputy County attorney.

32. **ORDERS OF THE DAY** (1:15 p.m.)

Citing the lateness of the hour, Vice-Chairman Bulova announced that the Board would proceed expeditiously with the presentation of as many Board Matters as possible before recessing for lunch prior to the closure of the cafeteria.

Vice-Chairman Bulova announced that she would be presenting Chairman Connolly's Board Matters in his absence.

33. **FAIRFAX COUNTY EXPRESSES GRATITUDE TO ALL THOSE WHO ASSISTED IN THE SEARCH FOR POLICE LIEUTENANT FRANK STECCO** (1:16 p.m.)

On behalf of Chairman Connolly, Vice-Chairman Bulova cited the tragic loss of a County police officer, Second Lieutenant Frank Stecco, on October 21, 2008, during a training mission in Pohick Bay. Lieutenant Stecco volunteered to assist in the County's helicopter water rescue training operations, continuing his tradition of service to the safety of others. He was laid to rest on October 30.

Vice-Chairman Bulova said that everyone was moved by the many jurisdictions and groups that offered assistance during this tragedy. Therefore, in this time of grief, on behalf of Chairman Connolly and the Board, she publicly thanked the many agencies, jurisdictions, and groups involved: the US Coast Guard; the US Navy; the Federal Bureau of Investigation; the US Park Police; the Commonwealth of Virginia; the state of Maryland; the state of North Carolina; Prince William County; Loudoun County; the City of Manassas; Spotsylvania County; the District of Columbia; Montgomery County; Anne Arundel County; Prince George's County; Charles County; Dogs East; Mid Atlantic Dogs; Search and Rescue Dogs of Maryland; individual residents of the region who searched along their own property lines; as well as the men and women of the County Police and Fire and Rescue Departments and Sheriff's Office.

On behalf of Chairman Connolly and the entire Board, Vice-Chairman Bulova said that the Board's thoughts continue to go out to Lieutenant Stecco's family, friends, and coworkers.

34. **VIRGINIA ASSOCIATION OF COUNTIES RESOLUTION REGARDING THE PASSAGE OF A NATIONAL STIMULUS** (1:18 p.m.)

On behalf of Chairman Connolly, Vice-Chairman Bulova said that in February, Congress enacted the Economic Stimulus Act (PL 110-185), which provided rebate checks for individuals, and tax incentives aimed at businesses. Although a second stimulus package has yet to be enacted, stimulus measures have been included in recent laws. For example, the supplemental appropriations measure (PL 110-252) enacted in June included a 13-week extension of unemployment insurance benefits beyond the 26 weeks generally allowed in most states. The recently enacted housing law (PL 110-289) included provisions that enabled

certain businesses, including automakers, to take advantage of the business incentives of the original stimulus bill.

There have been proposals for a second stimulus from both the House and Senate leadership, including a bill that passed the House in September, providing \$60.8 billion, including \$18.5 billion for various agencies of the Transportation Department, \$7.5 billion for drinking water and sewer projects, \$5 billion for water resources infrastructure, \$3 billion for repairing schools, \$1 billion for the repair and construction of public housing, \$1 billion to support a loan program for advanced battery technology, and \$500 million for job training programs at the Labor Department.

However, this funding would go through the states, and not directly to local governments. During the Virginia Association of Counties (VACo) annual meeting, held November 9-11, 2008, the VACo Board of Directors adopted a resolution urging the President of the US and Congress to enact an additional Economic Stabilization Act to include **direct** assistance to guarantee and protect existing local investments, to include direct assistance for documented and unmet infrastructure needs, to create new jobs, and to meet mandated entitlements and programs.

Vice-Chairman Bulova said that on Friday, November 14, the Board's Legislative Committee recommended support for this resolution to the full Board.

Therefore, on behalf of Chairman Connolly, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Gross and moved that the Board direct staff to compile a list of County infrastructure projects for the Board to provide to the members of Congress for inclusion in a national stimulus package. These projects should reflect County priorities and be ready for construction within one year. Supervisor McKay seconded the motion, which carried by a vote of seven, Supervisor Frey being out of the room, Supervisor Hyland and Chairman Connolly being absent.

35. **ISSUES FAIRFAX, COOL BUSINESS** (1:21 p.m.)

Vice-Chairman Bulova announced that the theme of the 2008 Issues Fairfax conference, sponsored by the County Chamber of Commerce, George Mason University, and the County, is environmental stewardship. Panel discussions at this event will address Cool Counties and Cool Neighborhoods. In addition, Issues Fairfax will highlight Cool Businesses, a voluntary program in which businesses commit to greenhouse gas reductions of two percent annually, consistent with the Cool Counties objectives. Cool Businesses was developed by local chapters of the Sierra Club in coordination with the business community. It represents a vehicle for achieving private sector emissions reductions to complement reductions that the County is making within its own operations.

On behalf of Chairman Connolly, Vice-Chairman Bulova moved that the Board direct staff in the Office of Public Affairs to:

- Work with the County Chamber of Commerce to publicize Issues Fairfax, which will be held on December 17 at George Mason University.
- Invite businesses that sign the Cool Businesses pledge to be recognized by the Board at the December 8 meeting.

Supervisor Hudgins seconded the motion.

Following a query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule for that day, the question was called on the motion, which carried by a vote of seven, Supervisor Frey being out of the room, Supervisor Hyland and Chairman Connolly being absent.

36. **LEED CERTIFICATION FOR FAIRFAX CENTER FIRE STATION (SPRINGFIELD DISTRICT)** (1:23 p.m.)

On behalf of Chairman Connolly, Vice-Chairman Bulova reminded the Board that the County constructed the Fairfax Center Fire Station (Station Number 40) to meet Leadership in Energy and Environmental Design (LEED) standards by incorporating the use of natural lighting, energy efficient HVAC system, recycled and non-toxic materials, reflective roofing materials, and a biological retention pond.

The station recently was awarded a Certification level of achievement under the US Green Building Council's LEED Green Building program. It is the first County facility to achieve formal certification under the LEED program.

Completed in 2006, Station 40 was one of two pilot projects built by the Department of Public Works and Environmental Services (DPWES) using sustainable development practices. That initiative led to the recently adopted Sustainable Development Policy, which supports the overall environmental goals established by the Board in its Environmental Agenda

Based on utility records for this fire station, County staff estimates an annual savings of \$15,000 per year will be achieved through reduced consumption of energy and water.

This facility is one of five "Green Building" projects that have been completed by the County, and it is the second County building to be formally certified, following the Green Globes certification of the Katherine K. Hanley Family Shelter. This achievement of formal LEED certification for Fire Station 40 reflects the priority of the Board for environmental stewardship, and it is a significant milestone in the implementation of the County's Sustainable Development Program.

DPWES is pursuing LEED certification for three other recently completed projects and is working on a total of 19 more projects using LEED standards.

On behalf of Chairman Connolly, Vice-Chairman Bulova noted the following members of County staff who were instrumental in this noteworthy achievement include:

- DPWES – Teresa Lepe and Carey Needham of the Planning and Design Division and Hank Houde and Brad Melton of the Construction Management Division.
- Department of Fire and Rescue – Assistant Chief Daryl Louder and Edie Beitzel (who has since retired from the Planning Section).

To thank and congratulate staff for their work on this project, on behalf of Chairman Connolly, Vice-Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to publicize this tremendous achievement and the County's ongoing efforts in this arena. Without objection, it was so ordered.

37.

**RECOGNIZING PROJECT TEAMS FOR McCONNELL PUBLIC SAFETY AND TRANSPORTATION OPERATIONS CENTER (PSTOC) BUS OPERATIONS CENTER AND WEST OX COMPLEX SITE INFRASTRUCTURE** (1:25 p.m.)

On behalf of Chairman Connolly, Vice-Chairman Bulova noted that last month's ribbon cutting for the new McConnell PSTOC was the culmination of a tremendous multi-year, multi-agency effort involving the County, the Commonwealth of Virginia, and other partners. This state of the art facility is the first of its kind in the nation and will provide enhanced public safety responses throughout the region and expanded public transit service into central and western Fairfax County. She joined Chairman Connolly and the Board in thanking and congratulating everyone involved for demonstrating an exceptional spirit of collaboration throughout the development, design, and construction of the projects at the West Ox Campus, as well as for their efforts in completing these critical investments on schedule and within budget.

Therefore, on behalf of Chairman Connolly, Vice-Chairman Bulova asked unanimous consent that the Board direct staff to invite the McConnell PSTOC, Bus Operations Center and West Ox Complex Site Infrastructure project team members to appear before the Board at its December 8 meeting to be recognized for their valuable service to these projects. Without objection, it was so ordered.

38. **PARK AUTHORITY WINS NATIONAL ACCREDITATION** (1:27 p.m.)

On behalf of Chairman Connolly, Vice-Chairman Bulova announced that the Park Authority has become the newest fully-accredited park agency in the nation. In awarding this recognition, the Commission for Accreditation of Park and Recreation Agencies (CAPRA) in Baltimore noted that the County met all 155 performance criteria, a significant accomplishment recognized as very difficult to accomplish.

Already recognized nationwide as a leader in parks and recreation, the Park Authority embarked on this nearly two-year effort in late 2006. Accreditation is a rigorous process of assessment and peer review using national standards of best practice to better promote the quality of agency services and delivery systems. Accreditation gives independent verification that basic standards and desirable practices and policies have been met, which in turn helps to build community support and recognition. Accreditation also can lead to increased efficiency and effectiveness of operations, enhance services, and provide the public with evidence of agency accountability.

Accordingly, to congratulate the Park Authority on this tremendous accomplishment and, on behalf of Chairman Connolly, Vice-Chairman Bulova asked unanimous consent that the Board direct staff to invite the Park Authority to the December 8 meeting to be recognized for achieving this national recognition. Without objection, it was so ordered.

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

39. **ORDERS OF THE DAY** (1:28 p.m.)

Due to the lateness of the hour, Vice-Chairman Bulova announced that the Board would recess and complete Board Matters following closed session.

Following input from Anthony H. Griffin, County Executive, regarding the presence of Sheriff Stan Barry to discuss a Board Matter to be presented by Supervisor Herrity, Vice-Chairman Bulova announced that the Board would proceed with the presentation of that matter.

40. **ILLEGAL IMMIGRATION AND THE 287 (g) PROGRAM** (1:29 p.m.)

Supervisor Herrity said that illegal immigration is a much discussed issue at the federal, state, and local levels of government all across the United States. One tool available to local law authorities is the 287 (g) program. In summary it:

- *...authorizes the secretary of the US Department of Homeland Security (DHS) to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, pursuant to a*

*Memorandum of Agreement (MOA), provided that the local law enforcement officers receive appropriate training and function under the supervision of sworn US Immigration and Customs Enforcement (ICE) officers.*

This program implemented in the County jail would allow the County to hold criminal illegal aliens for deportation. During a phone conversation to follow up on the status of the adoption of 287 (g), Supervisor Herrity said that he was surprised to learn that the program has been suspended. DHS is developing a replacement program, and Sheriff Barry told him that he is pursuing this option. After speaking further with Sheriff Barry, Supervisor Herrity thought it would be useful for him to appear before the Board and present an overview of where the County stands with this program, and what steps have been taken to take advantage this revised program.

After noting that Sheriff Barry was present, Vice-Chairman Bulova invited him to the podium where he briefed the Board and discussion ensued. He explained that the program will have no staff cost and will not result in housing population overflow. ICE staff will utilize satellite hookups. The MOA is expected in the January/February 2009 timeframe.

#### **AGENDA ITEM**

41. **RECESS/CLOSED SESSION/DEFERRALS** (1:44 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. *Claim of the Estate of Ashley McIntosh* (Mount Vernon District)

2. *Lenir Richardson v. Zips Dry Cleaners, Jeff Levine, and Officer Corrigan (sic)*, Case No. CL-2007-0011466 (Fx. Co. Cir. Ct.)
3. *Franklyn St. Hilaire v. Donnel A. Clark and County of Fairfax*, Case No. 08-0020039 (Fx. Co. Gen. Dist. Ct.)
4. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. James Norman Graham-Yooll, Juan Guerra, and Laura Guerra*, Case No. CL-2008-0003245 (Fx. Co. Cir. Ct.) (Springfield District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)
7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Brasher and Larnell Brasher*, Case No. CL-2008-0004427 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Whedon*, Case No. CL-2008-0000292 (Fx. Co. Cir. Ct.) (Mount Vernon District)

11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Scott W. Pruitt and Paula E. Pruitt*, Case No. CL-2008-0001802 (Fx. Co. Cir. Ct.) (Sully District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdeljaleel R. Shadid*, Case No. CL-2008-0004629 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arnel B. Lis, et al.*, Case No. CL-2008-0004632 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veroushka Uriona Rivas and Oscar Mengoa*, Case No. CL-2008-0007168 (Fx. Co. Cir. Ct.) (Sully District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Magnis Ibeth Zelaya-Gonzalez*, Case No. CL-2008-0009331 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibne Khuldoon*, Case No. CL-2008-0009516 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tuckerwyatt, L.L.C.*, Case No. CL-2008-0008358 (Fx. Co. Cir. Ct.) (Providence District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry Martin*, Case No. CL-2008-0008078 (Fx. Co. Cir. Ct.) (Sully District)
20. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Fares Abi-Najm*, Case No. CL-2008-0010478 (Fx. Co. Cir. Ct.) (Mason District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martha Tabares*, Case No. CL-2008-0009440 (Fx. Co. Cir. Ct.) (Mason District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohamed Sorour*, Case No. CL-2008-0006134 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter P. Mitrano and Virginia L. Mitrano*, Case No. CL-2008-0013342 (Fx. Co. Cir. Ct.) (Springfield District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry K. Pnevmatikatos and Susan Pnevmatikatos*, Case No. CL-2008-0013590 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Circle Towers, LLC*, Case No. CL-2008-0013591 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Romero and Martha L. Santay*, Case No. CL-2008-0013623 (Fx. Co. Cir. Ct.) (Lee District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dora Alicia Alaya*, Case No. CL-2008-0013589 (Fx. Co. Cir. Ct.) (Hunter Mill District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas R. Ohner and Mildred H. Ohner*, Case No. CL-2008-0013675 (Fx. Co. Cir. Ct.) (Providence District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Philpott, David C. Jones, Gabrielle C. Jones, and Catherine Mitchell*, Case No. CL-2008-0013759 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sumera A. Shaozab*, Case No. CL-2008-0013830 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Celio Guevara*, Case No. CL-2008-0014067 (Fx. Co. Cir. Ct.) (Lee District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sortiris P. Ioannou*, Case No. 08-0027339 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ephriam J. Present and Shirley M. Present*, Case No. 08-0027984 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. 08-0026797 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. 08-0027439 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter Paul Mitrano*, Case No. 08-0029359 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marco A. Guzman and Cinthia L. Guzman*, Case No. 08-0030691 (Fx. Co. Gen. Dist. Ct.) (Providence District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alexis Rodriguez and Maria Claribe Arrgueta De Rodriguez*, Case No. 08-0031587 (Fx. Co. Gen. Dist. Ct.) (Mason District)

Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

In response to a query, David P. Bobzien, County Attorney, estimated that the closed session would take one hour.

Supervisor Smyth announced her intent, later in the meeting at the appropriate time, to defer the following public hearings at the request of the applicant:

- Rezoning Application RZ 2006-PR-013
- Special Exception Application SE 2006-PR-005

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

- Proffered Condition Amendment Application PCA 92-M-038
- Special Exception Application SE 2008-MA-019

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #45 and #46.)

Vice-Chairman Bulova announced that the Board would reconvene in closed session at 2:15 p.m.

The Board recessed at 1:46 p.m.

**DET:det**

At 3:52 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland and Chairman Connolly, and with Vice-Chairman Bulova presiding.

**ACTIONS FROM CLOSED SESSION**

42. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:52 p.m.)

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

**AGENDA ITEM**

43. **ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED COMPREHENSIVE AGREEMENT WITH JPI DEVELOPMENT SERVICES, LP FOR THE DEVELOPMENT AND OPERATION OF “THE RESIDENCES AT THE GOVERNMENT CENTER” PURSUANT TO THE PUBLIC-PRIVATE EDUCATION AND INFRASTRUCTURE ACT OF 2002 (SPRINGFIELD DISTRICT)**  
(3:52 p.m.)

- (A) (Note: Earlier in the meeting, this item was deferred. See Clerk’s Summary Item #12.)

Supervisor Herrity moved that the Board authorize the advertisement of a public hearing to be held before the Board on **December 8, 2008, at 4:30 p.m.** to consider the proposed comprehensive agreement with JPI Development Services, LP for the development and operation of “The Residences at the Government Center” pursuant to the Public-Private Education and Infrastructure Act of 2002. Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

**ADDITIONAL ACTION FROM CLOSED SESSION**

44. **CLAIM OF THE ESTATE OF ASHLEY McINTOSH** (3:53 p.m.)

Supervisor McKay moved that the Board deny the claim submitted by the Estate of Ashley McIntosh for the reasons outlined by the County Attorney in closed session. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

EBE:ebe

**AGENDA ITEMS**

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-PR-013 (WASHINGTON PROPERTY COMPANY, LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2006-PR-005 (WASHINGTON PROPERTY COMPANY, LLC) (PROVIDENCE DISTRICT)** (3:53 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2006-PR-013 and Special Exception Application SE 2006-PR-005 until **December 8, 2008, at 3:30 p.m.** Supervisor Foust seconded the motion, and it

carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

46. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-M-038 (PAOLOZZI INVESTMENTS, INCORPORATED) (MASON DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-019 (PAOLOZZI INVESTMENTS, INCORPORATED) (MASON DISTRICT)**  
(3:54 p.m.)

Supervisor Gross moved to defer the public hearing on Proffered Condition Amendment Application PCA 92-MA-038 and Special Exception Application SE 2008-MA-019 until **December 8, 2008, at 3:30 p.m.** Supervisor Foust seconded the motion, and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

47. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-MA-013 (BOARD OF SUPERVISORS' OWN MOTION) (MASON DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2001-MA-049 (BOARD OF SUPERVISORS' OWN MOTION) (MASON DISTRICT)** (3:55 p.m.)

The application property is located in the northeast and southeast quadrants of the intersection of Evergreen Lane and Alpine Drive, Tax Map 71-2 ((2)) 27 and 28; 71-2 ((4)) 4, 5, and 6.

Kris Abrahamson, Branch Chief, Rezoning and Special Exception Branch, Department of Planning and Zoning, reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Proffered Condition Amendment Application PCA 2001-MA-049.

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-MA-013, from the PDH-5, HC, and SC Districts to the R-5, HC, and SC Districts.
- Waiver of the minimum district size associated with Rezoning Application RZ 2008-MA-013.

Supervisor McKay and Supervisor Smyth jointly seconded the motion.

Discussion ensued, with input from Ms. Abrahamson, regarding the application.

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

(NOTE: On November 6, 2008, the Planning Commission approved Final Development Plan Amendment Application FDPA 2001-MA-049.)

48.

**3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 93-V-028-02 (LORTON CORNER ROAD LLC) (MOUNT VERNON DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2007-MV-031 (LORTON CORNER ROAD LLC) (MOUNT VERNON DISTRICT)**

(4:08 p.m.)

The application property is located in the northeast quadrant of the intersection of Lorton Road and Richmond Highway at 7621 and 7637 Lorton Road and 9260, 9360, and 9372 Richmond Highway, Tax Map 108-3 ((1)) 2 and 3; 108-3 ((2)) 2, 5, and 6 and a portion of Lorton Road public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of the public right-of-way for Lorton Road to proceed under Section 33.1-155 of the *Code of Virginia*.)

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Mr. Lawrence 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.

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

- Ms. Carol C. Honiberg

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

### **ADDITIONAL BOARD MATTER**

Absence of Supervisor Hyland and Chairman Connolly  
(4:12 p.m.)

Vice-Chairman Bulova announced that Supervisor Hyland had an accident over the weekend and is recovering from a successful surgery. She also announced that Chairman Connolly is on Capitol Hill attending a new member orientation for newly-elected Members of Congress.

Supervisor McKay presented items for the record.

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

On behalf of Supervisor Hyland, Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 93-V-028-02, subject to the proffers dated October 14, 2008.
- Approval of Special Exception Application SE 2007-MV-031, subject to the development conditions dated November 17, 2008.
- Modification of the transitional screening requirement and waiver of the barrier requirement along Richmond Highway, in favor of the landscaping shown on the Generalized Development Plan (GDP) and the SE Plat.
- Waiver of the transitional screening and barrier requirement along the Lorton Road frontage of the property in favor of the landscaping shown on the GDP and the SE Plat.
- Modification of the transitional screening requirement along the north property line, in favor of the 12-foot wide transitional screening yard and the 7-foot high brick masonry wall, as shown on the GDP and the SE Plat.

- Waiver of the service drive requirement along Richmond Highway.
- Modification of the Comprehensive Plan trail requirement along Richmond Highway, in favor of the existing ten-foot wide asphalt trail, as shown on the GDP and the SE Plat.

Supervisor Smyth seconded the motion, and it carried by a vote of seven, Supervisor Hudgins being out of the room, Supervisor Hyland and Chairman Connolly being absent.

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE COLVIN MEADOWS COMMUNITY PARKING DISTRICT (CPD) (DRANESVILLE DISTRICT)** (4:16 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 October 30 and November 6, 2008.

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

Following the public hearing, which included testimony by six speakers, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Colvin Meadows CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- Colvin Meadows Lane (Route 7425), from Colvin Run Road to the cul-de-sac inclusive.
- Lees Meadow Court (Route 10470), from Colvin Meadows Lane to the cul-de-sac inclusive.

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

50. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE HAYFIELD VIEW COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)** (4:35 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 October 30 and November 6, 2008.

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

Supervisor McKay submitted items for the record.

Following the public hearing, which included testimony by five speakers, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Hayfield View CPD, in accordance with current CPD restrictions. The proposed district includes Helmsdale Lane (Route 4124), from Telegraph Road to Old Telegraph Road. Supervisor Foust and Supervisor Smyth seconded the motion, and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Hyland and Chairman Connolly being absent.

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CEDAR LAKES COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2008.

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

Supervisor Herrity submitted items for the record.

Following the public hearing, which included testimony by two speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Cedar Lakes CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- Cedar Lakes Drive (Route 8376), from West Ox Road to the end of the public street (end of Mallory Hill Lane).

- Fields Brigade Road South (Route 7968), from Monument Drive to the end at McClain Hill Court.

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

52. **4 P.M. – PH FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)**  
(5:07 p.m.)

- (Rs) 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 October 30 and November 6, 2008.

Terry Czarny, Sanitary District Administrator, Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved adoption of the Resolutions for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for refuse/recycling and/or leaf collection service within the Mason, Mount Vernon, and Providence Districts as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 Within Mason District (6456 Overlook Drive)	Enlarge 1 Unit	Refuse/ Recycling and Leaf	Approve
Local District 1E Within Small District 1 Within Mount Vernon District (Battery Road Area)	Enlarge 14 Units	Leaf	Approve
Small Transportation District 1, Within Providence District (Hartlee Centre)	De-Create/ Re-Create	Remove from Leaf	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small Transportation District 1, Within Providence District (Metro Place I and II)	De-Create/ Re-Create	Remove from Leaf	Approve
Small District 1, Within Providence District (Metro Place Association)	De-Create/ Re-Create	Remove from Leaf	Approve

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

53. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CAROLINE OAKS COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:09 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2008.

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

Supervisor Herrity submitted items for the record.

Following the public hearing, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Caroline Oaks CPD, in accordance with current CPD restrictions. The proposed district includes Glenbard Court (Route 5235), from Old Keene Mill Road to the cul-de-sac inclusive. Supervisor McKay seconded the motion, and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Chairman Connolly being absent.

54. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE DANBURY FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (5:12 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2008.

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

Following the public hearing, which included testimony by two speakers, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Gross and moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Danbury Forest CPD, in accordance with current CPD restrictions. The proposed district expansion includes Clydesdale Road (Route 3295), from the west boundary of parcels 79-1 ((8)) B and C to Southampton Drive. Supervisor McKay seconded the motion, and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, Acting-Chairman Gross, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Chairman Connolly being absent.

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

55. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), REGARDING STREAM RESTORATION BANKS** (5:20 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2008.

Bijan Sistani, Engineer IV, Land Development Services, (LDS), Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued, with input from John Friedman, LDS, DPWES, regarding the process of notification of the locality and community.

Further discussion ensued, with input from Mr. Sistani; James Patteson, Director, LDS, DPWES; and Paul Emerick, Assistant County Attorney, regarding the State law requirements, the regulatory impact, and the County's compliance enforcement authority and oversight of the requirements.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), regarding stream restoration banks. Supervisor Gross seconded the motion, and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Chairman Connolly being absent.

56. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO VARIOUS CHAPTERS OF THE CODE OF THE COUNTY OF FAIRFAX, REGARDING REFERENCES TO THE DEPARTMENT OF PUBLIC WORKS, THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, THE BUILDING OFFICIAL, AND THE CONSTRUCTION TRADES ADVISORY BOARD** (5:42 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* (BACs) showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2008.

Bijan Sistani, Engineer IV, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, as follows:

- Chapters 2, 4, 30, 46, 61, 63, 67.1, 71, 102, 103, 104, and 117, and Appendix A, to replace references to the Director of Department of Environmental Management and the Department of Public Works.
- Chapters 1, 68.1, and 71 to replace references to the Director of the Office of Building Code Services as the Building Official.
- Chapters 61, 64, 65, and 66 to delete all references to the Construction Trades Advisory Board.

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

57. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT S06-IV-S1 LOCATED WEST OF ELDER AVENUE, EAST OF INTERSTATE-95, SOUTH OF FRANCONIA ROAD, AND NORTH OF THE FRANCONIA-SPRINGFIELD PARKWAY (LEE DISTRICT)** (5:43 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 October 30 and November 6, 2008.

Meghan D. Van Dam, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning (DPZ), presented the staff report.

Supervisor McKay submitted items for the record.

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

Supervisor McKay moved approval of Plan Amendment S06-IV-S1, as recommended by the Planning Commission. The recommendation adds an option for redevelopment of Land Unit B as a mixed-use town center with an intensity up to 1.71 floor area ration (FAR) with partial consolidation and up to 1.82 FAR with full consolidation. Conditions to achieve the recommended intensity relate to mixture of land uses, urban design, urban parks, recreation, multi-modal connectivity (especially to the nearby Joe Alexander Transportation Center), the environment, transportation demand management, context-sensitive design of streets, and other transportation issues. The motion was multiply seconded and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

58. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CIVIL PENALTIES AND APPEAL PERIOD** (6:11 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2008.

Brian Parsons, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission, with the exception that proposed Paragraph 2G of Section 18-303 be maintained. Supervisor Frey seconded the motion.

A brief discussion ensued, with input from Karen Harwood, Deputy County Attorney, and R. Scott Wynn, Senior Assistant County Attorney, regarding shortening the appeal period for violators.

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

59. **5 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2009 VIRGINIA GENERAL ASSEMBLY** (6:24 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 October 30 and November 6, 2008.

Vice-Chairman Bulova briefly recapped the Legislative Committee meeting held Friday, November 14. Accordingly, she relinquished the Chair to Acting-Chairman Gross and asked unanimous consent that the Board direct staff to include the following amendments to the advertised draft legislative program dated November 12, 2008:

- Service of process fees: to support legislation increasing the fees for service of process collected by local government as outlined on page 19 of the draft dated November 17.
- Mental health rapid urgent care services moved from Regional Positions to County Positions (page 10 of the draft dated November 17)
- Code enforcement - cost of graffiti removal moved from Regional Positions to County Positions (page 11 of the draft dated November 17)

Without objection, it was so ordered.

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

Supervisor Hudgins called to the Board's attention the legislative priorities of Social Action Linking Together (SALT) and asked unanimous consent that the Board refer these priorities to the Legislative Committee and staff for review and possible incorporation into the legislative program at a later date. Without objection, it was so ordered.

Following the public hearing, Vice-Chairman Bulova announced that the Board will take action on the legislative program on December 8.

**NV:nv**

**ADDITIONAL BOARD MATTERS**

60. **HONORING MR. ROGER SIMS** (6:28 p.m.)

Supervisor Herrity announced that after many years of dedicated service to the County as both a professional and a volunteer, Mr. Roger Sims is leaving the

County next month to retire to North Carolina. He was a County police officer for 23 years and, since retiring, continued to serve the County as an inspector in the Department of Planning and Zoning. He was also a dedicated volunteer in the area of youth sports. Supervisor Herrity highlighted Mr. Sims' service and expressed his appreciation.

Accordingly, Supervisor Herrity moved that the Board direct staff to invite Mr. Sims to appear before the Board on December 8 to be honored for his years of dedicated service before he leaves the area on December 15. Supervisor McKay seconded the motion.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the high number of presentations scheduled that day, Vice-Chairman Bulova urged her to check the list for time sensitivity and reschedule accordingly.

The question was called on the motion, which carried by a vote of seven, Supervisor Frey being out of the room, Supervisor Hyland and Chairman Connolly being absent.

61. **RECOGNITION OF GRAHAM ROAD ELEMENTARY SCHOOL AS A BLUE RIBBON SCHOOL (PROVIDENCE DISTRICT)** (6:31 p.m.)

Supervisor Smyth said that on November 3 Graham Road Elementary School in the Providence District was recognized as a Blue Ribbon School by the US Department of Education. The No Child Left Behind-Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are either academically superior or that demonstrate dramatic gains in student achievement to high levels. Graham Road Elementary School received recognition for schools in the top 10 percent in the State with at least 40 percent of students from disadvantaged backgrounds. The Blue Ribbon award is considered to be the highest honor that an American school can achieve.

The award was presented by the Director of Internal Communications for the US Department of Education. The Superintendent of Schools as well as Providence District representatives were also in attendance.

In recognition of Graham Road Elementary School's achievement, Supervisor Smyth asked unanimous consent that the Board direct staff to invite the principal, PTA President, representatives, students of the school, and any School Board Members to appear before the Board on February 23, 2009, to formally commemorate and recognize their achievement. Without objection, it was so ordered.

62. **FAIRFAX RELEAF TREE PLANTINGS IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHT-OF-WAY**  
(6:31 p.m.)

Supervisor Smyth said that Fairfax ReLeaf plays a central role in helping reach the Board's 45 percent tree canopy goal, planting thousands of trees annually, including in the VDOT right of way. ReLeaf Fairfax County and VDOT have been working cooperatively to achieve this goal. Tree planting in the VDOT right of way can additionally help reduce current VDOT maintenance costs.

As noted in Supervisor Smyth's written Board Matter, recently ReLeaf has been working with local residents and VDOT to plant trees near Nutley Street south of Interstate 66. Unfortunately, the planting has been delayed because VDOT will not approve the project unless ReLeaf agrees to remove the trees in the event that VDOT decides the trees are a traffic hazard. ReLeaf cannot comply. Since ReLeaf, the County, and VDOT have already cooperatively identified planting locations that pose no traffic hazard, this condition seems excessively burdensome. Eliminating this condition is necessary to move forward with this and other planting projects throughout the County.

Fortunately, the delay in tree planting affords VDOT an opportunity to examine the possibility of permitting Releaf to plant complementary bushes or ground covers to accompany trees planted in the VDOT right-of-way. Such complementary plantings could help reduce anticipated maintenance problems and VDOT expenses associated with grass mowing. In addition to this financial incentive, VDOT and Fairfax residents will benefit aesthetically and environmentally by moving forward expeditiously with tree planting projects in the VDOT right of way.

Therefore, Supervisor Smyth moved that the Board endorse this Board Matter and the letter as contained in the written Board Matter to VDOT District Administrator Dr. Morteza Salebi. Vice-Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Frey and Supervisor Herrity being out of the room, Supervisor Hyland and Chairman Connolly being absent.

63. **BEEMAN COMMISSION REPORT** (6:33 p.m.)

(BACs) As noted in her written Board Matter, Supervisor Hudgins reminded the Board that in a Board Matter dated June 6, 2006, she moved that the Board:

- Conduct an objective review and analysis of the Fairfax-Falls Church Community Services Board (CSB) mental health organization, operation, and effectiveness so that [the County] may improve and assure that CSB mental health services meet community needs in the future.

- Establish a Blue Ribbon Panel consisting of locally and nationally recognized mental health service administrators/providers, and community stakeholders.

The blue ribbon panel, better known as the Josiah H. Beeman Commission, made a presentation to the Human Services Committee on Monday, November 3 regarding the County's current and recommended mental health services capacity. The report is thorough and quite specific as to steps the Board and the CSB must undertake to achieve a better mental health service delivery model.

Accordingly, Supervisor Hudgins moved that the Board direct staff to invite the members of the Josiah H. Beeman Commission to appear before the Board on December 8 as an Action Item to officially accept the Josiah H. Beeman Commission report and also to thank them for their service. She further moved that the Board direct the CSB Executive Director to provide the Board within 90 days an analysis of the report, and the feasibility of the recommendations including time tables, costs, and staffing required to implement the report's recommendations. Vice-Chairman Bulova seconded the motion.

Following discussion regarding the timing and the staff's discretion to separate the report presentation from the formal expression of appreciation, the question was called on the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

64. **HUNTER MILL COAT CLOSET** (6:35 p.m.)

Supervisor Hudgins announced that November 15 marked the beginning of the 2008 - 2009 Hunter Mill District Coat Closet for adults and children in need of winter coats. Co-sponsored with Reston Interfaith, this is the sixth annual Coat Closet. Approximately 200 coats were received on the opening day.

As noted in the written Board Matter, the Coat Closet is open on Tuesdays, 10 a.m. – 12 noon, Thursdays, 5:30 p.m. – 8 p.m., and Saturdays, 10 a.m. – 1 p.m. for those in need of coats. New and "gently used" (i.e. in good condition and cleaned) winter coats will be accepted at the North County Government Center at 12000 Bowman Towne Drive in Reston. Both child and adult sizes are needed (X large and XX large are especially appreciated.) Donations are tax deductible. Volunteers are also needed to greet donors, sort donations, and assist clients in selecting coats.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information on the Hunter Mill Coat Closet so that those who are able to donate have the appropriate information and so that those in need may take advantage of the kindness and generosity of the citizen and business donors. Without objection, it was so ordered.

65. **THI IV DULLES AIRPORT LLC/HYATT DULLES HOTEL (HUNTER MILL DISTRICT)** (6:36 p.m.)

Supervisor Hudgins said that THI IV Dulles Airport LLC has filed rezoning/final development plan, proffered condition amendment, and final development plan amendment applications on Tax Map 15-2 ((2))-1 for a proposed minor addition to the Hyatt Dulles Hotel. The rezoning seeks to create a new Planned Development Commercial District to establish a new Conceptual Development Plan/Final Development Plan (CDP/FDP) and proffers for the Hyatt Dulles site. The applicant is proposing to add approximately 18,600 square feet to the ground floor level of the hotel to improve and update the hotel meeting facilities, ballroom, and lobby/entryway layout. The applicant is requesting expedited and concurrent processing of the above applications and site plan.

Therefore, Supervisor Hudgins moved that the Board direct the:

- Department of Planning and Zoning to schedule an expedited Board public hearing date for Rezoning/Final Development Plan Applications RZ/FDP 2008-HM-016, Proffered Condition Amendment Application PCA 86-C-029-11, and Final Development Plan Amendment Application FDPA 86-C-029-08.
- Department of Public Works and Environmental Services to accept for simultaneous and concurrent processing any site/building plans concurrent with the applications noted above.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

66. **SUPPORT FOR METRO** (6:37 p.m.)

Supervisor Hudgins noted that last week the Board of Directors of the Washington Metropolitan Area Transit Authority (Metro) sent an urgent letter to US Treasury Secretary Paulson requesting that the Treasury Department use its authority under the Emergency Economic Stabilization Act of 2008 to guarantee the payments on various leaseback contracts for transit agencies such as Metro.

Supervisor Hudgins said that under Federal Transit Administration guidance and approval, Metro and other transit systems in the country entered into leaseback contracts as a way to fund urgent capital needs. These agreements enabled Metro to complete construction of the rail system and purchase new rail cars. The recent financial turmoil has caused a downgrade in the current insurer's credit rating, causing Metro to be in technical default on these agreements, although Metro is making all payments as scheduled in the agreement. Without immediate action,

Metro is at a high risk of being forced to pay these loans, which total more than \$400 million, causing an enormous cut to its capital budget. The cuts would delay much needed repairs to elevators, escalators, and deteriorating station platforms. The tens of thousands of County residents who ride Metrobus, Metrorail, and Metro Access every day will feel the effects if the US Treasury fails to act. The Treasury Department has the authority to stop the insurers from placing Metro in technical default by simply guaranteeing the loans. Guaranteeing the payments would carry no practical risk or cost, since the payment accounts are funded with Treasury Department securities.

Accordingly, jointly with Supervisor McKay, Supervisor Hudgins moved that the Board send a letter to the Virginia Congressional delegation expressing its support for the Metro Board's request for intervention by the US Treasury to guarantee the lease agreements under its authority granted in the Emergency Economic Stabilization Act of 2008. Supervisor McKay seconded the motion.

Following a brief discussion of the motion, including the importance of presenting a united front with other regional localities, the question was called on the motion, which carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

Supervisor Gross asked unanimous consent that Congressman-Elect Connolly and Senator-Elect Mark Warner be added to the distribution list. Without objection, it was so ordered.

67. **HERNDON CHAMBER OF COMMERCE FIFTIETH ANNIVERSARY (DRANESVILLE AND HUNTER MILL DISTRICTS)** (6:45 p.m.)

Supervisor Hudgins announced that in January 2009, the Herndon Chamber of Commerce, a part of the Dulles Regional Chamber of Commerce, will commemorate 50 years of promoting and facilitating the success of businesses and the community it serves through networking, outreach, advocacy, and education. The chamber serves the Town of Herndon, as well as the neighboring areas of Dulles, Sterling, Reston, and Tysons.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a certificate for delivery at the anniversary celebration to be held on January 15, 2009, to recognize the long history and outstanding contribution of the Herndon Chamber of Commerce. Without objection, it was so ordered.

**DET:det**

68. **SAVING REGIONALITY** (6:45 p.m.)

Vice-Chairman Bulova announced that the County, along with its sister jurisdictions, was greatly affected by the current nationwide economic crisis, and that throughout the past months the community had been engaged, through a

series of over 30 Community Dialogues, on how best to close a projected shortfall of over \$500 million in the \$3.3 billion General Fund budget in preparation for Fiscal Year (FY) 2010.

She noted that Prince William and Loudoun Counties, with General Fund budgets of approximately \$900 million, were similarly anticipating shortfalls for next year of about \$200 million and \$176 million respectively and that everyone was looking for reductions and organizational efficiencies to resize spending and address the dramatic decrease in local revenue and losses in State aid.

Vice-Chairman Bulova added that while the downturn is gravely serious, it should also be viewed as an opportunity, or chance, to take stock of operations with an eye toward innovative change. She added that in the recent words of President-elect Barack Obama's new chief of staff, Representative Rahm Emanuel, "Never allow a crisis to go to waste."

Vice-Chairman Bulova stated that at the last Northern Virginia Regional Commission (NVRC) meeting she had suggested that a working group be convened to identify potential candidates for services and programs that could be conducted on a regional basis, rather than individually within counties, cities, and towns, and that the group consist of chief operating officers as well as mayors and chairs of the NVRC region.

Vice-Chairman Bulova relinquished the gavel to Acting-Chairman Gross and moved that the Board formally endorse efforts to seek regional opportunities for savings as part of its strategy for addressing the budget challenge of 2010. Acting-Chairman Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

69. **COMMUNITY DIALOGUES** (6:48 p.m.)

With regards to Community Dialogues, which Vice-Chairman Bulova mentioned in her previous Board Matter, she extended her thanks and appreciation for exceptional work to staff from the County and the School System who provided presentations on the budget challenge of 2010 and facilitated small group discussions for a total of about 700 County residents and employees. She noted that she was able to attend a number of the Dialogues personally, and knew that her colleagues and School Board members did as well.

Vice-Chairman Bulova added that the amount of time and effort that went into the process was considerable but she expressed her belief that there would be enormous payoff for this thorough and early engagement of the community in this critical discussion.

Vice-Chairman Bulova asked unanimous consent that the Board direct staff to invite the Community Dialogue "team" to appear before the Board at its first

meeting in January to be thanked for their excellent work. Without objection, it was so ordered.

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

70. **BOARD ENDORSEMENT OF LETTER TO SECRETARY BRYANT ON PROPOSED CHANGES TO THE VIRGINIA STORMWATER MANAGEMENT REGULATIONS** (6:49 p.m.)

Supervisor Gross stated that during the October 24, 2008, meeting of the Environment Committee, staff informed Board Members of several issues which had emerged during development of proposed amendments to the Virginia Stormwater Management Regulations and the Committee directed staff to draft a letter to the Secretary of Natural Resources outlining the County's major fiscal and technical concerns.

Supervisor Gross moved that the Board authorize transmittal of the letter, which had been submitted to the Board, to Secretary Bryant, expressing the Board's concerns regarding the fiscal sustainability and the technical feasibility of the proposed changes to the Virginia Stormwater Management Regulations including asking the Chairman to sign it. Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

71. **REUSING BUDGET CARRY-ALLS** (6:50 p.m.)

Supervisor Gross stated that for nearly a decade the proposed County budget documents had been presented to each Board Member in a canvas carry-all with the County seal which made it easy to carry the budget documents from meeting to meeting and add the question and answer responses and any other budget related material during the two to three months of budget deliberations. She noted that after each budget, she emptied the carry-all, hung it in her office closet and occasionally used it for other things, and that over the years she had accumulated eight bags, which are reuseable.

Noting that the County Executive might be planning to issue the budget to Board Members in County carry-alls again, but mindful of the cost, Supervisor Gross announced that she was returning eight carry-alls, all in good condition, to him so that they can be used again. She noted that the carry-alls were in different colors.

Supervisor Gross encouraged her colleagues to check to see if they have extra carry-alls so that the Board might get through two or three more budgets by reusing them.

PMH:pmh

72. **PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-SU-028 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2004-SU-027 – MOTION TO RECONSIDER – (SULLY DISTRICT)**  
(6:52 p.m.)

Supervisor Frey said that on October 20, 2008, the Board approved concurrent Proffered Condition Amendment and Special Exception Amendment applications filed by Penske Automotive Group to split a previously approved vehicle sales establishment building into two separate buildings. He noted that it has come to his attention that there is an error in development condition four, which references the SEA Plat. The revised-through date of October 14, 2008, should have been referenced for all sheets in the SEA Plat.

Therefore, Supervisor Frey moved that Board approve Special Exception Amendment Application SEA 2004-SU-027 subject to development conditions dated October 20, 2008, to be amended to as follows:

- Development Condition Four should read: “This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception amendment shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "Proposed Dealership Parcel 3B Stonecroft Business Park", prepared by Walter L. Philips, Incorporated and others with all sheets revised through October 14, 2008, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.”

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

73. **UPDATE ON THE DEVELOPMENT PROCESS COMMITTEE MEETING**  
(6:54 p.m.)

Supervisor Frey announced that it has been difficult to coordinate everyone's schedules to set up a Development Process Committee meeting. It is now scheduled for December 12 at 1 p.m. He said that one of the issues to be discussed concerns amendments to the County Code.

74. **RESTRICTION OF SMOKING IN THE COUNTY** (6:55 p.m.)

Supervisor McKay said that on September 22 he presented a Board Matter asking the County Attorney to review the regulatory tools the Board has to restrict smoking in the County and to add language to the Legislative Program that would allow the County to enact such restrictions. The Board received a memorandum

from the County Attorney on October 8, outlining the County's current authority to restrict smoking in public areas. The County 2008 Youth Survey results presented to this Board on November 14 underscore the importance of restricting smoking in public places. Although the percentage of students who smoke is declining, it is still of great concern.

While State enabling legislation is still a critical need, there are things that the County can do under current enabling authority. Enacting these measures would not only support public health mandates but would also send a message to the General Assembly that the County will fully use the tools that it has available.

Therefore, Supervisor McKay moved that the Board amend the smoking provisions in the County Code in accordance with the Virginia Indoor Clean Air Act, expand the scope of County regulation of smoking, use law enforcement officers to provide enforcement, and ensure that revenues from any fees collected go to the County. Supervisor Hudgins seconded the motion.

Following discussion, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Gross and asked to amend the motion to refer this item to staff for review and provide amendments to the Code in accordance with the Virginia Indoor Clean Air Act, and this was accepted.

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

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

75. **HISTORIC ELECTION** (6:57 p.m.)

Jointly with Supervisor Gross and Supervisor Herrity, Supervisor McKay noted that the country has just gone through a historic election - one that was discussed and thoroughly analyzed for months before it actually took place. Everyone knew that turnout would be extraordinarily high, including absentee-in-person voting.

Virginia is one of several states that allow in-person absentee voting and from October 15 through November 1, several of the governmental centers served as satellite voting locations. The Franconia Governmental Center was one such location. While it was inspiring to see the large numbers of citizens who performed their civic duty, there were a number of problems, especially since this building also houses a government office, a police station, and a small museum.

Supervisor McKay noted that 16 percent of active registered voters voted absentee, by mail, or at the satellite or main governmental centers. Twice as many voted absentee-in-person this year as in 2004. While lines moved smoothly and quickly on election day, the situation was quite different during the absentee voting period with many voters waiting for more than two hours at the Franconia Governmental Center to be able to cast their vote.

Long lines were not the only problem at this location. Parking was an issue, not only for voters, but for anyone needing to reach the center. Supervisor McKay also noted that his staff, untrained as election officers, found themselves assuming some of the responsibilities of the Electoral Board as his office became a complaint center for voters. It is imperative that voting locations be able to handle expected turnout - and that was certainly not the case at the Franconia Governmental Center. For example:

- Delays were caused by the requirement that election officers call the registrar's office to establish that each voter was registered and had not already voted. While this is inherently a slow system, it ground almost to a halt when the registrar's data base was running slowly.
- Only one phone line was available and cell phones brought in to augment this line had poor reception.
- There did not appear to be enough people available to take the calls in the registrar's office.

Therefore, jointly with Supervisor Gross, Supervisor Herrity, Supervisor McKay moved that the Board request the General Registrar and the Electoral Board to review the absentee-in-person voting experience and report on measures to improve the process. Supervisor Gross seconded the motion.

Discussion regarding the election process, with input from Anthony H. Griffin, County Executive.

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

76. **CONCURRENT PROCESSING FOR BROWNE ACADEMY (LEE DISTRICT)** (7:12 p.m.)

Supervisor McKay said that Browne Academy has filed an application to amend the previously approved special exception to add additional land area to the school and to make minor building and site improvements. The proposed improvements are intended to enhance existing facilities for students and faculty. The applicant is not proposing an increase in the previously approved maximum enrollment of 365 students.

Therefore, Supervisor McKay moved that the Board approve concurrent processing for the property which is the subject of Special Exception Amendment Application SEA-85-L-059-06 and direct the Department of Public Works and Environmental Services to accept and review site plan submissions pertaining to this property. This motion should not be construed as a favorable

recommendation on the special exception amendment application, nor does this motion relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or standards. Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

77. **COOPERATIVE PARTICIPATION WITH THE QUANTICO/BELVOIR REGIONAL BUSINESS ALLIANCE** (7:13 p.m.)

On behalf of Supervisor Hyland and jointly with Supervisor Herrity, Supervisor McKay said that at the last Base Realignment and Closure (BRAC) Board of Advisors (BOA) meeting, Colonel Jerry Blixt, Fort Belvoir Commander, introduced the Quantico/Belvoir Regional Business Alliance (the Alliance) to the Board. The Alliance is a not-for-profit business organization whose mission is to position the region as a welcoming and supportive community to the military and their business partners to facilitate positive outcomes from the BRAC program. The Alliance is an outgrowth of a nine month community dialogue project initiated by Northern Virginia Community College's Woodbridge Campus. The project engaged community and business leaders in a series of focus groups that explored the impact of BRAC expansions in Prince William County. The Alliance now opened its program to include participants from Stafford and Fairfax Counties. The Alliance may also consider the City of Alexandria's involvement with the National Headquarters Service's move to the Mark Center.

This alliance can allow the County Office of Community Revitalization and Reinvestment as well as the County Chamber of Commerce and local chambers, Economic Development Authority, and local revitalization groups, such as the Southeast Fairfax Development Corporation to utilize the expertise and leverage resources across County lines to help spark revitalization and business to help serve the Department of Defense moves.

Therefore, on behalf of Supervisor Hyland and Chairman Connolly, Supervisor McKay asked unanimous consent that the Board direct staff to participate in the Quantico/Belvoir Regional Business Alliance meetings and report with recommendations as to whether the County would be best positioned by participating in the Alliance. Without objection, it was so ordered.

78. **MOUNT VERNON COUNCIL'S RESOLUTION ON INFILL GRADING PLAN NOTIFICATIONS** (7:15 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that several months ago, the Mount Vernon Council endorsed a resolution requesting the Board to adopt several changes to the land development process in the County. Department of Public Works and Environmental Services staff met with the Council and the Board's Development Process Committee had a cursory discussion about the requests. One such request, to require adjacent property owner notifications for infill grading plans, would need State enabling legislation for the County to adopt.

Therefore, on behalf of Supervisor Hyland and Chairman Connolly, Supervisor McKay asked unanimous consent that the Board discuss infill grading plan notifications at the next Development Process Committee and Legislative Committee meetings. Without objection, it was so ordered.

79. **LORTON COMMUNITY ACTION CENTER (LCAC) MOUNT VERNON DISTRICT** (7:16 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that the LCAC is located on Richmond Highway in Lorton, specifically identified as Tax Map 107-4 ((1)) 34 and 107-4 ((5)) 4. It provides social services and programs to the people living in the south County area. Its goals are to promote the importance of healthy families and to help all clients reach self-sufficiency. To fulfill this mission, LCAC collects and distributes over six tons of food to recipients each month. It also provides limited emergency financial assistance, clothing, school supplies, and referral services.

The property, which includes Lorton Library, a small park, and the LCAC house, is owned by the Board. The County leases the 1,400 square foot home built in the 1930s, adjacent to the Lorton Library, to LCAC. Currently, LCAC is in the midst of working with the Department of Community and Recreation Services (CRS) to assist in the construction of a joint facility that will more comprehensively and effectively address the various needs of the community.

In the meantime, LCAC immediately needs additional space to effectively address the growing demand from County residents for food created by the looming economic downturn. LCAC has proposed to use a trailer for the storage of food goods so as to free up room in the interior of the house so they can continue client services. LCAC has been informed that the installation of a trailer would trigger the need for an amendment to the special exception on the County owned property. Special Exception Application SE 83-V-076 was approved in 1983 for the property to allow a public benefit association.

In the meantime, LCAC urgently needs the extra space as soon as possible. The County, as owners of the property, will submit the needed minor site plans and building permits. Fairfax County Public Schools (FCPS) will lease the trailer to LCAC contingent upon reimbursement for moving costs. Funds have already been identified and there is no impact to the General Fund or County budget. The funds being used are from Supervisor Hyland's discretionary account.

Therefore, on behalf of Supervisor Hyland, Supervisor McKay moved that the Board:

- Approve the installation of a FCPS trailer on County-owned property to serve the public need.

- Authorize the filing of a minor site plan, building permit and occupancy permit applications, and request for any 2232 feature shown determination needed for the temporary trailer and direct staff to process these applications as expeditiously as possible and to waive any associated fees.
- Authorize a special exception amendment application to be filed by the County to permanently allow the trailer.
- Waive any fees associated with the special exception, site plan, building permit, and occupancy permit processes.

As is always the case, this motion should not be construed as a favorable recommendation of this application by the Board and does not relieve that applicant of compliance with the provisions of all ordinances, regulations, or adopted standards, in any way. Supervisor Gross seconded the motion.

Following discussion regarding the use of the trailer, with input from Karen Harwood, Assistant County Attorney and Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

80.

**VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES  
LETTER SUPPORTING HUNTING IN DYKE MARSH (MOUNT  
VERNON DISTRICT)** (7:22 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that the Virginia Department of Game and Inland Fisheries (DGIF) commented on the National Park Service's (NPS) Restoration and Long-Term Management Plan and Environmental Impact Statement Scoping for Dyke Marsh Preserve. The letter dated May 22, 2008, states that DGIF "supports the continuation of waterfowl hunting opportunities in and around the Preserve"... and "recommend consideration of expanding hunting opportunities and access on the Preserve."

Supervisor McKay said that DGIF's comments indicated that: Federal regulations prohibit hunting on Dyke Marsh as it is a protected waterfowl sanctuary. Furthermore, State law prohibits stationary waterfowl blinds near Dyke Marsh. Under no circumstances should the State try to open a Federal wildlife preserve for hunting or trapping. It is a contradiction of State and Federal law and requires clarification.

Therefore, on behalf of Supervisor Hyland, Supervisor McKay moved that the Board:

- Direct the Chairman, on behalf of the Board, to send a letter to the Department of Game and Inland Fisheries (DGIF) and request a clarification of its statements to NPS.

- Affirm its support for the Federal restrictions against hunting in Dyke Marsh.

Supervisor Hudgins and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being absent.

81. **ECONOMIC ADVISORY COMMISSION** (7:24 p.m.)

(BACs)

Jointly with Chairman Connolly, Supervisor Hudgins, and Supervisor Herrity, Supervisor Foust said that in 1992 the local economy was in the midst of a severe recession. The Board formed the Economic Advisory Commission to advise the Board on measures that could be taken to contribute to the economic recovery. Membership on the Commission included a broad mix of the County residents with business and economic experience. Members of this Board's Economic Advisory Committee also served on the Commission. The Commission was active for several years and recommended numerous short-term, long-term, and on-going policies and procedures that helped revitalize the local economy and helped make the County a more attractive and competitive place to do business.

Given the economic challenges and opportunities currently facing the County, Supervisor Foust asserted that it is appropriate at this time to reconstitute an economic advisory commission to advise the Board on economic development and related issues. He referred to his written Board Matter which includes a proposed statement of purpose for a reconstituted Economic Advisory Commission and a list of proposed members of the Commission.

Therefore, Supervisor Foust moved that the Board:

- Reconstitute the Economic Advisory Commission with the purpose and membership as contained in his written Board Matter.
- Direct staff to schedule the initial meeting of the Commission to occur in January 2009 at a specific time and date to be determined.
- Direct the County Executive to arrange for presentations at that initial meeting by the George Mason University's Center for Regional Analysis on the current state of the local economy and by the County's Economic Development Authority (EDA) on the current and planned efforts of the EDA to attract and retain business development in the County.
- Direct staff to recommend measures to return the commercial tax base of the County to a minimum of 25 percent.

Supervisor Herrity and Vice-Chairman Bulova jointly seconded the motion.

Following discussion regarding the motion, Supervisor Smyth asked unanimous consent that the Board direct staff to include a representative from the Small Business Commission. Without objection, it was so ordered.

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

82. **BOARD ADJOURNMENT** (7:33 p.m.)

The Board adjourned.

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