



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
December 8, 2008**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, December 8, 2008, at 9:25 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; 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 MATTER1. **MOMENT OF SILENCE** (9:25 a.m.)

Chairman Connolly asked everyone to remember the men and women in uniform especially those serving in Iraq and Afghanistan.

Vice-Chairman Bulova asked everyone to keep in thoughts the family of the late Mr. Sami Kalifa who died recently.

(NOTE: Later in the meeting, the Board took action to recognize Mr. Kalifa's family. See Clerk's Summary Item #66.)

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO COLUMBIA LIGHTHOUSE FOR THE BLIND** (9:26 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to Columbia Lighthouse for the Blind for its service to the residents of the County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MISS CLARE LANIGAN AND MISS KAT LANIGAN** (9:31 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Miss Claire Lanigan and Miss Kat Lanigan for their outreach to children of deployed members of the military. Supervisor Bulova seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF BOY SCOUT TROOP 152** (9:35 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to members of Boy Scout Troop 152 for its 75th anniversary. Supervisor Bulova seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. ROGER SIMS** (9:40 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. Roger Sims for his years of service to the County upon his retirement. This motion was multiply seconded and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JOE ALEXANDER** (9:50 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to the Honorable Joe Alexander for his induction into the American Public Transportation Association Hall of Fame. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE SOUTH COUNTY FEDERATION** (10:02 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to the South County Federation for its twenty-fifth anniversary. This motion was multiply seconded and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MARCIA HANSON** (10:15 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Marcia Hanson for her years of service to the Mount Vernon District. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO TEAM MEMBERS OF THE McCONNELL PUBLIC SAFETY AND TRANSPORTATION OPERATIONS CENTER, BUS OPERATIONS CENTER, AND WEST OX COMPLEX SITE INFRASTRUCTURE** (10:24 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to the team members of the McConnell Public Safety and Transportation Operations Center, Bus Operations Center, and West Ox Complex Site Infrastructure for their service on these projects. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO WEST*GROUP MANAGEMENT, LLC FOR BECOMING THE FIRST COOL BUSINESSES IN FAIRFAX COUNTY** (10:37 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to West*Group Management, LLC for becoming the first Cool Businesses in the County and for their

commitment to environmental stewardship. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

11. **RESOLUTION OF RECOGNITION PRESENTED TO THE PARK AUTHORITY** (10:47 a.m.)

Chairman Connolly relinquished the Chair to Vice Chairman Bulova and moved approval of the Resolution of Recognition presented to the Park Authority for receiving full accreditation from the Commission for Accreditation of Park and Recreation Agencies. Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

ADDITIONAL BOARD MATTER

12. **RECOGNITION OF THE HONORABLE DONALD L. HART, JR.**
(10:56 a.m.)

Chairman Connolly recognized the presence of the Honorable Donald L. Hart, Jr., President of the Virginia Association of Counties (VACo), and a member of the Accomack County Board of Supervisors and warmly welcomed him to the Board Auditorium. Mr. Hart briefly addressed the Board.

Discussion ensued regarding VACo issues of concern. Board Members thanked Mr. Hart for visiting and said they look forward to working with him over the coming year.

AGENDA ITEMS

13. **10 A.M. – PRESENTATION OF THE LAWRENCE V. FOWLER AWARD**
(11:14 a.m.)

(BACs) This prestigious award was established to honor the accomplishments of Lawrence V. Fowler who served for 41 years on the Consumer Protection Commission and its predecessor. Mr. Fowler set the bar for exceptional and long term volunteer service for Fairfax County government. His actions had a major effect on the quality of life of the community through his work with consumer issues. Given the significance of Mr. Fowler's accomplishments, this award recognizes distinguished service of a longstanding member of a Fairfax County Board, Authority, Commission, or Committee whose exceptional service contributed to the overall quality of life in the community.

Chairman Connolly presented the third annual Lawrence V. Fowler Award to **Gilbert S. McCutcheon**, who has served for 16 years as the Mount Vernon District Representative to the Park Authority.

14. **10:10 A.M. – PRESENTATION OF THE EXCEPTIONAL DESIGN AWARDS** (11:26 a.m.)

This is the twenty-fourth year of the Exceptional Design Awards Program. The purpose of the awards program is to recognize achievement in the total design of a building and site and to create an awareness of outstanding planning and design projects among design professionals and the general public. Robert Mobley, Chairman of the Awards Jury, presented the 2008 Exceptional Design Awards to the following:

- *Honor Award:* The Potomac School – Upper School Addition
Category: Institutional
Architect: Cox, Graae and Spack, Architects, Washington, DC
Owner/Developer: The Potomac School
Year Built: 2007
- *Merit Award:* McLean Poolhouse (Dranesville District)
Category: Recreational
Architect: Randall Mars Architects, McLean, Virginia
Owner/Developer: Name Withheld
Year Built: 2007
- *Merit Award:* 11415 Isaac Newton Square (Hunter Mill District)
Category: Commercial, Office
Architect: SHW Group, Reston, Virginia
Owner/Developer: SHW Group
Year Built: 2006
- *Merit Award:* Fairfax Center Fire and Rescue Station 40 (Springfield District)
Category: Institutional
Architect: Hughes Group Architects, Sterling, Virginia
Owner/Developer: Fairfax County Board of Supervisors
Year Built: 2006
- *Merit Award:* Park Village – Fort Belvoir Family Housing (Mount Vernon District)
Category: Historical
Architect: The Rktects Studios, Incorporated, Reston Virginia
Owner/Developer: Clark Realty Capital, LLC
Year Built: 2006

- *Honorable Mention Award:* Lakeview Renovation (Mason District)
Category: Residential, Single-family Detached
Architect: David Jameson Architect, Incorporated, Alexandria, Virginia
Owner/Developer: Gabe and Ann Nassar
Year Built: 2006
- *Honorable Mention Award:* A Slice of Light (Dranesville District)
Category: Residential, Multi-family
Architect: Susan Woodward Notkins Architects, PC, McLean, Virginia
Owner/Developer: Mr. and Mrs. Brad Hendricks
Year Built: 2003
- *Honorable Mention Award:* Midtown North (Hunter Mill District)
Category: Residential, Commercial
Architect: CMSS Architects, Reston, Virginia
Owner/Developer: Kettler Company
Year Built: 2007
- *Honorable Mention Award:* SF Design Group (Sully District)
Category: Commercial, Office (Interior)
Architect: SF Design Group, Chantilly, Virginia
Owner/Developer: Saharnaz Farivar and Esmail Dilmaghani
Year Built: 2007
- *Honorable Mention Award:* Oakton Library (Providence District)
Category: Institutional
Architect: PSA-Dewberry, Incorporated
Owner/Developer: Fairfax County Board of Supervisors
Year Built: 2007

15. **10:30 A.M. – BOARD ADOPTION OF THE 2009 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY AND APPROVAL OF THE COUNTY’S 111TH CONGRESS FEDERAL APPROPRIATIONS REQUESTS FOR FISCAL YEAR (FY) 2010**
(11:47 a.m.)

- (R) Chairman Connolly briefly highlighted the 2009 Legislative Program for the Virginia General Assembly. He relinquished the Chair to Vice-Chairman Bulova and moved adoption of the 2009 Legislative Program and Human Services White Paper and approval of the County’s 111th Congress Federal Appropriations Requests and the principles for federal legislation for FY 2010. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Michael Long, Senior Assistant County Attorney, regarding financial transparency legislation.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, regarding privacy issues associated with posting the County's "checkbook" online.

Further discussion ensued regarding the program, including smoke-free environments, videoconferencing of meetings, and human rights issues and persistence.

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

Chairman Connolly, as Chairman of the Board's Legislative Committee, expressed appreciation to all members of the County's legislative team.

Susan E. Mittereder, Legislative Director, briefly addressed the Board.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

16. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:11 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.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Chairman Connolly moved the reappointment of Mr. Thomas Parr as the At-Large #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Ms. Noelle Maynard as the Professional Representative #4. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. M. Yvonne Demory as the Professional Representative #5. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Nick Gallagher as the Professional Representative #6. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Professional Representative #2.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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.

CIVIL SERVICE COMMISSION

Supervisor Hudgins moved the reappointment of Mr. Ronald Copeland as the At-Large #2 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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.

ECONOMIC ADVISORY COMMISSION

Supervisor Bulova moved the appointment of Mr. Joseph E. Spriggs as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the appointment of Mr. Ronald D. Gunn as the Springfield District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #1, #2, and #3 Representatives and the Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, and Sully District Representatives.

Supervisor Gross asked unanimous consent that the Board direct the Clerk to re-circulate the duties and scope for the framework of the Economic Advisory Commission members.

Supervisor Smyth asked to amend the request to include the name and contact information for the staff coordinator, and this was accepted.

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Mason District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

Supervisor McKay moved the reappointment of Mr. Donald Hakenson as the Citizen #9 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Ms. Esther McCullough as the Citizen #10 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Ms. Gretchen Bulova as the At-Large #4 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Historian #3 Representative.

INDUSTRIAL DEVELOPMENT AUTHORITY

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Bulova moved the reappointment of Mr. Paul G. Leslie as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Mr. Edward H. Blum as the Providence District Supervisor. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative.

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Mr. Thomas G. Haser as the Chamber of Commerce Representative

Chairman Connolly seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

PARK AUTHORITY

Chairman Connolly moved the reappointment of Mr. Harrison A. Glasgow as the At-Large Chairman's Representative. The motion was multiply seconded and it carried by unanimous vote.

Supervisor Foust moved the reappointment of Mr. Kevin J. Fay as the Dranesville District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. William G. Bouie as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

PLANNING COMMISSION

Chairman Connolly moved the reappointment of Mr. Walter L. Alcorn as the At-Large Chairman's #1 Representative. The motion was multiply seconded and it carried by unanimous vote.

Supervisor Foust moved the reappointment of Mr. Jay Donahue as the Dranesville District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

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

ROAD VIEWERS BOARD

Chairman Connolly moved the reappointment of Mr. John William Ewing as the At-Large #2 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Richard Bochner as the At-Large #5 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #1, #3, and #4 Representatives.

SMALL BUSINESS COMMISSION

Supervisor Bulova moved the reappointment of Ms. Marsha M. Senack as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Beatrice Malone as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Katy Fike as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Brett Coffee as the Springfield District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

TENANT LANDLORD COMMISSION

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

WETLANDS BOARD

Supervisor Gross moved the reappointment of Mr. Kent N. Knowles as the At-Large #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Glenda C. Booth as the Mount Vernon District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Lee District Representative.

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.

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17. **ADMINISTRATIVE ITEMS** (12:20 p.m.)

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

Supervisor Herrity called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 7 (Elections) Relating to Election Precincts. He noted that on page 13 of the Board Agenda Item dated December 8, 2008, the polling place for Newgate South is listed as Union Mill Elementary but it was his understanding that it will remain at Centreville High School. Discussion ensued with input from Judy Flaig, Election Manager, Office of Elections.

Discussion continued concerning State Code requirements to make boundary adjustments, with additional input from Ms. Flaig.

Discussion returned to Newgate South. Ms. Flaig stated that it was the Office of Elections' intent to advertise and keep the polling place at Centreville High School.

Supervisor Herrity called the Board's attention to Admin 13 – Authorization to Advertise a Public Hearing to Obtain Input for the Department of Community and Recreation Services' (CRS) Grant Application to the Commonwealth of Virginia for Three Replacement Vehicles. He stated that this item authorized the purchase of FASTRAN vehicles and noted that during budget talks, there was discussion of cuts in FASTRAN service.

Discussion ensued concerning appropriating money but cutting service, with input from Anthony H. Griffin, County Executive, who stated that this was an opportunity to acquire new vehicles at a significantly reduced cost.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report before January 12 with additional information on how this was consistent with pending budget plans. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Foust called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 65 (Plumbing and Gas Provisions) and the Public Facilities Manual (PFM), Chapter 9 (Water and Fire Regulations), Regarding Public Water and Sewer Connections and sought assurances that the County was not imposing on communities that did not want to be serviced by public water and public sewer the requirement that new subdivisions in those communities be served. Discussion ensued with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES), who noted that if a property was outside an approved sewer service area, the provision was not applicable.

Discussion continued with input from Judith Cronauer, Code Analyst, Land Development Services, DPWES, and Mr. Jenkins concerning:

- The size of lots that would be required to be served by water
- Waivers
- The need for further discussion
- Potential revenue from future connection fees

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

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, MASON, AND SPRINGFIELD, DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Vista Park	Dranesville	Sparger Street
Woodland Park Land	Hunter Mill	Sunrise Valley Drive
Bay C-1		(Route 5320) [Additional Right of Way (ROW) Only] Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Seven Corners Corporation	Mason	Leesburg Pike (Route 7) (Additional ROW Only)
Lakehaven Estates	Springfield	Burke Lake Road (Route 645) (Additional ROW Only)

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS) AND THE PUBLIC FACILITIES MANUAL (PFM), CHAPTER 9 (WATER AND FIRE REGULATIONS), REGARDING PUBLIC WATER AND SEWER CONNECTIONS

- (A) (Note: Earlier in the meeting, the Board discussed this item. See page 12.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on January 15, 2009, and before the Board on **February 9, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 65 (Plumbing and Gas Provisions), and the PFM, Chapter 9 (Water and Fire Regulations), regarding public water and sewer connections.

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, PROVIDENCE, 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-H08-78	Cricket Communications Rooftop antennas 2340 Dulles Corner Boulevard (Hunter Mill District)	February 6, 2009
FS-H08-83	Cricket Communications Rooftop antennas 1800 Presidents Street (Hunter Mill District)	February 12, 2009
FS-V08-84	Cricket Communications Antenna colocation on existing monopole 8101 Lorton Road (Old Lorton Elementary School/Administrative Center) (Mount Vernon District)	February 12, 2009
FSA-S03-3-1	Sprint-Nextel Communications Add one dish antenna and one equipment cabinet to rooftop 4035 Ridge Top Road (Springfield District)	February 15, 2009
FS-Y08-82	Cricket Communications Rooftop antennas 3600 Joseph Siewick Drive (Sully District)	February 16, 2009
FS-M08-87	Cricket Communications Antenna colocation on existing guyed tower 7001A Cindy Lane (Mason District)	February 16, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-30-1	Sprint-Nextel Communications Add two dish antennas and two equipment cabinets to rooftop 11800 Sunrise Valley Drive (Hunter Mill District)	February 22, 2009
FSA-D97-41-2	Sprint-Nextel Communications Add five dish antennas and two equipment cabinets to rooftop 1350 Beverly Road (Dranesville District)	February 22, 2009
FS-M08-106	FiberTower Rooftop antennas 6200 Wilson Boulevard (Mason District)	March 2, 2009
FS-L08-107	FiberTower Rooftop antennas 5716 South Van Dorn Street (Lee District)	March 2, 2009
FS-P08-108	T-Mobile Northeast LLC Rooftop antennas 1800 Tysons Boulevard (Providence District)	March 5, 2009
FSA-H98-6-1	Sprint-Nextel Communications Add one dish antenna and one equipment cabinet to rooftop 8661 Leesburg Pike (Hunter Mill District)	March 5, 2009
FS-Y08-80	Cricket Communications Rooftop antennas 13873 Park Center Road (Sully District)	March 6, 2009
FS-P08-90	Cricket Communications Antenna colocation on existing tower 8101A Lee Highway (Providence District)	March 7, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-H08-93	Cricket Communications Antenna colocation on existing transmission tower 9600 Center Street (Hunter Mill District)	March 7, 2009
2232-D06-21	Fairfax County Department of Public Works and Environmental Services Expansion of Dolley Madison Library 1244 Oak Ridge Avenue (Dranesville District)	June 1, 2009
2232-M07-12	Columbia Crossroads LP East County Human Services Center (PPEA proposal) 5837 Columbia Pike (Mason District)	June 1, 2009
2232-P08-10	Metropolitan Washington Airports Authority and Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority Tysons East Station (Metrorail) Dolley Madison Boulevard/ Old Meadow Road (Providence District)	June 1, 2009
2232-P08-11	Metropolitan Washington Airports Authority and Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority Tysons Central 123 Station (Metrorail) Chain Bridge Road/Tysons Boulevard (Providence District)	June 1, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-MD08-12	Metropolitan Washington Airports Authority and Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority Tysons Central 7 Station (Metrorail) Leesburg Pike/Chain Bridge Road (Hunter Mill and Providence Districts)	June 1, 2009
2232-MD08-13	Metropolitan Washington Airports Authority and Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority Tysons West Station (Metrorail) Leesburg Pike/Spring Hill Road (Hunter Mill and Providence Districts)	June 1, 2009
2232-H08-14	Metropolitan Washington Airports Authority and Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority Wiehle Avenue Station (Metrorail) Dulles International Airport Access Highway/Wiehle Avenue (Hunter Mill District)	June 1, 2009

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE WOODROW WILSON BRIDGE PROJECT (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 12, 2009, at 4 p.m.** to consider the conveyance of County-owned property to VDOT for the Woodrow Wilson Bridge project (Lee District).

ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09086 FOR VARIOUS FAIRFAX AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREA SECURITY INITIATIVE (UASI) SUB-GRANT AWARDS FROM THE DISTRICT OF COLUMBIA (DC) OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE THROUGH THE STATE ADMINISTRATIVE AGENCY FOR THE NATIONAL CAPITAL REGION

(SAR) Approved SAR AS 09086 in the amount of \$4,192,594. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment One of the Board Agenda Item dated December 8, 2008. All projects will be implemented in accordance with the program guidance documents. No local cash or in kind match is required.

ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (LEE DISTRICT)

- Endorsed traffic calming measures for Ridge View Drive consisting of one speed hump and one raised crosswalk on Ridge View Drive (Lee District).
- Directed staff to request the Virginia Department of Transportation (VDOT) to install the approved measures as soon as possible.

ADMIN 7 – DISCONTINUANCE OF ROADWAYS FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS LOCATED WITHIN THE RIGHT-OF-WAY OF THE FRANCONIA-SPRINGFIELD PARKWAY (LEE DISTRICT)

(R) Adopted the Resolution requesting that four segments of roadway be discontinued from the Secondary System of State Highways.

ADMIN 8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 98-L-063, MOBIL OIL CORPORATION (LEE DISTRICT)

(AT) Approved the request for six months of additional time to commence construction for Special Exception Application SE 98-L-063 to June 2, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-P-093, EPIPHANY OF OUR LORD BYZANTINE CATHOLIC CHURCH (PROVIDENCE DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Amendment Application SEA 85-P-093 to October 3, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 8, 2009, at 8:15 p.m. and before the Board on **February 23, 2009, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance). The proposed amendment increases the maximum allowable height of by right structure and rooftop mounted panel antennas; allows replacement utility poles and light poles on which antennas are mounted that are located in any street right-of-way to be greater in size than the pole being replaced, subject to limitations; and allows mobile and land based telecommunication hub sites to locate by right in residential districts in certain circumstances.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS (HUNTER MILL, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

- (A) (Note: Earlier in the meeting, the Board discussed this item. See page 12.)

Authorized the advertisement of a public hearing to be held before the Board on **January 12, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to divide the McNair precinct to create a new precinct; divide the Laurel Hill precinct to create a new precinct; and divide the Newgate precinct to create two new precincts.

ADMIN 12 – CONFIRMATION OF THE ADDITION OF THE DIRECTOR OF FAIRFAX COUNTY PUBLIC SCHOOL (FCPS) ALTERNATIVE SCHOOL PROGRAMS AS A MEMBER OF THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

Confirmed Teresa M. Zutter, Director of FCPS Alternative School Programs as a member of the CPMT.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO OBTAIN INPUT FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ (CRS) GRANT APPLICATION TO THE COMMONWEALTH OF VIRGINIA FOR THREE REPLACEMENT VEHICLES

- (A) (Note: Earlier in the meeting, additional action was taken regarding this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **January 12, 2009, at 4 p.m.** to obtain input for CRS’ grant application to the Commonwealth of Virginia for three replacement vehicles.

18. **A-1 – APPROVAL OF STANDARDIZED LANGUAGE FOR VEGETATED BUFFER EASEMENTS AND REFORESTATION EASEMENTS**
(12:35 p.m.)

On motion of Supervisor Smyth, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed standardized language for vegetated buffer easements and reforestation easements.

19. **A-2 – SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2009 A AND GENERAL OBLIGATION BOND REFUNDING BONDS** (12:36 p.m.)

- (R)
(BONDS) Supervisor Bulova and Supervisor Gross jointly moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the issuance of General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. The Resolution:

- Delegates to the County Executive or the Deputy County Executive/Chief Financial Officer authority to award the bonds to the lowest responsive bidder or if market conditions warrant, pursue a negotiated sale. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions.
- Approves the form of the notice of sale and the Official Statement.
- Authorizes the Chairman and/or Vice-Chairman to sign the Official Statement.

The second was inaudible.

Discussion ensued concerning the current market with input from Anthony H. Griffin, County Executive, who stated that the County was considered to be the premium of the AAAs. Discussion continued concerning the municipal bond market. Supervisor Bulova noted that the size of the bond sale was small and mainly dealt with projects under construction or contracts that had been signed.

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

20. **A-3 – AUTHORIZATION TO CONTRACT WITH SPRINT-NEXTEL TO FUND REGIONAL 800 MHz REBANDING IMPLEMENTATION COORDINATION** (12:38 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board concur in the recommendation of staff and authorize the County Executive to execute the 800 MHz Regional Coordination Funding Agreement upon completion of negotiations. The work and funding requirements of the Agreement are described in the Regional Coordination Statement of Work and Cost Estimate ("Schedule B"), Attachment I of the Board Agenda Item dated December 8, 2008. Supervisor Gross seconded the motion.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross noted that on page 59 of the Board Agenda Item the fiscal impact was listed as "none," and inquired as to what would happen if Sprint-Nextel failed to reimburse the County. Discussion ensued with input from Erin Ward, Assistant County Attorney, concerning orders by the Federal Communications Commission (FCC) and future iterations of Sprint-Nextel.

Ms. Ward advised the Board that since this Item had been submitted, Sprint-Nextel had notified the County that it would not be funding the level of effort and services that were set forth in the Board Item and that it appeared that it would be necessary for the County to ask the FCC to decide the matter to get the region through rebanding without risking inoperability or the safety of its first responders.

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

21. **A-4 – APPROVAL TO IMPLEMENT AN ADJUSTMENT TO FAIRFAX CONNECTOR POLICIES AND FARES** (12:41 p.m.)

- (P) Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt the Bus Fare Policy and Fare Increase Adjustments for the FAIRFAX CONNECTOR bus system as outlined in the Board Agenda Item dated December 8, 2008. Supervisor McKay seconded the motion.

Discussion ensued concerning a clarification of fare changes, transfers, and special passes, with input from Rollo C. Axton, Chief, Transit Services Division, Department of Transportation. Supervisor Hudgins asked unanimous consent that the Board direct staff to:

- Provide as much communication as possible to the human service community to ensure the effective distribution of SmarTrip cards to those affected.
- Begin to address the role human services agencies can play in meeting subsidy issues.

Without objection, it was so ordered.

Discussion continued concerning the distribution of the cards, enlisting the aid of providers to reach out to the community, and fiscal impact.

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

22. **A-5 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE’S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2010 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (12:46 p.m.)

On motion of Supervisor Bulova, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the CAO Task Force’s two primary recommendations on the FY 2010 VRE budget as outlined in the Board Agenda Item dated December 8, 2008.

23. **A-6 – APPROVAL OF AWARD OF LOAN FUNDS IN FISCAL YEAR 2009 HOME PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS TO TWO FAIRFAX COUNTY NONPROFIT AFFORDABLE HOUSING DEVELOPERS** (12:47 p.m.)

This item was withdrawn by staff.

24. **A-7 – ACCEPTANCE OF THE JOSIAH H. BEEMAN COMMISSION REPORT TO FACILITATE THE TRANSFORMATION OF THE FAIRFAX-FALLS CHURCH MENTAL HEALTH SYSTEM** (12:47 p.m.)

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

- Accept the Josiah H. Beeman Commission Report.

- Direct the County Executive and the Fairfax-Falls Church Community Services Board to develop an implementation plan within 90 days, which includes estimates of the level of investment required, the degree of difficulty anticipated, and an estimated timeframe for implementation.

Supervisor Gross seconded the motion.

(Note: Later in the meeting, the Board voted on this matter. See Clerk's Summary Item #26.)

25. **A-8 – AUTHORIZATION TO MAKE AN AFFORDABLE HOUSING PROGRAM PARTNERSHIP (AHPP) TIER I PREDEVELOPMENT LOAN FROM FUND 144, HOUSING TRUST FUND, AND AN AHPP TIER III LOAN FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT SECTION 108 LOAN, TO WESLEY STRAWBRIDGE, LP, FOR THE ACQUISITION, REHABILITATION, AND PRESERVATION OF THE 128-UNIT STRAWBRIDGE SQUARE APARTMENTS (MASON DISTRICT)** (12:48 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved an AHPP Tier I predevelopment loan of \$50,000 and an AHPP Tier III loan of \$5,040,000, subject to an appraisal, as part of the overall financing for Strawbridge Square Apartments.

26. **A-7 – ACCEPTANCE OF THE JOSIAH H. BEEMAN COMMISSION REPORT TO FACILITATE THE TRANSFORMATION OF THE FAIRFAX-FALLS CHURCH MENTAL HEALTH SYSTEM** (12:48 p.m.)

- (BACs) (Note: Earlier in the meeting, the Board considered this matter. See Clerk's Summary Item #24.)

Supervisor Hudgins advised the Board that it appeared it had not voted on this matter during its previous consideration.

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

27. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (12:49 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts during the period between the December meeting and

the first meeting in January. Whenever a contract exceeds the estimate by ten percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

The staff was directed administratively to proceed as proposed.

28. **I-2 – CONTRACT AWARD – GEOTECHNICAL ENGINEERING AND TESTING SERVICES TASK ORDER CONTRACT** (12:49 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for staff to award a contract to ECS Mid-Atlantic, LLC in the amount of \$350,000 to provide geotechnical engineering and testing services on various County projects which are being designed by County staff and/or when these services are not part of a design contract with an outside firm. The contract will be for calendar year 2009 with the option to renew for one additional year. The ceiling for the contract is \$350,000 for calendar year 2009.

The staff was directed administratively to proceed as proposed.

29. **I-3 – CONTRACT AWARD – RICHARD BYRD COMMUNITY LIBRARY RENOVATION AND ADDITION (LEE DISTRICT)** (12:49 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for staff to award a contract to Keller Brothers, Incorporated in the amount of \$4,690,000 for the construction of the Richard Byrd Community Library Renovation and Addition, Project 004843, Fund 302, Library Construction.

The staff was directed administratively to proceed as proposed.

30. **I-4 – PRESENTATION OF THE FISCAL YEAR (FY) 2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (12:49 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, regarding the FY 2008 CAFR.

Supervisor Gross inquired as to the nature of the report with input from Anthony H. Griffin, County Executive, who stated that it was primarily a financial rather than management audit.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide a report for each account within each fund to identify potential savings in the following form:

- 2008 budget

- 2008 actual
- Variance column
- 2009 budget

Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

31. **I-5 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR HERNDON FIRE STATION (DRANESVILLE DISTRICT)** (12:51 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for staff to award a contract to Samaha Associates, PC in the amount of \$102,280 to provide conceptual architectural and engineering design services for a new Herndon Fire Station, Project 009215, in Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

32. **I-6 – CONTRACT AWARD – DEVELOPMENT AND OPERATION OF “THE RESIDENCES AT THE GOVERNMENT CENTER” PURSUANT TO THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002 (SPRINGFIELD DISTRICT)** (12:51 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for staff to award a contract to JPI Apartment Construction, Incorporated for the execution and delivery of the Comprehensive Agreement and the Contract to Ground Lease, and, in the future, the execution and delivery of the Ground Lease.

Discussion ensued concerning discussing this matter in detail following the public hearing.

(Note: Later in the meeting, The Board took action regarding this item. See Clerk’s Summary Item #64.)

33. **I-7 – CONTRACT AWARD – CONSTRUCTION OF THE OLLEY GLEN (FORMERLY LITTLE RIVER GLEN PHASE III) SENIOR HOUSING PROJECT (BRADDOCK DISTRICT)** (12:52 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for staff to award a contract to

Falls Church Construction Corporation in the amount of \$10,759,000 for the construction of the Olley Glen project.

The staff was directed administratively to proceed as proposed.

34. **I-8 – CONTRACT AWARD – IMPLEMENTATION COORDINATION PHASE AGREEMENT FOR 800MHz RADIO REBANDING IN THE NATIONAL CAPITAL REGION** (12:52 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for staff to award a sole source contract with Motorola to provide Program Management to coordinate implementation of the Regional Master Schedule and rebanding activities in the national capital region.

The staff was directed administratively to proceed as proposed.

35. **I-9 – COMMENTS REGARDING THE VIRGINIA DEPARTMENT OF TRANSPORTATION’S (VDOT’S) PROPOSED ACCESS MANAGEMENT REGULATIONS AND STANDARDS FOR MINOR ARTERIALS, COLLECTORS, AND LOCAL STREETS** (12:52 p.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2008, requesting authorization for staff to transmit comments to VDOT for consideration before the close of the public comment period on December 15, 2008.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent to add in the general comment section of staff comments the following:

- The proposed Access Management Regulations and Standards for Minor Arterials, Collectors and Local Streets could preclude high quality urban design in places like Tysons Corner and elsewhere and could negate the effectiveness of the Virginia Department of Transportation’s (VDOT’s) well-designed revisions to subdivision street acceptance standards by effectively requiring that individual subdivisions are not well connected with one another. Furthermore, by forcing more cars into fewer intersections, the intersections will have to become larger and therefore less accessible to bikes and pedestrians. These regulations are well designed for rural areas where it does make sense to reduce curb cuts and intersections to the maximum degree possible. They would be counterproductive in suburban or urban areas that are trying to encourage a balanced transportation system that encourages walking, biking, and the use of transit. It is important to ensure that these standards do not discourage implementation of

smart-growth urban design principals in the County. As such, all Mixed-Use Centers in the County, as defined by the Comprehensive Plan, should be exempt from these regulations.

Following input from Katharine D. Ichter, Director, Department of Transportation, and without objection, the request was so ordered.

Supervisor Foust inquired as to the application of these regulations to historic and scenic by-ways with input from Ellen Gallagher, Chief, Capital Projects and Operations Division, Department of Transportation, concerning developing an access management plan as well as waivers and exceptions from VDOT.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

36. **ORDERS OF THE DAY** (12:56 p.m.)

Vice-Chairman Bulova stated that the Board would proceed with Chairman Connolly's Board Matters then present the remaining Board Matters at the end of the meeting.

37. **BICYCLE SAFETY (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (12:57 p.m.)

Jointly with Supervisor Foust, Supervisor Hudgins, and Supervisor Smyth, Chairman Connolly noted that the Washington and Old Dominion (W&OD) Trail is the heart of Northern Virginia's bicycling infrastructure. Using the W&OD and connecting trails, commuters can ride their bikes from Leesburg to Washington DC and everywhere in between. Unfortunately, there are many W&OD intersections that are unsafe and inconvenient for bicyclists. These intersections not only pose safety risks to cyclists, but also increase cycling commute times and discourage biking as a transportation alternative. By improving W&OD crossings, the County can make it safer and more convenient for residents in the Dulles corridor to bicycle to work in Tysons and other employment centers near the trail.

As noted in the written Board Matter, County staff and bicycle advocates in the County have been working with the Virginia Department of Transportation (VDOT) to recommend safety improvements to W&OD trail crossings. As part of this effort, in August the Board directed staff to install "Yield to Pedestrians" signs at several trail intersections in the County. Since August, VDOT has responded to a joint letter from Chairman Connolly, Chairman York (Loudoun County), and Paul Gilbert (Northern Virginia Regional Park Authority), which requested additional improvements to enhance safety along the W&OD.

Although VDOT's response promised some improvements, more will need to be done to protect cyclists along this important bicycling corridor.

Therefore, Chairman Connolly asked unanimous consent that the Board endorse the proposed letter to Secretary of Transportation Pierce Homer. Without objection, it was so ordered.

38. **WINERIES IN THE COUNTY** (12:58 p.m.)

Chairman Connolly noted that on Thursday, December 4, *The Washington Post* ran an article entitled "Regulations Sour Dream of Winery," which described a Zoning Administration Division decision to deem a proposed winery in Clifton as a "manufacturing" use. He distributed copies of the article around the dais. According to staff from the County, a winery would be considered a "manufacturing" use if the vintners used any grapes from offsite to mix with grapes grown on site. Because most vintners mix grapes to make wine, and because the proper mix of grapes may not be available on site to make wine that anyone would want to drink, this classification would effectively exclude wineries from the County by prohibiting their establishment in agricultural areas. De facto exclusion of wineries is inconsistent with the Board policy designed to protect water quality, open space, and preserve Agricultural and Forestal Districts.

The proposed winery in Clifton is a 35-acre Agricultural and Forestal District located next to Hemlock Overlook Regional Park, near the Occoquan Reservoir, on land zoned Residential-Conservation (R-C). Two thirds of the site is wooded, and the establishment of a winery, with refurbishment of an existing barn, would preserve the forest on over 20 acres and provide an economical use of the land as an alternative to subdivision and development. Preservation of this open space in an agricultural use would protect the character of the Clifton area and water quality in the Occoquan Reservoir. It would also protect tree cover on site. In contrast, preventing the establishment of a winery could force the landowners to consider other uses of the property, such as subdivision and development, that would lead to a loss of tree canopy, increase in impervious surfaces, and diminishment of viewsheds near Hemlock Overlook Regional Park. Protection of this unusually large parcel of open space would seem to be consistent with Board policies designed to protect the Occoquan, preserve tree canopy, and protect streams.

In the Zoning Ordinance, the R-C district *"is established to protect water courses, stream valleys, marshes, forest cover in watersheds, aquifer recharge areas, rare ecological areas, and areas of natural scenic vistas; to minimize impervious surface and to protect the quality of water in public water supply watersheds; to promote open, rural areas for the growing of crops, pasturage, horticulture, dairying, floriculture, the raising of poultry and livestock; and for low density residential uses."* He said that a winery would seem to be consistent with these public policy objectives. If wineries such as this one offer economic incentives to preserve large parcels of open space in Great Falls, the Occoquan watershed, the

Difficult Run watershed, and Mason Neck, then the County should consider working with landowners who wish to open wineries rather than subdivide and develop their property. This may be an opportunity to help meet the Board's recent request that staff develop strategic action plans to save the remaining 1,200 acres of Agricultural and Forestal districts in the County.

Since staff has stated that the Zoning Ordinance is inflexible and that wineries that use any offsite grapes are not allowed in agricultural areas, it would appear that a Zoning Ordinance Amendment could remedy this problem. To ensure that future wineries are located in appropriate places, it may be advisable to limit them to R-C and R-A districts, or establish a minimum acreage requirement.

Therefore, jointly with Supervisor Herrity, Supervisor Hyland, and Supervisor McKay, and Vice-Chairman Bulova, Chairman Connolly moved that the Board direct staff to draft a Zoning Ordinance Amendment to allow farm wineries, such as the one proposed in Clifton, including those wineries that bring some grapes from off site, to be located in R-C and R-A districts, and to suspend any enforcement action against existing or proposed farm wineries pending passage of the Zoning Ordinance amendment. Supervisor Herrity and Supervisor Hyland seconded the motion.

Following discussion, with input from James P. Zook, Director, Department of Planning and Zoning, the question was called on the motion, which carried by a vote of eight, Supervisor Frey and Supervisor McKay being out of the room.

39. **WOMEN'S HISTORY MONTH** (1:08 p.m.)

Chairman Connolly noted that each year National Women's History Month honors and recognizes the role of American women in transforming culture, history and politics as leaders, writers, scientists, educators, politicians, artists, historians, and informed citizens. This year's celebration will celebrate the myriad ways in which the spirit, courage, and contributions of American women have added to the vitality, richness, and diversity of American life.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim March 2009 as "*Women's History Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office of Equity Programs to receive the proclamation at the February 23, 2009, Board meeting. Without objection, it was so ordered.

40. **RECOGNITION OF THE PUBLIC SAFETY OCCUPATIONAL HEALTH CENTER** (1:09 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly said that Fairfax County's Public Safety Occupational Health Center recently released data from its Customer Satisfaction and Clinical Outcomes Survey, an eight month study begun in 2007. The study interviewed 2,200 patients and

found that the Center diagnosed over 160 cases of hypertension, 30 cases of diabetes, 39 cases of cardiovascular disease, and 12 cases of cancer, among other conditions. Through these early, first detections, the Public Safety Occupational Health Center has saved the lives of the County's public safety workers.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite Dr. Stewart and any other personnel from the Public Safety Occupational Health Center to appear before the Board at a later date to be recognized for their efforts to safeguard public safety employees. Without objection, it was so ordered.

41. **CONGESTION ON INTERSTATE 66 (I-66)** (1:10 p.m.)

Chairman Connolly noted that congestion on the roadways has a major impact on the quality of life of constituents. The economic downturn and the lack of comprehensive transportation funding from the Commonwealth have resulted in few resources being available to address these significant problems. As such, it is important to seek low cost solutions as often as possible.

Congestion frequently results from the lane changing behavior of drivers as they approach interchanges. Minimizing this activity helps to keep traffic moving and makes roadways safer. Presently, on eastbound I-66, between the Capital Beltway and Route 7, the design of the roadway results in a decrease in lanes immediately prior to the exit to Route 7. As such when traffic further east on I-66 begins to slow down, motorists who would otherwise exit I-66 at Route 7 actually contribute to further congestion because they cannot access the exit. It has been suggested that an exit only lane to Route 7 and leaving two through lanes for traffic would be a low cost solution that might only require re-stripping of the roadway as a large paved shoulder exists in this area.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to send a letter to the Virginia Department of Transportation (VDOT) Northern District Administrator, Morteza Salehi, suggesting that VDOT consider this option to decrease congestion. Without objection, it was so ordered.

42. **RAIL TO DULLES** (1:12 p.m.)

(BACs) In a Board Matter presented jointly with the entire Board, Supervisor McKay said that last week the FTA announced support of Rail to Dulles - a major milestone in achieving a long-standing County goal. The Board of Supervisors and the WMATA Board of Directors want to ensure that the enormous public investment into rail to Dulles is supported by a land use plan that emphasizes transit-oriented development. He asserted that Transit-Oriented Development around transit stations is vital to both the Metro system and the region.

Supervisor McKay said that the Tysons Land Use Task Force was recently advised of the timeline for bringing Comprehensive Plan language to the Planning

Commission and Board. The vision expressed in its report to the Board on September 22 is not only valid, but urgent in terms of showing sufficient commitment and progress in sync with the FTA endorsement.

The Task Force is continuing its work with staff to make this unique process and plan move forward, so that momentum will be sustained when the market upturn is apparent. The Director of the Department of Planning and Zoning (DPZ) provided the Board a detailed memo earlier in the day outlining the schedule and staff approach for Tysons and all the efforts currently underway.

Therefore, Supervisor McKay moved that the Board direct planning staff to create a website with information, including a planning schedule outlining the progress of Tysons, as expeditiously as possible. Supervisor Bulova seconded the motion.

Discussion ensued regarding the motion as well as the aforementioned memorandum, with input from James P. Zook, Director, DPZ.

Supervisor Herrity asked to amend the motion to include the economic impact along with the timeline on the proposed website, and this was accepted.

Further discussion ensued regarding staying on schedule, neighborhood traffic impact studies, and the vision for Tysons Corner.

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

43. **FORMAL RESIGNATION OF CHAIRMAN CONNOLLY** (1:22 p.m.)

Chairman Connolly formally noted that he was recently elected to the US House of Representatives from Virginia's eleventh Congressional District. Under the Constitution, he will assume that office on Saturday, January 3, 2009. Accordingly, he announced his intent to resign as Chairman effective at the close of business on Friday, January 2. He will participate in the furlough with County employees on January 2. He said that it had been a great honor and privilege to serve with his colleagues on the Board as they strove to address the needs of fellow residents. He stated that he will carry the same passion and mission for common sense, results oriented government to Capitol Hill.

(NOTE: Later in the meeting, the Board took action regarding a special election. See Clerk's Summary Item #48.)

44. **TRIBUTE TO CHAIRMAN CONNOLLY** (1:24 p.m.)

Vice-Chairman Bulova introduced a Resolution of Appreciation paying tribute to Chairman Connolly's 14 years on the Board. All Board Members participated in presenting sections of the Resolution which outlined his significant achievements.

The entire Board (with the exception of Chairman Connolly) moved adoption of the Resolution for Chairman Connolly, which carried by unanimous vote.

Former Chairman Katherine K. Hanley, Secretary to the Commonwealth, and James Scott, Member, House of Delegates, also paid tribute to Chairman Connolly.

Chairman Connolly expressed appreciation to staff and his family.

45. **RECESS/CLOSED SESSION** (1:50 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 1. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca D. Amaya*, Case No. CL-2008-0008084 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 2. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Freddie Tesalona and Eva Tesalona*, Case No. CL-2008-0012993 (Fx. Co. Cir. Ct.) (Lee District)
 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hussain Kanaan, Myrna Kanaan, and Yasmine Kanaan*, Case No. CL-2008-0006680 (Fx. Co. Cir. Ct.) (Lee District)

4. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne S. Kreiser*, Case No. CL-2008-0001585 (Fx. Co. Cir. Ct.) (Mount Vernon District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0002100 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph L. Williams*, Case No. CL-2007-0012566 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia G. Munoz*, Case No. CL-2007-0015538 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova*, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dorothy E. Young and Leon A. Young*, Case No. CL-2007-0010490 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *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)

12. *Eileen M. McLane, Fairfax County Zoning Administrator, Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia, and Ronald L. Mastin, Fairfax County Fire Marshal v. Adela Cuellar Taylor*, Case No. CL-2008-0001917 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Frank A. Passarelli*, Case No. CL-2008-0010202 (Fx. Co. Cir. Ct.) (Sully District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lan Ngoc Phan, et al.*, Case No. CL-2007-0014491 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Zavala and Lorena N. Alvarada*, Case No. CL-2008-0009441 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Dodge Sims*, Case No. CL-2008-0011405 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2008-0010681 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Corinne B. Boals*, Case No. CL-2008-0011677 (Fx. Co. Cir. Ct.) (Dranesville District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Consuelo A. Goldie and John V. Medrano*, Case No. CL-2008-0010163 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gloria M. Salazar and Wilian F. Salazar*, Case No. CL-2008-0010089 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elias Serrano and Teresa Serrano*, Case No. CL-2008-0012889 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nick M. Pittas and Helen Pittas*, Case No. CL-2008-0008545 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Morad K. Elshaer a/k/a Morad K. El-Shaer, Daleen K. Elshaer, and Rana K. Elshaer*, Case No. CL-2008-0010094 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald L. Bonaddio and Sharon L. Bonaddio*, Case No. CL-2008-0012058 (Fx. Co. Cir. Ct.) (Dranesville District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus Livia Castillo Ullauri and Neri K. Solis*, Case No. CL-2008-0011678 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Curry*, Case No. CL-2008-0010740 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Quy Tran and Quyen T. Ngo*, Case No. CL-2008-0014392 (Fx. Co. Cir. Ct.) (Providence District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald Joseph Grieme*, Case No. CL-2008-0014416 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Luis F. Becerra Barba*, Case No. CL-2008-0014599 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2008-0014600 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelina Almanza*, Case No. CL-2008-0014662 (Fx. Co. Cir. Ct.) (Braddock District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Misael Soria Vargas*, Case No. CL-2008-0015193 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. 08-0026797 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *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)

38. *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)
39. *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)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *Robert D. Scrimshaw versus Kevin C. Greenlief*, CL-2008-116634
- *Eileen M. McLane versus Derek B. Vereen, et al.*, CL 2006-0009795

This motion, the second to which was indistinguishable, carried by a vote of nine, Supervisor Hyland being out of the room.

DMS:dms

At 4:46 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:46 p.m.)

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

47. **APPOINTMENT OF DIRECTOR FOR DEPARTMENT OF FINANCE**
(4:46 p.m.)

Supervisor Gross moved the appointment of Mr. Victor Garcia to the position of Director, Department of Finance, Grade E-12, at a starting salary of \$152,356, effective today. Supervisor Bulova seconded the motion, and it carried by unanimous vote.

48. **MOTION FOR A SPECIAL ELECTION** (4:47 p.m.)

(NOTE: Earlier in the meeting, Chairman Connolly formally announced his resignation. See Clerk's Summary Item #43.)

Supervisor Gross said that whereas Chairman Connolly has tendered his resignation effective the end of January 2, 2009, to accept the office of Representative of the Eleventh Congressional District of Virginia to the US House of Representatives, Supervisor Gross moved that the Board authorize the County Attorney to petition the Circuit Court for a special election on February 3, 2009, to fill the vacancy caused by Chairman Connolly's resignation. Supervisor Foust seconded the motion, and it carried by unanimous vote.

49. **MOTION FOR ADOPTION OF ELECTION POLICIES** (4:48 p.m.)

(P) Supervisor Gross stated that whereas, the Board now expects there will be a special election for the Chairman of the Board on February 3, 2009, she moved adoption of the following election Policies that would extend until the special election is completed:

- Material provided to Board Members also will be made available to each official, non-Board members seeking election to the Chairmanship, including not-in-package items and any land-use affidavits.
- County printing and mailing services are not to be used for the purpose of district-wide newsletters until after February 3, 2009.
- There shall be no links from a County Supervisor's web page to any personal or political campaign site.

Supervisor Bulova seconded the motion.

Following a question from Supervisor Herrity, David P. Bobzien, County Attorney, clarified the exclusion of the electronic newsletters in the motion.

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

Supervisor Gross announced that she had one more action from closed session, but, would bring it before the Board later in the meeting.

(NOTE: Later in the meeting, the Board took action on an additional item from closed session. See Clerk's Summary Item #58.)

ADDITIONAL BOARD MATTER

50. **WELCOME TO BOY SCOUTS (BRADDOCK DISTRICT)** (4:49 p.m.)

Supervisor Bulova recognized the presence of Boy Scout Troop 1131, from the Braddock District, and, on behalf of the Board, warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

51. **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)
(4:50 p.m.)

(NOTE: On October 20, 2008, the Board deferred the public hearing on this item until November 17, 2008. On November 17, 2008, the Board deferred the public hearing on this item until December 8, 2008.)

Supervisor Gross moved to defer the public hearing on Proffered Condition Amendment Application PCA 92-M-038 and Special Exception Application SE 2008-MA-019 indefinitely. Supervisor Herrity seconded the motion and it carried by a vote on nine, Chairman Connolly being out of the room.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-MA-003 (T-MOBILE NORTHEAST LLC/TRUSTEES OF THE SLEEPY HOLLOW UNITED METHODIST CHURCH) (MASON DISTRICT)** (4:51 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 2002-MA-003 until **January 12, 2009, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity and Chairman Connolly being out of the room.

53. **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)** (4:52 p.m.)

(NOTE: On August 4, 2008, the Board deferred the public hearing on this item until October 20, 2008. On October 20, 2008, the Board deferred the public hearing on this item until November 17, 2008. On November 17, 2008, the Board deferred the public hearing on this item until December 8, 2008.)

The application property is located in the southwest quadrant of the intersection of Lee Highway and Nutley Street and the northwest quadrant of the intersection of Arlington Boulevard and Nutley Street at 9200 Arlington Boulevard, Tax Map 48-4 ((1)) 12.

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

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

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

Supervisor Smyth submitted items for the record.

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

- Changes made since the Planning Commission public hearing.
- Internal circulation of the site.
- Condition for a traffic signal.
- Flood plain issues.
- Conservation easement.

Supervisor Smyth moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-PR-013, be amended from the C-3, C-6, C-8 and HC Districts to the C-6 and HC Districts, subject to the proffers dated November 4, 2008. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the number needed for a quorum.

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

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2006-PR-005, subject to the development conditions dated November 10, 2008.
- Waiver of the service drive requirement along Lee Highway.
- Waiver of the service drive requirement along Arlington Boulevard.
- Waiver of the transitional screening and barrier requirements along the perimeters adjacent to residential uses, in favor of the existing vegetation.

Supervisor Foust seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, Supervisor Herrity, and Chairman Connolly being out of the room.

54.

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)

(No time)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #51.)

55. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-V-046 (WASHINGTON DC SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS) (MOUNT VERNON DISTRICT)** (5:08 p.m.)

The application property is located at 9102 Richmond Highway, 9128 and 9130 Belvoir Court, Tax Map 109-1 ((1)) 38, 39, and 41.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

Mr. Stearns 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 Herrity disclosed the following campaign contributions which he received in excess of \$100 from:

- Mr. Frank Stearns, Venable Partners
- Mr. Tom France, Venable Partners
- Mr. Scott Hommer, Venable Partners

Kelli-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Mr. Stearns, regarding the input from neighboring properties.

Supervisor Hyland submitted items for the record.

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Smyth seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 97-V-046, subject to the development conditions dated November 18, 2008.
- Waiver of the transitional screening and barrier requirements along the northern and eastern boundaries of the site in favor of the existing vegetation, as shown on the SEA Plat.

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

56. **3:30 P.M. PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-MA-003 (T-MOBILE NORTHEAST LLC/TRUSTEES OF THE SLEEPY HOLLOW UNITED METHODIST CHURCH) (MASON DISTRICT)** (No time)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #52.)

57. **3:30 P.M. PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-PR-035 (TRUSTEES OF OAKTON UNITED METHODIST CHURCH) (PROVIDENCE DISTRICT)** (5:14 p.m.)

The application property is located at 2951 Chain Bridge Road, Tax Map 47-2 ((1)) 91.

Ms. Karen S. Jones-Budd reaffirmed the validity of the affidavit for the record.

Ms. Jones-Budd 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, Kelli-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Goddard-Sobers, regarding the:

- Classification of the church as a historical place.
- Last of the original buildings located at the intersection of Hunter Mill Road and Route 123.
- Changes to the number of children permitted and the hours of operation.

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 2002-PR-035, subject to the development conditions dated November 6, 2008.
- Modification of the transitional screening requirement to allow existing vegetation to remain along the southern, eastern, and western property lines, as depicted on the SE Plat.

- Waiver of the barrier requirement along the southern, eastern, and western property lines.
- Waiver of the on-road bike lane requirement along Chain Bridge Road (Route 123).

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

ADDITIONAL ACTION FROM CLOSED SESSION

58. **SALARY FREEZE FOR THE COUNTY EXECUTIVE AND COUNTY ATTORNEY** (5:20 p.m.)

(NOTE: Earlier in the meeting, the Board referenced this item. See Clerk's Summary Item #49.)

Supervisor Gross stated that the Board has completed its annual performance evaluation of Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney. The evaluations were in-depth and comprehensive and represented input from all Board Members.

However, despite their superior performance, the current fiscal atmosphere precludes any adjustment to salaries at this time.

Therefore, Supervisor Gross moved that the salaries of the County Executive and the County Attorney remain frozen at their current levels, subject to any potential adjustments that may be made for the general County workforce in the FY 2010 adopted budget. Other terms of their employment remain unchanged. Supervisor Smyth seconded the motion, and it carried by a vote of nine, Chairman Connolly being out of the room.

AGENDA ITEMS

59. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S08-IV-RH1, LOCATED NORTH OF TELEGRAPH ROAD, EAST OF BEULAH STREET (LEE AND MOUNT VERNON DISTRICTS)** (5:25 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 November 20 and November 27, 2008.

The application property is located at the northeast corner of Beulah Street and Telegraph Road (Tax Map 100-1((1)) 9pt., 11A, 11A1, 14, and 15.)

Aaron Klibaner, Planner II, Planning Division, Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Mr. Klibaner, and Lynne J. Strobel, attorney for the applicant, regarding the:

- Establishment of a Wegmans grocery store.
- Generation of trips to the property.
- Neighborhoods not consulted in the previous meetings.
- Traffic patterns resulting from Hilltop Sand and Gravel.

Supervisor McKay and Supervisor Hyland submitted items for the record.

Following the public hearing, which included testimony by 10 speakers, Supervisor McKay moved approval of proposed Plan Amendment S08-IV-RH1, as recommended by the Planning Commission, as shown on Pages 15-16 of Attachment I of the Board Package, with the modifications shown, and in Supervisor McKay's handout dated December 8, 2008. The recommendation supports development of a shopping center with a grocery store anchor at an intensity up to .30 floor area ratio with conditions relating to transportation, design, and green building techniques. Supervisor Hudgins seconded the motion.

Discussion ensued further, with input from Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ, regarding the:

- Construction debris.
- Possible emission of methane and other greenhouse gases.

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

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SINGLETONS GROVE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (6:21 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 November 20 and November 27, 2008.

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

Discussion ensued, with input from Ms. Turner, regarding the:

- Person who initiated the process.
- Applicable side of the road.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the 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.

Supervisor Herrity and Supervisor Smyth jointly 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 out of the room.

61. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE RESTON COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)**
(6:34 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2008.

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

Supervisor Hudgins submitted items for the record.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Reston CPD, in accordance with current CPD restrictions. 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 out of the room.

62. **4 P.M. – PH 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)** (6:45 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2008.

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

Vice-Chairman Bulova submitted items for the record.

Following the public hearing, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Foust and moved adoption of the 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 (Route 4406) to Stallworth Court (Route 6995). Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Frey, Supervisor Hyland, and Chairman Connolly being out of the room.

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

63. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE WHITE OAKS COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (6:48 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 November 20 and November 27, 2008.

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

Following the public hearing, which included testimony by one speaker, Supervisor Herrity moved adoption of the 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. Vice-Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Gross,

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

64. **4:30 P.M. – PH 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

I-6 – CONTRACT AWARD – DEVELOPMENT AND OPERATION OF “THE RESIDENCES AT THE GOVERNMENT CENTER” PURSUANT TO THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002 (SPRINGFIELD DISTRICT)

(6:54 p.m.)

(NOTE: Earlier in the meeting, the Board discussed Information Item 6. See Clerk’s Summary Item #32.)

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 November 20 and November 27, 2008.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins moved approval of 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.

Supervisor Herrity moved a substitute motion to renegotiate the ground lease and the Comprehensive Agreement with JPI Development Services so that the residences at the Government Center are for County employees only. Supervisor Frey seconded the motion.

Discussion ensued, with input from John Payne, Deputy Director, Real Estate, Department of Housing and Community Development, and Alan Weiss, Assistant County Attorney, regarding:

- What is being done to attract County employees.
- The income tax credits.
- Information being readily available to County employees.

- Preferential treatment for County employees.
- Marketing to public and County employees.
- The names on the list for affordable housing.
- The radius around the project.
- The rezoning process for the project.
- Possible appeal to those who work close to the project.
- Specific marketing techniques to be utilized.

The question was called on the substitute motion and it **FAILED** by a recorded vote of six, Supervisor Frey and Supervisor Herrity voting “**AYE**,” Supervisor Hyland and Chairman Connolly being out of the room.

The question was called on the main motion and it **CARRIED** by a recorded vote of six, Supervisor Frey and Supervisor Herrity voting “**NAY**,” Supervisor Hyland and Chairman Connolly being out of the room.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the number of employees who work in the Government Center, Herrity Building, and Pennino Building.

65. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:39 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 November 20 and November 27, 2008.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and there were no speakers.

NV:nv

ADDITIONAL BOARD MATTERS66. **RECOGNITION OF THE LATE SAMI KALIFA** (7:39 p.m.)

Jointly with Supervisor Gross, Supervisor Herrity, and Supervisor McKay, Vice-Chairman Bulova said that Annandale and the County lost a deeply respected member of the community. Sami Kalifa, owner of the Flower Den, a kind and generous man and an outstanding citizen and community activist, died just before Thanksgiving. Mr. Kalifa loved his community, and he worked hard to promote and improve it by raising money for charities, participating in community events like the Annandale Parade, and working on the revitalization plan for Annandale. Mr. Kalifa was honored for his dedication to the community as Lord Fairfax for the Mason District in 2003. As a member of the Greater Springfield Chamber of Commerce and the former president of the Annandale Chamber of Commerce, he organized the creation of community flags for both chambers. He is greatly missed by all who knew and loved him. He is survived by his wife Jenny, his sons Nader, Omar, and Kamal, his daughter Muna, and several young grandchildren.

Therefore, jointly with Supervisor Gross, Supervisor Herrity, and Supervisor McKay, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Foust and asked unanimous consent that the Board direct staff to invite Mr. Kalifa's family to appear before the Board to honor his memory through a Resolution of Appreciation at the Board meeting scheduled for January 12, 2009. Without objection, it was so ordered.

Supervisor Gross paid tribute to Mr. Kalifa's life accomplishments.

67. **REQUEST FOR INFORMATION REGARDING STUDENT POPULATION GROWTH** (7:43 p.m.)

Supervisor Bulova reminded the Board that when it met with the School Board for a Lines of Business presentation, there was discussion about the growth in student population. Two figures were used, one that there were 4000 new students and the other that there were 5000 new students, each based on a different interpretation. Accordingly, she asked unanimous consent that the Board direct County staff to work with School Division staff to examine the issue of student population growth and demographics to ensure that there is a clear number used between the two organizations and report to the Board.

Following a brief discussion regarding trends or anomalies, without objection, the request was so ordered.

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

68. **WASHINGTON REDSKINS HALL OF FAME** (7:45 p.m.)

Supervisor Herrity noted that the Loudoun County Board of Supervisors failed to reach an agreement with the Washington Redskins to build a Hall of Fame in that county. Because of this action not to pursue a partnership, the City of Virginia Beach is at least one jurisdiction that is actively pursuing such an arrangement with the Redskin organization.

Supervisor Herrity asserted that the Washington Redskins have a huge national and even global fan base and any kind of partnership with the Redskins would be advantageous to a jurisdiction like the County for the economic development and tourism tax dollars that it could draw. FXVA was formed in partnership with the Board to promote tourism related ventures using funds generated by the hospitality industry.

Supervisor Herrity said that he discussed the prospect of bringing the Hall of Fame to the County with the President and CEO of FXVA and some of the FXVA Board Members. Their initial reaction was a belief that having the Hall of Fame in the County would have a positive impact on the tourism industry and the tax dollars generated in the County. It is an attraction that could be done in conjunction with the private sector.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct:

- FXVA to investigate the feasibility and benefits of attracting the Redskins Hall of Fame to the County using dollars generated by the tourism industry.
- The County Executive to provide reasonable support for this effort.
- FXVA to report with its findings.

Supervisor Herrity clarified that reasonable support is defined as staff time, not additional costs.

Without objection, the request was so ordered.

69. **STORM WATER PROJECT EVALUATION** (7:47 p.m.)

Supervisor Herrity said that last month the Potomac Conservancy released its 2008 report on the status of the Potomac River. The Conservancy concluded that rapid, channel-eroding runoff wreaks havoc on streams, particularly those in urban areas. The County's Environmental Quality Advisory Council made similar findings, and the County set aside a penny of its tax revenue to concentrate on this problem. Two years ago, the County entered into a contract to support the technical side of watershed plan development and have approved up to \$1 million per year for this effort. The County is now in the third year of that contract term.

Of particular importance, at a time when only one-fifth of the penny tax for storm water is going directly to project implementation, Supervisor Herrity said that the contractor was directed to develop a ranking system for supporting project identification and prioritization within each watershed and across the County that would rank projects on their cost-effectiveness in meeting water quality goals and preventing further harm to streams, among other things. He said that the contractor has not yet produced such a ranking system and may not be able to provide one. County staff has not developed one either. Of still greater concern is that the Board has not reviewed its investment policy for stormwater projects since 1998. Nor has the Board taken a close look at evolving legal and technical challenges to the MS-4 permit and permitting process that will affect its investment plans.

Supervisor Herrity said that staff does, however, have a set of informal criteria they use to sort out which investments satisfy the greatest number of public purposes for the same tax dollar, criteria that deserve greater public attention and which the Board may find very helpful in understanding how best the County can select the most cost-efficient projects during these economic hard times. He asserted that it is critical to spend tax dollars on the projects with the most positive impact on the environment.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct:

- The County Executive to report on the status of how the contractor is ranking projects and also the informal ranking mechanism now in use by staff, how it insures selection of cost-effective and fiscally responsible project implementation, and how it will be incorporated in any ranking system now under development.
- Staff to provide this information for discussion at an upcoming Environment Committee meeting.

Discussion ensued where it was noted that no committee meetings have been scheduled for 2009 and that all of the watershed studies have not yet been completed. The Board also discussed the County contract for a ranking system.

Vice-Chairman Bulova recapped the request as directing staff to report as soon as possible rather than waiting for an Environment Committee meeting. Without objection, it was so ordered.

Supervisor Gross reminded the Board that approximately three years ago, it received information about watershed studies that was divided between short term, medium term, and long term goals. Accordingly, she asked unanimous consent that the Board direct staff to re-circulate that information. Without objection, it was so ordered.

70. **RECOGNITION OF VIRGINIA DOMINION POWER** (7:54 p.m.)

Supervisor Herrity referred to a project to improve the intersection of Fair Lakes Parkway and the Fairfax County Parkway with a grade separated interchange that is currently underway and is a Board priority. Before construction can start on this much needed project, the high powered electric lines in the area needed to be relocated to put them out of conflict with the interchange's design.

Supervisor Herrity said that when he met with the Virginia Department of Transportation (VDOT) representatives early this year to talk about accelerating the construction of the interchange, they indicated that the relocation of high tension power lines would likely be the thing that would delay the project. He said that he spoke with Virginia Dominion Power representatives and asked them to speed the relocation of the high powered electric lines. He has continually stayed in contact with representatives of Dominion Virginia Power to accelerate the project. They have now confirmed that the relocation of these lines was completed in November—taking less than one year to complete. According to VDOT, this cooperation and expedited work has potentially saved one to two years in the project's timeline.

Additionally, Supervisor Herrity said that thanks to VDOT and Department of Transportation staff, in particular Jane Rosenbaum, a solution was found that allowed this relocation to be advanced ahead of the construction project.

Supervisor Herrity said that thanks to Dominion Virginia Power, the utility relocation will not delay the project's construction process. Supervisor Herrity said that he will continue to work with VDOT to help head off any more potential hold-ups to continue to accelerate this project, which will likely see construction start in the Spring of 2011.

Therefore, Supervisor Herrity asked unanimous consent that a letter be sent on behalf of the entire Board thanking Dominion Virginia Power for its expedient work and cooperation in the design and relocation of its high powered electric lines to speed the construction of the Fair Lakes Parkway and Fairfax County Parkway grade separated interchange. Without objection, it was so ordered.

71. **FISCAL YEAR (FY) 2009 SERVICE CUTS** (7:56 p.m.)

Supervisor Herrity said that at the October 20 Board meeting, he moved that the Board look at service cuts in FY 2009 and, had his motion passed, it would have instructed the County Executive to identify service reductions that could be implemented before the next Board meeting. He said that he presented the Board Matter because he believed that the decision to take action now was in the best interest of the residents and employees. These spending reductions and decisions to prioritize will not be easy, but they are necessary and cannot be put off any

longer. The longer the Board waits to make these spending reductions, the larger and more severe the reductions will need to be if there will be a further shortfall this year.

Supervisor Herrity said that since October the economic climate has continued to deteriorate, and all indications are that things will only get much worse before they start to get better. Supervisor Herrity said that he anticipated the need for additional cuts in October, and he asserted that it is even clearer now that they will be required. The citizens and businesses are making decisions to reduce what they do in the face of tough economic times.

Therefore, Supervisor Herrity moved that the Board:

- Direct the County Executive to prepare a list of proposed service cuts that can be implemented this fiscal year without a significant impact on the residents.
- Schedule a Budget Committee meeting on January 9 so that these service reductions can be discussed with the Board for approval at its January 12, 2009, Board meeting.

Discussion ensued about reductions that will be implemented sooner rather than later, with input from Anthony H. Griffin, County Executive.

Mr. Griffin stated that staff has been compiling a list of budget reductions that could be implemented on an accelerated basis, but that they would change service levels and affect the public process.

Discussion ensued about the impact on employees as well as residents and the next Budget Committee scheduled for December 15.

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Foust and asked unanimous consent that the Board direct the County Executive to provide for the December 15 meeting a list of reductions that do not affect service levels, such as efficiencies. Discussion ensued regarding the current authority of the County Executive to implement such reductions as part of his administrative duties and reduction in force (RIF) procedures.

Vice-Chairman Bulova recapped the request as directing the County Executive to provide at the December 15 Budget Committee meeting candidates for reduction and elimination or changes. Without objection, it was so ordered.

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

Discussion continued regarding strategic budget planning and the Fiscal Year 2010 Budget.

72. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR JOHN FOUST** (8:16 p.m.)

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

DS:ds/NV:nv

73. **BY-RIGHT RETAILERS AT KINGS CROSSING (LEE AND MOUNT VERNON DISTRICTS)** (8:17 p.m.)

In a joint Board Matter with Supervisor Hyland, Supervisor McKay said that for many years, the residents of the Lee and Mount Vernon Districts have worked to have older, blighted properties revitalized on the Richmond Highway Corridor, the County's largest revitalization district. The Crown Jewel, the one hoped to spark revitalization in other Community Business Centers (CBC) along the corridor has always been the Kings Crossing site in the Penn Daw CBC. The site has the size and depth to accommodate a high end mixed-use development. Special studies, to including one from Urban Land Institute, all attest to this fact.

Supervisor McKay noted that the Board added more tools to the revitalization toolbox in the last few years by extending tax credits for developers who build mixed used projects in revitalization zones and approving principles for Community Development Authorities which would allow developers to borrow against the properties improvements to offset the cost of development.

Supervisor McKay said that even with all these enticements, Supervisor Hyland learned last Thursday that JBG Rosenfeld, the owners of the Kings Crossing site, decided to permanently abandon the community's long sought after plans to revitalize the site and cut off discussions with adjacent property owners. Instead, JBG Rosenfeld desires to extend a lease with one current tenant, Chuck-E-Cheese, and offer a lease in the remaining 80,000 square foot section of the existing building to Wal-Mart for a Supercenter. JBG Rosenfeld plans to mill and repave the expansive parking lot and has no plans to make the building LEEDS certified. A future phase envisions a by-right drive through bank and small restaurant space closer to Richmond Highway.

Supervisor McKay said this redevelopment is not and cannot be marketed as revitalization. JBG Rosenfeld's plan kills the community's vision of the site for another hundred years. The sea of asphalt will continue to erode an already damaged Quander Brook. This project basically is the lowest common denominator and deserves scrutiny.

Therefore, jointly with Supervisor Hyland, Supervisor McKay moved that the Board direct:

- The Zoning Administrator and Office of the County Attorney to review the building plans and permits, specifically in light of the County's big box ordinance, and determine if the use requires a special exception or other zoning reviews.
- Staff to evaluate and recommend other courses of action to attempt to have the property developed as envisioned in the Comprehensive Plan.

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

74. **FLASHING READER BOARD SIGNS** (8:19 p.m.)

Jointly with Supervisor Hyland, Supervisor McKay said that flashing reader board signs are popping up in various locations along Richmond Highway. A few months ago there were none – now there are at least three. He said that there have been concerns from the community regarding these signs and believe a review of County ordinances that relate to reader boards is in order before the signs multiply more on the highway and in other revitalization districts in the County.

Therefore, jointly with Supervisor Hyland, Supervisor McKay moved that the Board direct the County Attorney and the Department of Planning and Zoning to review existing ordinances to determine under what circumstances reader board signs are now allowed. Staff should also include in their review possible recommendations that could limit reader board signs that flash or have continuous running text especially in highway overlay districts or in revitalization areas. Supervisor McKay said this review could result in an addition to the 2009 Zoning Ordinance Work Program and asked that staff respond to this request no later than January 31, 2009. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being out of the room.

75. **CONNECTOR BUS SERVICE TO THE NEW LORTON ARTS FOUNDATION (LEE AND MOUNT VERNON DISTRICTS)** (8:21 p.m.)

Jointly with Supervisor Hyland, Supervisor McKay said that recently he heard from a constituent who asked about the possibility of providing Connector bus service to the new Lorton Arts Foundation. Currently, the closest bus route is the Connector Number 171 with no stops closer than a mile from the Lorton Arts Foundation.

Supervisor McKay said that in this period of economic uncertainty when all County agencies and services are tasked with finding 15 percent reductions to their budget, adding new transit service is not an option. However, as Connector

bus service routes are revised to achieve efficiencies it may be possible to provide some additional level of service to the Ox Road corridor.

Therefore, Supervisor McKay asked unanimous consent that as route changes to the current South County bus plan are being made that providing service to the Ox Road corridor and the Lorton Arts Foundation be a priority. Without objection, it was so ordered.

76. **EXPEDITED AND CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2007-LE-007 (LEE DISTRICT)** (8:21 p.m.)

- (A) Supervisor McKay said that Franconia Two, LP, better known as Springfield Mall, has filed Rezoning Application RZ 2007-LE-007 to rezone approximately 80 acres of land within Lee District from the C-7 zoning district to the PDC zoning district to allow the development of a mixed-use town center on the Springfield Mall property. He said that the applicant has been working closely with staff and his office for more than two years on this application, and in November, the Board unanimously adopted the comprehensive plan amendment that laid the framework for the pending rezoning application.

To continue the advancement of this project, the applicant has requested the Board to authorize expedited processing of the zoning application, thereby permitting staff to affirmatively establish and concurrently advertise public hearing dates before the Planning Commission and the Board. The applicant hopes to commence construction of Phase 1 of the Town Center, including a planned hotel and new retail and restaurant offerings in mid-2009, in the event the Board approves the requested zoning.

Therefore, Supervisor McKay moved that the Board authorize expedited and concurrent processing for Rezoning Application RZ 2007-LE-007 in the name of Franconia Two, LP, and to schedule a public hearing to be held before the Board on February 23, 2009. The applicant is advised that this authorization of expedited and concurrent processing in no way relieves it of the requirement to comply with all applicable standards of the Zoning Ordinance. Nor does this authorization prejudice the staff's review of those plans. Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being out of the room.

77. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA SMYTH** (8:23 p.m.)

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

PMH:pmh

78. **THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY NAMED AMERICA'S BEST HIGH SCHOOL** (8:23 p.m.)

Supervisor Gross said that the 2009 *US News and World Report* issued its second list of "America's Best High Schools."

Supervisor Gross announced that for the second consecutive year, the Thomas Jefferson High School for Science and Technology has been honored with the title of the "Best High School" in the US.

79. **COMMENDATION OF KARLA MAHONEY, OUTREACH COORDINATOR (MASON DISTRICT)** (8:25 p.m.)

Supervisor Gross distributed to Board Members an email from a Mason District constituent commending Karla Mahoney, Outreach Coordinator, for her efforts in producing voter turnout during the recent election.

80. **ENERGY EFFICIENCY AND CONSERVATION AND COORDINATION COMMITTEE (EECCC)** (8:26 p.m.)

Jointly with Supervisor Gross, Supervisor Hudgins said that last month, the County Executive formed the EECCC in response to the directive from the Board that a full-time energy manager be hired to address energy efficiency and conservation efforts across the County. The County Executive provided in correspondence to the Board that the formation of the EECCC would be as effective as, and less costly than, adding or designating a staff person as energy manager.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the County Executive to report to the Board on current and future activities of the EECCC no later than March 9, 2009, so that the Board is both fully informed and fully engaged in this important effort.

Following discussion, regarding the request, without objection, it was so ordered.

81. **FORECLOSURE CRISIS AND FISCAL YEAR (FY) 2010 BUDGET** (8:27 p.m.)

Supervisor Hudgins announced that on Thursday, January 8, 2009, from 7 p.m. to 9 p.m., she will host a town hall meeting on the foreclosure crisis for homeowners and renters who live in the County.

Supervisor Hudgins said that December 15 will be the last of the regularly scheduled Lines of Business (LOBs) meetings. As well, the community dialogues have culminated. She commended staff for the effort they put forward during this

process for the Board as well as for residents and County employees. Still many residents have questions and concerns.

In an effort to provide residents with a summary of the LOBs process, an understanding of the challenges the community faces in the FY2010 Budget, and to address citizen concerns, a Hunter Mill District Town Hall FY2010 Budget meeting will be held on Wednesday, January 7, 2009, from 7 p.m. to 9 p.m., at James Madison High School in Vienna.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to publicize these meetings. Without objection, it was so ordered.

82. **RETIREMENT ORDINANCES** (8:28 p.m.)

Supervisor Frey said that it has come to his attention that all three County retirement ordinances stipulate in various ways that the benefits payable to a spouse of a deceased, active employee terminate when the spouse remarries.

Therefore, jointly with Supervisor Herrity, Supervisor Frey moved that the Board direct staff to:

- Obtain an actuarial study of each of the retirement systems to determine the costs associated with allowing such benefits to continue to spouses of those who provided services to the County residents and who died while still active, regardless of the surviving spouse's subsequent marital status.
- Bring this issue before the Personnel Committee to review the retirement ordinances and propose revisions necessary to make this change.

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

83. **BOARD ADJOURNMENT** (8:30 p.m.)

The Board adjourned.

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