



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
July 10, 2006**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, July 10, 2006, at 9:46 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Elaine McConnell, Springfield District, arrived at 9:49 a.m.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:46 a.m.)

Chairman Connolly asked everyone to keep in thoughts Mr. Lee Carroll, a longtime County employee, whose daughter, Jackie, died recently.

Chairman Connolly asked everyone to keep in thoughts Lilyan Spero, At-Large Chairman's Representative to the Barbara Varon Volunteer Award Selection Committee, on a speedy recovery from her recent injury.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO COUNTY STAFF WHO RESPONDED TO A CARDIAC ARREST INCIDENT** (9:49 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to Mr. Stephen Wells, career and volunteer Department of Fire and Rescue staff, and police officers who responded to the cardiac arrest incident during the Celebrate Fairfax! Festival, resulting in saving a life. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

Chairman Connolly asked unanimous consent that the Board direct staff to provide the Board with additional information on the proposed expansion of the program providing Automated External Defibrillators (AEDs). Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **RECOGNITION OF FAIRFAX COUNTY GOVERNMENT BY THE DEPARTMENT OF DEFENSE** (9:55 a.m.)

Fairfax County Government was recognized by the Department of Defense for its "above and beyond" support of County employees who also serve in the National Guard and Reserves.

Lewis C. Brodsky, Northern Virginia Area Chairman, Virginia Committee for Employer Support of the Guard and Reserve, presented an award designating the County as a "Five Star Employer," the highest level of recognition under the Statement of Support Program.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO COUNTY EXPO WINNERS** (10:01 a.m.)

Catherine A. Chianese, Assistant to the County Executive, recognized the following County expo winners of the Celebrate Fairfax! Festival:

Best of Show

- Wastewater Management, Department of Public Works and Environmental Services (DPWES)

Best in Content

- First Place – Health Department
- Second Place – Stormwater Management, DPWES
- Third Place – Department of Planning and Zoning

Best in Communications

- First Place – Department of Fire and Rescue
- Second Place – Office of Public Affairs
- Third Place – Department of Housing and Community Development

Best in Design

- First Place – Fairfax Water
- Second Place – Division of Solid Waste, DPWES
- Third Place – Circuit Court and Records

Best in Creativity

- First Place – Office for Children, Department of Family Services
- Second Place – Animal Services, Wildlife Section
- Third Place – General District Court

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ANN MARIE WILLIAMS** (10:11 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Anne Marie Williams for winning the 2006 National Cherry Blossom Festival Art Contest. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATION JULY 9-15, 2006, AS "THERAPEUTIC RECREATION WEEK" IN FAIRFAX COUNTY** (10:15 a.m.)

Supervisor DuBois moved approval of the Proclamation to designate July 9-15, 2006, as "*Therapeutic Recreation Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

7. **10 A.M. – PRESENTATION OF THE TRANSPORTATION ADVISORY COMMISSION (TAC) AWARD** (10:23 a.m.)

George Barker, Chairman, TAC, presented the Transportation Achievement Award to Christopher D. Wells, Pedestrian Program Manager, Traffic Operations Section, Transportation Planning and Operations Division, Department of Transportation.

DS:ds

8. **ADMINISTRATIVE ITEMS** (10:29 a.m.)

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

Supervisor Kauffman called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), the Map of the Chesapeake Bay Preservation Areas, Regarding Resource Protection Area Boundaries on Map Pages 30-2 and 41-1 (Dranesville District) and Map Page 91-4 (Lee District), and he thanked staff for reviewing and determining that an additional stream segment was perennial.

Discussion ensued, with input from John A. Friedman, Code Analyst, Land Development Services, Department of Public Works and Environmental Services, regarding notification to residents of Crimmins Lane and Overbrook Street.

Supervisor DuBois asked unanimous consent that the Board direct staff to notify the residents of Crimmins Lane and Overbrook Street, in writing, as soon as possible. Without objection, it was so ordered.

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

ADMIN 1 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON TWINBROOK RUN DRIVE AND NAPPER ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK AND MOUNT VERNON DISTRICTS)

- (R)
- Endorsed the installation of “Watch for Children” signs as part of the R-TAP at the following locations:
 - Twinbrook Run Drive
 - Napper Road (Mount Vernon District)
 - Directed staff to request the Virginia Department of Transportation to install the necessary signs as soon as possible.

ADMIN 2 – APPROVAL OF PROPOSED STREET NAME CHANGE FOR THE NORTH PORTION OF HOLLY KNOLL DRIVE (ROUTE 6220) (DRANESVILLE DISTRICT)

Approved a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for a portion of Route 6220 known as Holly Knoll Drive to Algonkian Parkway from the intersection of Lee Highway (Route 7) to the intersection with Algonkian Parkway in a northern direction at the Fairfax and Loudoun County line on Tax Map number 6-1.

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), THE MAP OF THE CHESAPEAKE BAY PRESERVATION AREAS, REGARDING RESOURCE PROTECTION AREA BOUNDARIES ON MAP PAGES 30-2 AND 41-1 (DRANESVILLE DISTRICT) AND MAP PAGE 91-4 (LEE DISTRICT)

- (As) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 4.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on September 13, 2006, and before the Board on **September 25, 2006, at 4:30 p.m.** to consider proposed amendments the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), the Map of the

Chesapeake Bay Preservation Areas, regarding Resource Protection Area Boundaries on map pages 30-2, 41-1, and 91-4 (Dranesville and Lee Districts).

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITIES REVIEW APPLICATIONS (BRADDOCK AND SPRINGFIELD DISTRICTS)

Approved an extension of review period for the following 2232 Public Facilities Review Applications:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S06-19	FiberTower Antenna co-location on existing monopole 6401 Ox Road (Springfield District)	September 28, 2006
FS-S06-21	FiberTower Antenna co-location on existing monopole 4618 West Ox Road (Springfield District)	September 28, 2006
FSA-B01-18-1	Nextel Communications of the Mid-Atlantic, Incorporated Replacement antennas on existing transmission pole 10697 Braddock Road (Braddock District)	September 14, 2006

9. **A-1 – ESTABLISH THE LAWRENCE V. FOWLER AWARD** (10:31 a.m.)

(BACs) Supervisor Hyland moved that the Board concur in the recommendation of staff and establish the Lawrence V. Fowler Award to recognize the distinguished service of a longstanding member of a County Board, Authority, Commission, or Committee (BAC) as follows:

- Criteria: At least 10 years' membership on a BAC to include exceptional service that contributes to the overall quality of life in the community.
- Selection Process: Internal committee of representatives of Board staff, the County Executive's Office, the Office of Public Affairs, the Office of Cable Communications and Consumer Protection, and the Clerk's Office to review nomination forms submitted by BAC members, staff, business representatives, or residents.

- Dates: Nominations to be submitted by October 31 in a given year with the presentation at the Board's December meeting.

Supervisor Kauffman seconded the motion.

Following a brief discussion regarding the annual nature of the award, the question was called on the motion and it carried by unanimous vote.

10. **A-2 – AUTHORIZATION TO REALLOCATE HOME INVESTMENT PARTNERSHIPS FUNDS, FUND 145, AS FINANCING FOR THE PURCHASE OF TWO AFFORDABLE DWELLING UNITS AT THE VILLAGE OF LORTON VALLEY SUBDIVISION (MOUNT VERNON DISTRICT)** (10:32 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve reallocation of up to \$267,490 in federal HOME funds, as financing for the purchase of two units in The Village at Lorton Valley subdivision. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Louise Milder, Association Director, Real Estate Finance and Grants Management Division, Department of Housing and Community Development, regarding the balance of Fund 145.

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

11. **A-3 – APPROVAL OF CONDITIONS NECESSARY FOR THE COUNTY TO APPLY FOR AND ACCEPT THREE FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTS FOR THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (LEE AND MOUNT VERNON DISTRICTS)** (10:34 a.m.)

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

- Approved an amendment to the County's agreement with the Economic Development Authority (EDA), specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements), for the projects to be funded by grant number E-2004-BUSP-453; and directed staff to request the EDA to approve the amendment at its next meeting.
- Approved an amendment to the County's agreement with the EDA, specifically related to labor protection requirements associated with FTA grants for the projects to be funded by grant number E-2004-BUSP-457; and directed staff to request the EDA to approve the amendment at its next meeting.

- Approved an amendment to the County's agreement with the EDA, specifically related to labor protection requirements associated with FTA grants for the projects to be funded by grant number E-2005-BUSP-421; and directed staff to request the EDA to approve the amendment at its next meeting.
- Authorized the Department of Transportation to apply for, execute grant agreements for, and accept funding, if received, from the FTA for Richmond Highway Transit Improvements. The total funding of \$5,705,014 consists of \$4,564,011 in three FTA Bus and Bus Facilities grants and a required 20 percent local cash match of \$1,141,003. The local cash match requirement will be met using \$500,000 in general obligation bonds approved by the voters for transportation purposes and \$641,003 in funds available in the anticipated local cash match reserve in Fund 102, Federal/State grant fund. If the actual awards received or required local cash match is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board Policy.
- Authorized staff to take all necessary measures to ensure County compliance with the conditions of the FTA grants.

12. **A-4 – APPROVAL OF A PROJECT AMENDMENT BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND THE COUNTY TO PURCHASE AND INSTALL BUS STOP IMPROVEMENTS; APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 07010 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT FUNDING FOR BUS STOP IMPROVEMENTS; ENDORSEMENT OF THE SITE LOCATIONS CHOSEN FOR IMPROVEMENTS; AND A RESOLUTION FOR STAFF TO EXECUTE THE PROJECT AMENDMENT** (10:35 a.m.)

(SAR)
(R)

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

- Approve a project amendment, in substantial form, between VDOT and the County.
- Approve SAR AS 07010 for DOT to accept \$500,000 in grant funding needed to execute a project amendment to purchase and install bus stop improvements countywide. Of this total, \$400,000 is CMAQ grant funding and the remaining \$100,000 is the required local cash match, which will be provided by VDOT.

- Endorse the 17 bus stop locations analyzed and reviewed by staff for recommended improvements.
- Adopt the Resolution authorizing staff to execute the project agreement.

Supervisor Bulova seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding the status of the repair for a bus stop/shelter at Mason District Park on Columbia Pike. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to work with Washington Metropolitan Area Transit Authority and review the maintenance of bus shelters identified as Washington Metropolitan Area Transit Authority (WMATA) shelters, and determine whether the maintenance could be self-funded through the use of advertising, where allowed. Without objection, it was so ordered.

A brief discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the maintenance program for bus shelters.

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

13. **A-5 – APPROVAL OF CONDITIONS NECESSARY FOR THE COUNTY TO APPLY FOR AND ACCEPT TWO FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTS FOR THE BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) STATION PARKING EXPANSION (BRADDOCK DISTRICT)** (10:38 a.m.)

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

- Approved an amendment to the County's agreement with the Economic Development Authority (EDA), specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant number VA-03-0098; and directed staff to request the EDA to approve the amendment at its next meeting.
- Approved an amendment to the County's agreement with the EDA, specifically related to labor protection requirements associated

with FTA grants for the projects to be funded by grant number VA-03-0105; and directed staff to request the EDA to approve the amendment at its next meeting.

- Authorized the Department of Transportation to execute an agreement with VRE to accept funding from the FTA for the Burke Centre VRE Parking Expansion. The total funding of \$3,342,796 consists of \$2,674,237 in FTA funding and a required 20 percent local cash match of \$668,559. The local cash match requirement will be met using \$300,000 in general obligation bonds approved by the voters for transportation purposes and \$368,559 in funds available in the anticipated local cash match reserve in Fund 102, Federal/State grant fund. If the actual awards received or required local cash match is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board Policy.
- Authorized staff to take all necessary measures to ensure County compliance with the conditions of the FTA grants.

14. **A-6 – ADOPTION OF A RESOLUTION CONFIRMING THE DECLARATION OF LOCAL EMERGENCY (FAIRFAX FLOOD JUNE 2006), THE TERMINATION OF THE DECLARED LOCAL EMERGENCY, AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF**
(10:38 a.m.)

(R) Supervisor Hyland moved that the Board concur in the recommendation of staff and adopted the Resolution that:

- Confirms the Declaration of Local Emergency (Fairfax Flood June 2006) dated June 27, 2006.
- Approves and consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan.
- Confirms the termination of a Declared Local Emergency, effective July 7, 2006, at 5 p.m.

Supervisor Hyland asked to amend his motion that the Board direct staff to prepare a letter today, for the Chairman's signature on behalf of the Board, to the President of the United States, with copies to the County's congressional delegation, reiterating the request for a declaration of FEMA assistance and reminding them of the time sensitivity. This was accepted.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the weather related activities of July 2, 2006, and whether the declaration includes that incident. He noted that trees which come down on private property are the responsibility of the property owner; however, the County has some limited responsibility to help remove trees that have been taken to the curb. He also noted that funding for community cleanup is essentially exhausted.

Supervisor Gross moved to amend the motion to set aside funds in the General Fund to cover some of the recovery cost associated with the storms in the last two weeks, and that it be reflected in the Budget Carryover. Supervisor Hyland seconded the amendment to the motion.

Discussion ensued concerning the term “microburst,” with input from Mr. Griffin, who noted that a microburst (or “wind sheer”) is a sudden downdraft of air in the range of 60 to 80 miles per hour which happens very quickly and ends, and has tornado characteristics.

Discussion ensued, with input from Mr. Griffin, regarding the recent weather related incidents and tree removal.

Supervisor Smyth asked unanimous consent that the Board direct staff to request the Virginia Department of Transportation (VDOT) to expeditiously remove trees that have fallen down in VDOT right-of-ways. Without objection, it was so ordered.

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

The question was called on the main motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

15. **I-1 – CONTRACT AWARD – RECONFIGURATION PLANNING PHASE AGREEMENT** (10:54 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for staff to award a contract to Motorola, Incorporated, in the amount of \$254,660.86, to plan the reconfiguration of the County’s public safety radio system and the public service system

The staff was directed administratively to proceed as proposed.

16. **I-2 – CONTRACT AWARD – FOX MILL ROAD/RESTON PARKWAY ROAD IMPROVEMENT (HUNTER MILL DISTRICT)** (10:54 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for staff to award a contract to A&M Concrete Corporation in the amount of 622,238.35 for the construction of Fox Mill Road/Reston Parkway, Road Improvement, Project 006617 in Fund 300, Countywide Roadway Improvement Fund. This project includes construction of a left turn lane from eastbound Fox Mill Road to Reston Parkway, traffic signal modification, and other related items.

The staff was directed administratively to proceed as proposed.

17. **I-3 – CONTRACT AWARD – ENVIRONMENTAL DOCUMENTATION PREPARATION FOR THE SOUTH VAN DORN/FRANCONIA INTERCHANGE (LEE DISTRICT)** (10:54 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for staff to award a contract to Parsons Transportation Group in the amount of \$344,927 for preparation of environmental documentation for Project 064246, South Van Dorn/Franconia Road Interchange, in Fund 304, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

18. **I-4 – QUARTERLY STATUS REPORT ON THE BOARD’S FOUR-YEAR TRANSPORTATION PROGRAM AND OTHER SELECTED PROJECTS** (10:54 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, regarding the quarterly status report on the Board’s four-year transportation program and other selected projects.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation, regarding projects in the Board’s four-year transportation plan.

Ms. Ichter noted that the status report will be posted on the website at www.fairfaxcounty.gov/fcdot.

19. **I-5 – TYSONS CORNER: CONSULTING SERVICES’** (10:55 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for staff to include funding for additional consultant services to support the Tysons Corner Land Use Task Force as a Fiscal Year 2006 Budget Carryover Consideration Item and to proceed with the solicitation for hiring the planning/urban design organization based on the scope of work developed by the task force.

Discussion ensued, with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, and Anthony H. Griffin, County Executive, regarding the public's ability to review and/or comment on the Request for Proposals (RFPs). Mr. Griffin noted that State guidelines do not permit public review of individual RFPs.

Supervisor Smyth asked unanimous consent that the Board direct staff to include on the public comment section of RFPs a note indicating the State guidelines. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Muse; Sterling Wheeler, Chief, Policy and Plan Development Branch, Department of Planning and Zoning (DPZ); and Fred R. Selden, Director, Planning Division, DPZ, regarding the contract, the negotiations process, and the amount.

Further discussion ensued, with input from Mr. Wheeler, regarding appointments to the Tysons Corner Transportation and Urban Design Study Coordinating Committee.

Chairman Connolly announced his intent, at the next Board meeting scheduled for July 31, 2006, to appoint a Chairman to the Tysons Corner Transportation and Urban Design Study Coordinating Committee.

The staff was directed administratively to proceed as proposed.

20. **I-6 – ENGINEERING DESIGN CONTRACT FOR TWIN LAKES GOLF COURSE NORTH LAKE DAM REHABILITATION, PROJECT 475804-362, FUND 370 (SPRINGFIELD DISTRICT)** (No Time)

(NOTE: Later in the meeting, the Board considered this item. See Clerk's Summary Item #22.)

21. **I-7 – FISCAL YEAR (FY) 2007 STORMWATER MANAGEMENT PROGRAM IMPLEMENTATION PLAN** (11:11 a.m.)

Supervisor Hyland asked unanimous consent that the Board defer consideration of this item until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board considered this item. See Clerk's Summary Item #55.)

22. **I-6 – ENGINEERING DESIGN CONTRACT FOR TWIN LAKES GOLF COURSE NORTH LAKE DAM REHABILITATION, PROJECT 475804-362, FUND 370 (SPRINGFIELD DISTRICT)**
(11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for staff to award a contract to Wilbur Smith and Associates in the amount of \$159,775.14 for the preparation of design, required permits, and construction documents for North Twin Lakes Dam Rehabilitation.

Following a brief discussion, with input from Donald Demetrius, Chief, Watershed Projects Evaluation Branch, Stormwater Planning Division, Department of Public Works and Environmental Services, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide information regarding the number of homes that could be affected by the dam rehabilitation. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The staff was directed administratively to proceed as proposed.

23. **I-8 – PERMIT RENEWAL APPLICATION FOR FAIRFAX COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR 2007 THROUGH 2012** (11:13 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for staff to submit an application for the County's MS4 permit renewal to the Virginia Department of Conservation and Recreation.

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

24. **I-9 – REVISIONS TO THE REZONING AFFIDAVIT, THE SPECIAL EXCEPTION AFFIDAVIT, AND THE SPECIAL PERMIT/VARIANCE AFFIDAVIT** (11:13 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for staff to revise the affidavit forms to incorporate the changes for condominium property.

The staff was directed administratively to proceed as proposed.

25. **I-10 – PLANNING ASSISTANCE TO STATE PROGRAM LETTER OF AGREEMENT BETWEEN FAIRFAX COUNTY, VIRGINIA AND THE US ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT, FOR THE BELLE HAVEN WATERSHED FLOOD DAMAGE REDUCTION STUDY (MOUNT VERNON DISTRICT)** (11:14 a.m.)

Chairman Connolly announced that this item would be considered later in the meeting.

(NOTE: Later in the meeting, the Board considered this item. See Clerk's Summary Item #56.)

26. **I-11 – CONTRACT AWARD – EMERGENCY SANITARY SEWER REPAIR OF LITTLE PIMMIT RUN (DRANESVILLE DISTRICT)** (11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, announcing that staff awarded an emergency contract to Owens and Dove, Incorporated, on a Time and Materials basis to allow immediate procurement of materials and to assume bypass pumping operations. The cost for emergency restoration is not known at this time; however, it is estimated to be in excess of \$100,000. Once the cost has been established, staff will advise the Board.

Discussion ensued, with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES), regarding the sanitary sewer repair.

Supervisor DuBois asked unanimous consent that the Board direct staff:

- From the Park Authority, DPWES, Line Maintenance (Wastewater Collection Division), and the Northern Virginia Soil and Water Conservation District to cooperatively review the design of the existing project to produce joint plans that will not undermine all the years of effort that has been done to try to mitigate the effect of a significant upstream development.
- To provide the Dranesville District Office and the Chairman's Office with the plans, surveys, and engineering data.

Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

27. **CRITICAL LOSS OF CHILD CARE ASSISTANCE FUNDING** (11:17 a.m.)

Chairman Connolly noted that the County provides subsidized child care services to more than 6,500 children from needy families looking to hold gainful employment while also ensuring quality care for their children. The County's program is funded through federal, State, and local dollars. The federal funds required matching dollars to qualify the State to receive funds. Since Fiscal Year (FY) 2003, Virginia did not provide the required Statewide funds to qualify for the federal funding; however, the County aided the State by committing local general fund dollars to the program to allow Virginia to meet the federal funding grant requirements. Due to recent federal changes, the County is now standing to lose \$13 million in child care funding. He asserted that this is a potentially catastrophic loss, which could result in the removal of 1,900 children from subsidized childcare, which, in turn, will impact the ability of their parents and guardians to seek and hold gainful employment.

Chairman Connolly said that Governor Kaine recognized that the State benefited from the County's contribution since FY 2003, and, at the County's request, he included a budget amendment in this year's biennium State budget to provide an allocation of State funding to help to bridge the gap that the County is facing in its subsidized child care program.

Chairman Connolly continued on to report that the House of Delegates, on a motion by Delegate David Albo of Fairfax County, voted to lump 20 of the Governor's budget amendments together and defeated them en masse, including the amendment to help stem the loss of child care funding in the County. As a direct result of this action, working families in the County will be denied child care assistance that had helped them provide quality child care for their children.

Chairman Connolly asserted that that act was unconscionable because the County could lose as much as \$5 million in funding for nearly 2,000 day care slots for needy children. He noted that the General Assembly cannot argue for accelerating people from welfare to work, but deny them the resources to become gainfully employed.

Supervisor Smyth asked unanimous request that the Board direct staff to provide information on the specific ramifications of the shortfall, particularly in light of requests for new childcare centers, such as that from Kingsley Commons. Without objection, it was so ordered.

Following an inquiry with reference to the June 29 letter that Chairman Connolly sent to Governor Kaine requesting bridge funding, copies of which were provided to the Board, Chairman Connolly noted that he had not received a response yet.

Discussion ensued regarding other tax cuts and the correlation of the impact of the loss of the child care funding on the economic well-being of the County as well as the State.

28. **TEAM FAIRFAX 2013 ADVANCES TO SECOND ROUND OF SELECTION PROCESS FOR THE 2013 WORLD POLICE AND FIRE GAMES** (11:22 a.m.)

Chairman Connolly reminded the Board that on February 7, 2005, it endorsed the hosting of the 2013 World Police and Fire Games in the County. This athletic competition is second only to the World Olympics in terms of athletic participation that typically involves 7,000 to 10,000 law enforcement officers and firefighters.

Chairman Connolly said that Team Fairfax 2013, the committee that is promoting the County's application, has advanced to the second round of selection where it will compete with Denver, Colorado; Calgary, Canada; Innsbruck, Austria; and Belfast, Northern Ireland to host the games. Site inspections will be in September, where the best of the County will be showcased. Team Fairfax 2013 has requested the issuance of a media advisory to encourage further support of its endeavors.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to issue a media advisory on behalf of Team Fairfax 2013 in recognition of its advancement to the second round of the 2013 World Police and Fire Games selection process. Without objection, it was so ordered.

Discussion ensued regarding the July 20 meeting of Team Fairfax 2013 and forthcoming information.

29. **PROPOSED BIG BOX RETAIL STORE ORDINANCE** (11:25 a.m.)

Chairman Connolly asserted that it has become increasingly apparent that certain large retail establishments, commonly referred to as big box stores, can and do have adverse land use and transportation impacts on County communities. Unlike smaller, more neighborhood-oriented retail establishments, these big box stores draw their customers from an expanded radius beyond a normal retail draw and beyond the local neighborhoods, which frequently results in additional vehicle trips on local roads that often do not have the capacity to handle this regional traffic. He said that big box stores are not generally conducive to pedestrian traffic and public transit usage, and they can have a negative impact on adjacent residential properties because of their size and the increased traffic and noise. Unlike the smaller neighborhood-oriented retail uses, these stores are often architecturally incompatible with the surrounding neighborhoods and can even alter the character of a neighborhood

Chairman Connolly noted that some localities, including Prince William County, have adopted zoning ordinance provisions that attempt to mitigate negative impacts and require special permit or special exception approval for big box stores. He provided the Board with a draft Zoning Ordinance amendment that proposes such a regulation for the County.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff, including the Department of Planning and Zoning, to review the cited draft ordinance for analysis and recommendation.

Following a brief discussion about big box stores' site location, architectural features, and impacts, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

30. **GRAND OPENING OF THE SOUTHGATE COMMUNITY CENTER
(HUNTER MILL DISTRICT)** (11:27 a.m.)

(BACs) Supervisor Hudgins reported that on Saturday, July 8, the Reston community celebrated the Grand Opening of the Southgate Community Center. She was joined by Chairman Connolly and many elected officials where they celebrated with the Southgate neighborhood, community partners, and the County.

Supervisor Hudgins noted that many individuals and agencies have been involved in the creation of this new center. Since its first meeting on May 17, 2005, the Southgate Community Center Advisory Council (SCCAC) has been working with the Department of Community and Recreation Services, the Hunter Mill District Supervisor's Office, and the community on defining comprehensive community services and recreational, educational, and cultural activities intended to serve the residents of the Southgate and greater Reston community.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to:

- Invite the members of the SCCAC and representatives of all the County agencies and community organizations involved in the project to appear before the Board to be recognized for their contributions in building the new Southgate Community Center.
- Issue a special invitation to Mr. William Chapman, a supervisor with the School Division's Security, for his unselfish endeavor on July 6, when he left his Springfield office after 10 p.m., the end of his evening shift, to assist County employees with locking up the new Southgate facility. She said that his actions were above the call of duty and further illustrates how important it is to partner for positive outcomes.

Without objection, it was so ordered.

Chairman Connolly commended Supervisor Hudgins for her leadership.

Supervisor Hudgins distributed souvenirs from the occasion.

31. **ONE HUNDREDTH BIRTHDAY OF MS. MARION SIDONIA BRYANT (PROVIDENCE DISTRICT)** (11:29 a.m.)

Supervisor Smyth announced a very special birthday. She said that Ms. Marion Sidonia Pendleton was born on September 17, 1906, in Louisa County, Virginia. She attended schools in Louisa and Orange Counties. She graduated, with a degree in Science, from Hampton Institute in 1931. She met her husband, Henry E. Bryant, from Richland, Georgia, while at Hampton and they were married on May 28, 1933, in Georgia. They lived in Soperton, Georgia for a few years while Mr. Bryant was agriculture teacher and principal of the local high school for Negro students. Mrs. Bryant returned to Virginia to live with her daughter, Doris Mabrey, in Vienna, where she will celebrate her one hundredth birthday with family on September 17.

Therefore, Supervisor Smyth moved that the Board proclaim September 17, 2006, as "*Marion Sidonia Bryan Day*" in Fairfax County in honor of her one hundredth birthday and that the Board direct staff to invite Mrs. Bryant and her family to appear before the Board to receive this honor at the September 11, 2006, meeting. Without objection, it was so ordered.

There was a brief inquiry to Merni Fitzgerald, Director, Office of Public Affairs, who indicated that this was the only scheduled presentation on that date.

32. **SPECIAL EXCEPTION AMENDMENT APPLICATION TO PERMIT AN ADDITIONAL PARKING STRUCTURE FOR THE VIENNA METRORAIL STATION (PROVIDENCE DISTRICT)** (11:31 a.m.)

Supervisor Smyth announced that a Special Exception Amendment (SEA) application was filed by the Washington Metropolitan Area Transit Authority (WMATA) on May 30 to permit an additional multi-level parking structure at the Vienna Metrorail Station. Since the Board owns underlying fee for a portion of the property, the Board must concur with the filing of the SEA.

Therefore, Supervisor Smyth moved that the Board:

- Concur in the filing of the SEA submitted May 30, to permit an additional multi-level parking structure at the Vienna Metrorail station.

- Authorize the County Executive to act as agent for the County for all matters concerning the SEA.

Supervisor Smyth indicated that the applicant understands that this motion will not prejudice the consideration of the SEA application in any way.

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

33. **PROVIDENCE DISTRICT NEWSLETTER** (11:31 a.m.)

Chairman Connolly noted that Supervisor Smyth distributed copies of her latest newsletter, *The Providence Report*.

34. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR BULOVA** (11:32 a.m.)

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

(NOTE: Later in the meeting, Supervisor Bulova presented a Board Matter. See Clerk's Summary Item #79.)

35. **GRAND OPENING OF NEW FIRE STATION 40 (SPRINGFIELD DISTRICT)** (11:32 a.m.)

Supervisor McConnell announced that the grand opening of Fire Station 40 on Legato Road was held Saturday, July 8. She expressed her appreciation to the Board Members who attended. She noted that the station is the County's first "green building." It meets the Leadership in Energy and Environmental Design (LEED) silver requirements, incorporating the use of natural lighting, an energy efficient HVAC system, recycled and non-toxic materials, reflective roofing materials, and a biological retention pond.

Supervisor McConnell further noted that the station will house the Hazardous Materials Units. It is also the largest fire and rescue station in the County.

PMH:pmh

36. **ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) PROGRAM (MASON DISTRICT)** (11:33 a.m.)

Supervisor Gross said that she received a petition signed by approximately 250 County residents appealing a decision by the Adult ESOL program management, apparently without consultation with the teachers at the Willston Multicultural Center, to reduce the number of intensive evening class meetings from four to only two per week, which is not sufficient to learn the language.

Supervisor Gross noted that with 32 percent of County households speaking a language other than English at home, this is more of a reason to offer more intensive classes rather than fewer. Many expect that new Americans learn and master the language, but when they attempt to do so, and pay significant amounts of money for evening classes after work or after taking care of their children, they are unable to do so, because of this decision to cut class meeting times.

These new immigrants wish to be full productive members of society and realize that mastering the English language is an important prerequisite to advance in society and achieve their potential as they share in the American Dream.

Supervisor Gross said that it was her understanding that the reasons provided for this reduction in classes included lower enrollment, low scores, and budget restrictions.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive to audit this program and provide the Board with a report and recommendations within 30 days on how to make this program more successful. Since students pay to enroll in both the day and evening classes, the report should include information on the effectiveness of the promotion/outreach conducted by the program management.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the request to direct staff to provide the report at the Board's first meeting in September, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

37. **GLOBAL CLIMATE CHANGE** (11:35 a.m.)

Supervisor Gross said that global climate change has been a hot topic, both literally and figuratively, for many years. Greenhouse gases, or atmospheric carbon dioxide (CO₂) produced by increasing energy consumption demands around the world, have prompted mandatory emissions targets to reduce global warming levels by reducing dependence on fossil fuels, in favor of accelerating development of clean, economical energy resources. The US Conference of Mayors has endorsed a Climate Protection Agreement modeled after the Kyoto Protocol, and the Cool Cities program, initiated by the Sierra Club, now has at least 179 cities pledged to reduce global warming carbon pollution below 1990 levels by 2012.

The Cool Cities program focuses on three categories: cleaner vehicles, energy efficiency, and renewable energy. The County, at the direction of the Board, has adopted a number of programs being implemented by the Facilities Management Department, that would help reduce greenhouse gases: purchasing hybrid and

cleaner vehicles, retrofitting of bus fleets to use low sulfur diesel fuels, purchase of wind energy for electricity, and participation in the "kNOwToxics" program for proper disposal of fluorescent bulbs, etcetera.

The Great Falls Group of the Sierra Club has proposed several steps that the County should consider to reduce greenhouse gases even more. She distributed to Board Members a list of suggestions, some of which the County is already doing.

Therefore, Supervisor Gross asked unanimous consent that the Board forward these recommendations to the appropriate staff for review and a response to the Board via the Environment Committee. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board add the following issues for review:

- Directing the Department of Public Works and Environmental Services (DPWES) to justify not following green building design.
- Direct staff from DPWES to develop Public Facilities Manual guidelines on green building design.

Without objection, it was so ordered.

Discussion ensued regarding the County's progress on environmental issues.

Supervisor Smyth asked unanimous consent that the Board direct staff to report with information on the Council of Government's actions regarding the C02 issue. Without objection, it was so ordered.

38. **LYME DISEASE** (11:41 a.m.)

Supervisor Gross said that she received an email from a County resident whose daughter is currently suffering from a severe case of Lyme disease. The County Health Department has information on its website concerning ticks and the spread of tick-borne diseases, but there is concern that more outreach needs to be done.

Tick borne diseases, such as Lyme Disease, Rocky Mountain Spotted Fever, and ehrlichiosis, have initial symptoms that may not be recognized with a tick bite. These include tiredness, headache, fever, nausea, stiff neck, muscle aches, and joint pain. Unrecognized, tick-borne diseases can lead to serious health conditions, such as chronic arthritis, heart and nervous system complications, partial paralysis, gangrene, as well as movement and language disorders.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to work in conjunction with the Health Department to help publicize information and materials on tick-borne diseases throughout the County. Without objection, it was so ordered.

39. **AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE VACATION AND ABANDONMENT OF SOUTH GREENBRIER STREET AND CONDIT COURT (MASON DISTRICT)** (11:43 a.m.)

- (A) Supervisor Gross said that on September 26, 2005, the Board approved Rezoning Application RZ 2005-MA-008, a residential development that includes two street sections, South Greenbrier Street and Condit Court. Subsequent to this approval, the applicant filed a site plan which is currently under review by staff. The vacation and abandonment of the cited street sections are among the remaining last items to be addressed prior to site plan approval.

To initiate development approved by the Board in a timely manner, Supervisor Gross moved that the Board authorize a public hearing to be held before the Board on September 11, 2006, regarding the vacation and abandonment of South Greenbrier Street and Condit Court. Supervisor Smyth seconded the motion and it carried by unanimous vote.

40. **POST STORM – “MICRO BURST” (MASON DISTRICT)** (11:44 a.m.)

(NOTE: Earlier in the meeting this issue was discussed. See Clerk’s Summary Item #14.)

Supervisor Gross said that she had received an email from a constituent regarding the recent “micro burst.”

Supervisor Gross asked unanimous consent that the Board direct staff to address the following issues raised by the constituent:

- Still hanging trees.
- Determination of the responsibility for removal of the trees.
- Mosquito control.

Without objection, it was so ordered.

(NOTE: Later in the meeting there was additional discussion regarding the removal of “hanging trees.” See Clerk’s Summary Item #50.)

41. **STORM DAMAGE TO INFRASTRUCTURE** (11:48 a.m.)

Supervisor DuBois said that over the last two weeks staff has once again demonstrated that the Board’s confidence in their professionalism, dedication, and high level of constituent service response is not misplaced. The impact of 172 billion gallons of water falling on this region will be felt for many months ahead. She said that she is still receiving anecdotal information about the extent of damage in Dranesville District.

Supervisor DuBois expressed growing concern about what appears to be an extensive impact on public infrastructure and a probable insufficiency of appropriated general funds to restore them.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct the County Executive to report on July 31 with a preliminary estimate, by agency, of the required funding to repair or replace damaged and/or destroyed buildings, equipment, trails, and parkland.

Supervisor DuBois said that her goal in asking for this report is to ensure that the Board takes no action on any new carryover requests without being fully aware of the need to assure that previous investments are fully operational.

Without objection, it was so ordered.

A brief discussion ensued regarding storm damage.

42. **INTRODUCTIONS (DRANESVILLE DISTRICT)** (11:51 a.m.)

Supervisor DuBois introduced to Board Members two interns from her office: Peter Fay and Jorge Contero.

43. **FORT BELVOIR/BASE REALIGNMENT AND CLOSURE (BRAC)
ENVIRONMENTAL IMPACT STATEMENT (EIS) SCOPING
COMMENTS** (11:52 a.m.)

Jointly with Chairman Connolly, Supervisor Hyland, and Supervisor McConnell, Supervisor Kauffman said that as the US Army and its consultants prepare to evaluate the environmental impacts of the relocation of approximately 22,000 federal employees brought about by the BRAC actions affecting Fort Belvoir, the Engineer Proving Ground and possibly the GSA Warehouse, it is important that the Board reaffirm its long standing position that the impacts of these actions on the County be fully examined and addressed. To this end, staff from the Departments of Planning and Zoning, Transportation, Public Works and Environmental Services as well as the Park Authority have prepared a rather extensive list of comments outlining concerns that should be addressed in the EIS for Fort Belvoir and BRAC. These comments on the scope of the EIS and a draft transmittal letter to Colonel Lauritzen have been circulated to Board Members.

Therefore, along with Chairman Connolly, Supervisor Hyland, Supervisor McConnell, Supervisor Kauffman moved that the Board endorse staff's comments and direct staff to formally transmit them to the Army, revising the transmittal letter to indicate the Board's endorsement. Supervisor Hyland seconded the motion.

Supervisor McConnell stated that she would support the motion only if it did not delay the project.

Discussion ensued regarding the BRAC proposal.

Supervisor Hyland asked unanimous consent that the Board send a letter to the Army asking if any decisions have been made regarding which of the three scenarios were considered to be optimum as to where the 21,500 people should be located. Without objection, it was so ordered.

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

44. **PROPOSED TRANSPORTATION POLICY PLAN** (12:08 p.m.)

Supervisor Kauffman referred to today's 4:30 p.m. public hearing on proposed Transportation Policy Plan and he asked unanimous consent that the Board direct staff to provide a recommendation on how the Woodrow Wilson Bridge has the capacity to include transit. Without objection, it was so ordered.

(NOTE: Later in the meeting, the public hearing on the Transportation Policy Plan was held. See Clerk's Summary Item #73.)

45. **BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (12:10 p.m.)

Supervisor Hyland announced that he would present his Board Matters following closed session.

(NOTE: Later in the meeting, Supervisor Hyland presented his Board Matters. See Clerk's Summary Items #75-79.)

46. **ATLANTIC REALTY (SULLY DISTRICT)** (12:10 p.m.)

Supervisor Frey said that Atlantic Realty Companies has filed Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 83-0-021 for mixed use development on the Dominion Power site at Route 50 and Fair Ridge Drive. The Board approved the associated Area Plan Review application, APR 04-III-1FC, at its meeting on June 26. The zoning public hearings have been deferred to allow the applicant more time to address staff concerns. Therefore, the applicant has asked that the site plans be permitted concurrent review with the PCA/FDPA applications.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing for the site and subdivision plans while the related zoning applications are being processed. The applicants understand that this motion will not prejudice the consideration of the applications in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

47. **MIDDLETON FARMS PLAN AMENDMENT AUTHORIZATION (HUNTER MILL AND SULLY DISTRICTS)** (12:11 p.m.)

Supervisor Frey said that Area Plan Review (APR) Items 04-III-3DS and 04-III-4DS were submitted during the 2004 North County APR process for two adjacent areas in Land Unit D-1 of the Dulles Suburban Center. The staff report recommended the two areas be consolidated and development coordinated to locate all development in the land unit south of the Horse Pen Run stream valley. APR Item 04-III-3DS was deferred indefinitely by the Planning Commission on April 20, 2005. APR Item 04-III-4DS was deferred indefinitely by the Board on June 20, 2005, with the hope that the nominators could come to an agreement with the nominators of APR Item 04-III-3D5 to consolidate the entire D-1 Land Unit. The subject land areas are located in the Sully and Hunter Mill Districts.

The property owners have worked together to come up with a consolidated plan for development. However, because the new proposal would require a higher intensity of development, it does not fall within the scope of the APR nominations that were originally submitted. As stated in the Citizens Guide, "If the Planning Commission does not act upon a proposed nomination within one year of the Planning Commission's scheduled public hearing for the nomination, the nomination expires and will receive no further consideration." Therefore, these nominations are expired and to move forward, the Board must authorize staff to consider an out-of-turn Plan amendment.

Therefore, Supervisor Frey moved that the Board authorize staff to evaluate an amendment to the Plan to allow mixed use development, including office, hotel, residential, and support retail uses, up to .40 FAR in Land Unit D-1 of the Dulles Suburban Center. Residential uses, if permitted, should include senior housing. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

48. **CIVIL WAR SOLDIERS (SULLY DISTRICT)** (12:13 p.m.)

Supervisor Frey noted that he announced at the meeting on June 26 that the remains of six Civil War soldiers that were discovered on property near his former office had been identified as Massachusetts Army soldiers.

Supervisor Frey noted the role that the Park Authority played in returning the soldiers to their home state of Massachusetts. He added that the Park Authority has prepared a display in the lobby of the Government Center. He encouraged everyone to view the display.

49. **DULLES CORRIDOR METRORAIL PROJECT – PHASE I** (12:14 p.m.)

Supervisor Hudgins referred to a flyer from the Washington Metropolitan Area Transit Authority's Art in Transit Program in collaboration with the Virginia Department of Rail and Public Transportation for a "Call to Artists" to develop

site-specific artwork proposals for Phase I of the Dulles Corridor Metrorail Project.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating the information. Without objection, it was so ordered.

50. **TREE REMOVAL (MASON DISTRICT)** (12:16 p.m.)

(NOTE: Earlier in the meeting, discussion was held regarding storm damage. See Clerk's Summary Item #40.)

Supervisor Gross noted that she had just received an email and noted that the "hanging tree" at the corner of Larrlyn Drive and Woodland Way was being removed by the Park Authority.

51. **INTENT TO DEFER PUBLIC HEARINGS (HUNTER MILL AND MOUNT VERNON DISTRICTS)** (12:17 p.m.)

Chairman Connolly announced the Board's intent to defer the following public hearings:

- Special Exception Application SE 2005-HM-010
- Rezoning Application RZ 2003-MV-036
- Proffered Condition Amendment Application PCA-C-403-02

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #54, #58, and #74.)

52. **RECESS/CLOSED SESSION** (12:17 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. Julien Modica v. Fairfax-Falls Church Community Service Board, At Law No. CL-2005-0007205 (Fx. Co. Cir. Ct.)
 2. Fernando Baltazar Muniz v. Fairfax County, Virginia, United States Court of Appeals for the Fourth Circuit, Case No. 05-2424
 3. Marissa Ahari as Administrator and Representative of Alexandra Ahari v. Fairfax County, Virginia, et al., Case No. CL-2006-0002553 (Fx. Co. Cir. Ct.)
 4. The Trustees of the Centerpointe Church at Fair Oaks and Centerpointe Church at Fair Oaks v. County of Fairfax, Virginia, and The Board of Supervisors of Fairfax County, In Chancery No. CH-2005-0004651 (Fx. Co. Cir. Ct.) (Springfield District)
 5. Concerned Citizens of Hollin Hall Village, et al. v. Fairfax County Board of Zoning Appeals, et al., Case No. CL-2006-0002456 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 6. William E. Shoup, Fairfax County Zoning Administrator v. Rodolfo F. Arca and Nicorita Arca, Case No. CL-2006-0004781 (Fx. Co. Cir. Ct.) (Mason District)
 7. William E. Shoup, Fairfax County Zoning Administrator v. Gregory L. Hensley and Deneen J. Hensley, Case No. CL-2006-0005250 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 8. Eileen M. McLane, Fairfax County Zoning Administrator v. Susan K. Huber, Case No. CL-2006-0007714 (Fx. Co. Cir. Ct.) (Providence District)

9. William E. Shoup, Fairfax County Zoning Administrator v. Chris Spraker and Kim E. Spraker, Case No. CL-2006-0007310 (Fx. Co. Cir. Ct.) (Dranesville District)
10. Eileen M. McLane, Fairfax County Zoning Administrator v. Carolyn F. Lozano and Jose M. Lozano, Case No. CL-2006-0007363 (Fx. Co. Cir. Ct.) (Dranesville District)
11. Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer Centeno and Leda Centeno, Case No. CL-2006-0008036 (Fx. Co. Cir. Ct.) (Providence District)
12. Board of Supervisors v. Holly Hills Development Company, At Law No. CL-2005-0003910 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Fairfax County Zoning Ordinance Section 20-300
- Permits for Structures Suffering Damage from Natural Causes and Acts of God
- Belle Haven Watershed Flood Damage Reduction Study
- Planned Residential Community (PRC) Zoning Districts
- McLean Bible Church v. Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia
- Whitestone Investments, Inc. v. James Patteson, et al., CL 2006-0007845

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

PW:pw

At 4:03 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

53. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:03 p.m.)

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

AGENDA ITEMS

54. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-HM-010 (WALKER FLP LIMITED PARTNERSHIP) (HUNTER MILL DISTRICT)** (4:05 p.m.)

Supervisor Hudgins moved to defer the public hearing on Special Exception Application SE 2005-HM-010 until **July 31, 2006, at 5 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

55. **INFORMATION ITEM I-7 – FISCAL YEAR (FY) 2007 STORMWATER MANAGEMENT PROGRAM IMPLEMENTATION PLAN** (4:05 p.m.)

(NOTE: Earlier in the meeting, the Board deferred consideration of this item. See Clerk's Summary Item #21.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, regarding the FY 2007 Stormwater Management Program Implementation Plan.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the County plan, in particular the issues regarding the flooding in the Huntington Community as well as other communities, and provide recommendations. Without objection, it was so ordered.

56. **INFORMATION ITEM I-10 – PLANNING ASSISTANCE TO STATE PROGRAM LETTER OF AGREEMENT BETWEEN FAIRFAX COUNTY, VIRGINIA AND THE US ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT, FOR THE BELLE HAVEN WATERSHED FLOOD DAMAGE REDUCTION STUDY (MOUNT VERNON DISTRICT)** (4:06 p.m.)

(NOTE: Earlier in the meeting, the Board deferred consideration of this item. See Clerk's Summary Item #25.)

The Board next considered an item contained in the Board Agenda dated July 10, 2006, requesting authorization for the County Executive, on behalf of the County, to sign a planning assistance state program Letter of Agreement between the County and the US Army Corps of Engineers, Baltimore District, for the Belle Haven Watershed Flood Damage Reduction Study.

Supervisor Hyland asked unanimous consent that the Board direct staff to review and provide recommendations on additional funds needed for the study. Without objection, it was so ordered.

57. **3:30 P.M. – PH ON REZONING APPLICATIONS RZ 2006-LE-002 (HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED) AND RZ 2006-LE-003 (PINEY RUN DEVELOPMENT, LLC) AND SPECIAL EXCEPTION APPLICATIONS SE 2005-LE-027 (HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED) AND SE 2005-LE-028 (PINEY RUN DEVELOPMENT, LLC) (LEE DISTRICT)** (No Time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #61.)

58. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT)** (4:08 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2003-MV-036 until **July 31, 2006, at 5 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

59. **ORDERS OF THE DAY** (4:08 p.m.)

Chairman Connolly announced that there would be a change in the Orders of the Day and that the concurrent public hearing for Rezoning Applications RZ 2006-LE-006 and RZ 2006-LE-003 and Special Exception Applications SE 2005-LE-027 and SE 2005-LE-028 would be held later in the meeting.

(NOTE: Later in the meeting, that public hearing was held. See Clerk's Summary Item #61.)

DET:det

60. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-HM-024 (DAVID M. LAUGHLIN AND CHARLOTTE H. LAUGHLIN) (HUNTER MILL DISTRICT)** (4:09 p.m.)

(O) The application property is located on the west side of Beulah Road approximately 200 feet north of its intersection with Delancey Drive, Tax Map 28-4 ((1)) 57 pt.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

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

Discussion ensued concerning the disposition of the house.

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.

Discussion ensued with input from Mr. Williams and Qayyum Khan, Chief Stormwater Engineer, Environmental and Site Review Division, Land Development Services, Department of Public Works and Environmental Services, concerning stormwater management and best management practices and efforts to save “Beulah,” a white oak.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-HM-024, from the R-1 District to the R-3 District, subject to the proffers dated July 9, 2006.
- Modification of the Comprehensive Plan Countywide Trail requirement along Beulah Road in favor of that shown on the generalized development plan.
- That the measures proposed for addressing the groundwater problems related to Lot 11 and Lot 12 of Embassy Courts shall be as determined by the Department of Public Works and Environmental Services.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross,

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

Supervisor Hudgins submitted items for the record.

PW:pw

61. **3:30 P.M. – PH ON REZONING APPLICATIONS RZ 2006-LE-002 (HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED) (LEE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-027 (HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED) (LEE DISTRICT)

AND

PH ON REZONING APPLICATION RZ 2006-LE-003 (PINEY RUN DEVELOPMENT, LLC) (LEE DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-028 (PINEY RUN DEVELOPMENT, LLC) (LEE DISTRICT) (4:31 p.m.)

(O) (NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk’s Summary Item #59.)

The application property is located at 7836, 7908, 7928, and 7950 Telegraph Road on the north side of Telegraph Road approximately 800 feet west of its intersection with Old Telegraph Road, Tax Map 100-1 ((1)) 23A pt., 17, 24, and 25.

[Also under consideration will be the applicant’s request for Exception Number 007239-WRPA-003-1 under Section 118-6-9 of the Chapter 118 (Chesapeake Bay Preservation Ordinance), Code of the County of Fairfax, for the construction within the Resource Protection Area.]

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

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

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

Supervisor Kauffman indicated that he had an item for the record.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-LE-002, from the R-1 and C-6 Districts, to the R-1 District, subject to the proffers dated July 6, 2006.
- Approval of Special Exception Application SE 2005-LE-027, subject to the development conditions dated July 10, 2006.
- Modification of the transitional screening requirements as follows:
 - Along the eastern boundary in favor of the existing vegetation associated with Piney Run.
 - Along the southern boundary in favor of that shown on the GDP/SE Plat and the proposed development conditions.
 - Along the boundaries of parcels 17, 19, and 20 in favor of the landscaping shown on the GDP/SE plat and the proposed development conditions.
 - Along the northern boundary as shown on the GDP/SE plat.
- Waiver of the barrier requirements along all boundaries.
- Modification of Additional Standard 3 under Section 9-529 to allow the proposed parking lot located on Telegraph Road across from Fort Belvoir to be within 50 feet of property in an R District.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-LE-003, from the R-1 District to the R-1 District, subject to the proffers dated July 6, 2006.
- Approval of Special Exception Application SE 2005-LE-028, subject to the development conditions dated June 21, 2006.

- Modification of the transitional screening yard requirements along the northern, eastern, and western boundaries.
- Waiver of the barrier requirements along all boundaries.
- Modification of the age limitations contained in Paragraph 1 of Section 9-306 to 55 years of age in lieu of 62 years of age.
- Modification of the height limitation specified in Paragraph 9 of Section 9-306 to allow a building up to 65 feet in height in lieu of 50 feet in height.
- Approval of Resource Protection Area Waiver 00739-WRPA-003-1, to allow a stormwater management facility with the Piney Run RPA, subject to the proposed development conditions contained in Appendix 10 of the staff report dated June 1, 2006.

Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

DET:det

62. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-403-02 (WASHINGTON SQUARE HOMES ASSOCIATION) (MOUNT VERNON DISTRICT)** (No Time)

(NOTE: Later in the meeting, the Board deferred this public hearing. See Clerk’s Summary Item #74.)

63. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-P-014 (ROBERT J. ETRIS, CITY OF FALLS CHURCH – PUBLIC UTILITIES DIVISION) (PROVIDENCE DISTRICT)** (4:55 p.m.)

The application property is located on the north side of Chain Bridge Road, approximately 1000 feet east of its intersection with Leesburg Pike, Tax Map 29-3 ((1)) 78B.

Mr. Robert J. Etris, Director of Utilities, City of Falls Church, reaffirmed the validity of the affidavit for the record.

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

Discussion ensued with input from Gregory Chase, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, concerning designation of funds to the Providence District Tree Preservation and Planting Fund.

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

Supervisor Smyth moved approval of Special Exception Amendment Application SEA 00-P-014, subject to the development conditions dated July 10, 2006, with the following change:

- Development Condition 12 to read “The applicant shall contribute \$8000 to the Fairfax County Tree Preservation and Planting Fund prior to the issuance of a Non-Residential Use Permit (Non-RUP).”

Supervisor Bulova, Supervisor Gross, and Supervisor Hyland jointly seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

64. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 43.1 (FOOD AND FOOD SERVICE ESTABLISHMENTS)** (5:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

Chairman Connolly noted that the Board received a response from Gloria Addo-Ayensu, Director, Department of Health, to concerns regarding critical violations comparing convenience stores to restaurants and high risk establishments.

Thomas Crow, Director, Division of Environmental Health, Department of Health, presented the staff report.

Supervisor Hyland asked unanimous consent that the Board direct staff to determine whether the Board has the legal authority to condemn properties with mold conditions. Without objection it was so ordered.

Discussion ensued with input from Libby Busenlehner, Program Manager, Division of Environmental Health, Department of Health, concerning renewal certification and whether examinations and training were given in alternative formats.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 43.1 (Food and Food Service Establishments) as set forth in Attachment 1 of the Board Agenda Item which reflects agreed upon changes as a result of the dialogue with industry, consumer groups, and regulators. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being out of the room.

65. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, BY ENACTING CHAPTER 109.1 (SOLID WASTE MANAGEMENT) AND REPEALING CHAPTER 109 (SOLID WASTE)** (5:11 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 27 and July 4, 2006.

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

During the public hearing, discussion ensued with input from Jeffrey M. Smithberger, Director, Division of Solid Waste Collection and Recycling, DPWES, and Ms. Doughty concerning:

- The estimated cost of additional service.
- The collection of brush versus the collection of leaves and grass.
- The County's attempt to increase the recycling rate.
- Enforcement of the Code, including service requirements.
- Increases to the tipping fee.
- Recycling in public schools.

Following the public hearing, which included testimony by three speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, by enacting Chapter 109.1 (Solid Waste Management), and repealing Chapter 109 (Solid Waste). Supervisor Hyland and Supervisor Kauffman jointly seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct staff to:

- Prepare a thorough analysis of the implementation process.
- Deliver that analysis to the Board no later than July 1, 2007.

This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Frey moved to amend the motion to eliminate the requirement to move the mandatory grass and leaf pickup to March 1 and leave it at April 1. Supervisor Hudgins seconded the amendment to the motion.

Discussion ensued concerning the amount of brush and yard debris picked up by the County during the first three months of this year.

The question was called on the amendment to the motion, and it **FAILED** by a recorded vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor Hudgins voting “**AYE.**”

Supervisor Hudgins asked to amend the main motion to direct staff to draft a letter for the Chairman’s signature on behalf of the Board to Dr. Jack Dale, Superintendent, Fairfax County Public Schools, strongly urging that mandatory recycling be instituted in the schools. This was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “**AYE.**”

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 14 (BRADDOCK DISTRICT)** (5:58 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

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

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Annandale RPPD, District 14, which includes the following street blocks:

Heritage Drive (Route 2630) from Erie Street (Route 2629) to Barr Place (Route 3620) and Barr Place south side from Heritage Drive to the end. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, and Supervisor Smyth being out of the room.

67. **4 P.M. – PH ON A PROPOSAL TO RESTRICT CUT-THROUGH TRAFFIC ON LENORE LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)**
(5:59 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

Doug Hansen, Senior Transportation Planner, Traffic Operations Section, Division of Capital Projects and Operations, Department of Transportation presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved adoption of the Resolution endorsing Lenore Lane for a cut-through traffic restriction as part of the R-TAP. The proposed restriction consists of the closure of Lenore Lane just east of Telegraph Road. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Hudgins being out of the room.

Supervisor Kauffman submitted items for the record.

68. **4 P.M. – PH ON A PROPOSAL TO ABANDON A SEGMENT OF THE FORMER ALIGNMENT OF OAKTON ROAD (PROVIDENCE DISTRICT)** (6:05 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

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

Following the public hearing, Supervisor Smyth moved adoption of the Order for abandonment of the former Oakton Road. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell,

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

69. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING REDUCTION OF CERTAIN YARD REQUIREMENTS AND CLARIFICATION OF ACCESSORY STRUCTURE HEIGHT MEASUREMENT** (6:07 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Discussion ensued concerning:

- The ability to cap the amount of impervious surface
- Stormwater management
- Special permits
- Flood plains

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to determine whether the language to General and Additional Standards 8 could be amended to include safety. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued regarding the enforcement of covenants and proffered commitments and the need for more information, particularly relating to impervious surface and stormwater management, to be available to the Board of Zoning Appeals (BZA) in consideration of the application.

Following the public hearing, which included testimony by 17 speakers, discussion continued concerning including safety in the language of General and Additional Standards 8 with input from Cynthia Bailey, Assistant County Attorney. Ms. Pesto addressed the stormwater management issue regarding land disturbing activities.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission, regarding reduction of certain yard requirements and

clarification of accessory structure height measurement. Supervisor Gross seconded the motion.

Discussion ensued regarding the proposed amendments.

Supervisor DuBois asked unanimous consent that the Board direct staff to review the issue of individuals adding impervious surface within the current limits versus individuals coming in with a special permit. Without objection, it was so ordered.

Supervisor Smyth noted that information useful to the applicant is available through the use of County records and she asked to amend the motion to direct staff to address the issue of how and where additional information can be obtained without expense to the applicant for inclusion in the applicant's application, and this was accepted.

Following a query by Chairman Connolly, Supervisor Frey clarified that his motion included the addition of the word "safety" as one of the criteria.

Chairman Connolly read into the record the few special permit categories to allow the BZA to grant yard reductions in certain limited circumstances (General and Additional Standards).

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

Chairman Connolly, Supervisor DuBois, and Supervisor Smyth submitted items for the record.

70. **4:30 P.M. – PH ON PROPOSED AREA PLAN REVIEW (APR) ITEMS 04-II-2F, 04-II-2V, 04-II-6V; 04-III-1UP AND 04-III-6UP FOR THE HERITAGE RESOURCES IN THE HUNTER MILL ROAD CORRIDOR (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)** (8:05 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

Lindsay Mason, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report and Planning Commission recommendation.

Following the public hearing, which included testimony by eight speakers, Supervisor DuBois moved approval of the Planning Commission recommendation for proposed APR Items 04-II-2F, 04-II-2V, 04-II-6V, 04-III-1UP, and 04-III-

6UP. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Connolly, Supervisor DuBois, Supervisor Hudgins, and Supervisor Smyth submitted items for the record.

(NOTE: Later in the meeting, the Board discussed Hunter Mill Road in regard to the Transportation Policy Plan. See Clerk's Summary Item #73.)

71. **4:30 P.M. – PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS** (8:28 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

Jay Guy, Transportation Planner, Coordination and Funding Division, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Chairman Connolly noted that the record would remain open for additional comments.

Chairman Connolly announced that the Board would revisit this issue on September 25, 2006, for consideration of staff's final recommendations for the Fiscal Year (FY) 2007 Transportation Enhancement Program.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the following items for consideration in their final recommendation:

- Endorsement of the Mason Neck Trail application.
- A wayside with historic marker and interpretive signage to commemorate the Washington-Rochambeau Revolutionary Route in the County.
- Endorsement of the Storm Drain Marking Project.

Without objection, it was so ordered.

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), ARTICLES 1 AND 2, REGARDING THE BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS, PROPERTY MAINTENANCE PROVISIONS, AND CERTAIN PERMIT FEES, INCLUDING THOSE FOR AMUSEMENT RIDE PERMITS** (8:37 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

Ray Pylant, Building Official, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), as follows:

- Section 61-1-2, Definitions, specifically, the definition of Property Maintenance Official, and Section 61-2-3, Membership of Board, specifically, the last sentence of Paragraph (a), as advertised, with an effective date of 12:01 a.m. on January 1, 2007.
- Articles 1 (Administration and Standards) and 2 (Fairfax County Board of Building and Fire Prevention Code Appeals), as advertised, with an effective date of 12:01 a.m. on July 11, 2006.

Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Frey, and Supervisor Hudgins being out of the room.

73. **4:30 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT S01-CW-17CP, TRANSPORTATION POLICY PLAN** (8:40 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 22 and June 29, 2006.

(NOTE: On June 5, 2006, the Board deferred the public hearing on this item until July 10, 2006.)

(NOTE: Earlier in the meeting, the issue of rail capacity on the Woodrow Wilson Bridge was discussed. See Clerk’s Summary Item #44.)

Leonard Wolfenstein, Chief, Transportation Planning Section, Department of Transportation (DOT), presented the staff report. George Barker, Chairman, Transportation Advisory Commission, presented closing remarks.

Supervisor Kauffman noted that the map (Attachment 5 of the Board Agenda Item) did not reflect rail capacity onto the Woodrow Wilson Bridge and noted his intent to include a graphical clarification into the adoption of this plan.

Discussion ensued concerning strengthening language in Transportation Demand Management (TDM), Policy h, with input from Scott Wynn, Senior Assistant County Attorney and David P. Bobzien, County Attorney.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to address a change in language prior to the end of the public hearing. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following the public hearing, which included testimony by eight speakers, Supervisor Hudgins moved approval of Policy Plan Amendment S01-CW-17CP, Transportation Policy Plan, as recommended by the Planning Commission. Supervisor Bulova seconded the motion

Supervisor Bulova asked to amend the motion with the following modification to handwritten page 19, Objective 4, Policy a:

- Strike “in accordance with” and insert “**in conjunction with.**”

This was accepted.

Supervisor Hudgins asked to amend the motion with the following modification to handwritten page 19, Transportation paragraph two:

- Change “sidewalks and trails” to “**sidewalks, trails, and on-road bicycle routes.**”

This was accepted.

Supervisor Hudgins asked to amend the motion with the following modification to handwritten page 21, Objective 6, Policy c:

- Change “Integrate non-motorized transportation projects into the programming of construction and maintenance projects” to “**Integrate non-motorized transportation projects to the programming of construction and maintenance projects and improve bicycle level of service with road reconstruction projects.**”

This was accepted.

Supervisor Hyland asked to amend the motion and direct staff to change the following label on the Transportation Plan Map:

- Change “LRT/BRT” to “**HRT/MRT/LRT/BRT**” to provide all of the possible options that come out of the transit study.

This was accepted.

Discussion ensued, with input from Mr. Wolfenstein, Mr. Wynn, and Mr. Bobzien, regarding the issue of trash trucks entering the Mount Vernon Community and the possibility of having direct access off Interstate 95.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to conduct a feasibility study. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth asked to amend the motion with the following modification to handwritten page 20, Objective 5, Policy h:

- Delete “considered” and insert “**analyzed and evaluated potential.**”
- Second sentence to read as follows: Encourage proffers of TDMs that are enforceable and proffers in support of the County’s transit system.

Following discussion, with input from Katharine D. Ichter, Director, DOT, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the amendment to the motion as follows:

- Add “**and establish strengthened enforcement mechanisms**” at the end of the second sentence.

This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following further discussion regarding TDMs, Chairman Connolly restated the amendment as follows:

- Require that applicants for rezoning and special exceptions show evidence that they have analyzed and evaluated potential TDMs.

- Encourage proffers of TDMs and develop enforcement mechanisms and proffers in support of the County's transit system.

Supervisor Kauffman seconded the amendment to the motion, as amended.

The question was called on the amendment to the motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor McConnell voting "NAY," Supervisor Frey being out of the room.

Supervisor Smyth moved to change the map designation of Hunter Mill Road between Mystic Meadow and Vale Road from four lanes to two. Supervisor Hyland seconded the motion.

A lengthy discussion ensued, with input from Ms. Ichter, Mr. Wolfenstein, and Daniel B. Rathbone, Chief, Transportation Planning Division, DOT, concerning the proposed change.

Supervisor Smyth asked unanimous consent to defer her amendment to the map for further consultation with staff. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to schedule a Transportation Committee meeting to discuss the TDM issues and invite representatives of the Chamber of Commerce, the business community, and others who have worked with the County on TDMs. Without objection, it was so ordered.

Supervisor DuBois asked unanimous consent that the Board include consideration of an amendment to the map at Fairfax County Parkway at Sunset Hills Road on July 31, 2006. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent to include consideration of the following amendments to the map:

- Enhanced transportation corridor that runs along the Beltway and stops at the Alexandria City line, to extend the green line through the section of the Beltway that is nominally in the City of Alexandria.
- Include language similar to that on handwritten page 177 of the Board Agenda Item (Wiehle Avenue Extension) applying it to a section of Telegraph Road (Route 611) that runs between the South Kings split and goes to the intersection with Franconia. (Routes 633 and 644), with the only difference being a three lane section versus a four lane section.

Without objection, it was so ordered.

Discussion ensued regarding separate text language referring to Telegraph Road between Route 633 (South Kings) and Route 644 (Franconia Road), with input from Mr. Wolfenstein.

Supervisor Kauffman moved to amend the text and include language similar to what was proposed for the Wiehle Avenue Extension (handwritten page 177) to address that section of Telegraph Road be included in the Transportation Policy Plan, noting the difference being a three lane section versus a four lane section. Supervisor Hyland seconded the motion.

Following further discussion, with input from Ms. Ichter, Supervisor Kauffman withdrew his amendment to the motion.

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

Chairman Connolly and Supervisor Smyth submitted items for the record.

74. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-403-02 (WASHINGTON SQUARE HOMES ASSOCIATION) (MOUNT VERNON DISTRICT)** (10:18 p.m.)

(NOTE: Earlier in the meeting the Board discussed this item. See Clerk's Summary Item #62.)

Supervisor Hyland moved to defer the public hearing on Proffered Condition Amendment Application PCA 30-403-02 until **July 31, 2006 at 5 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

PW:pw

ADDITIONAL BOARD MATTERS

75. **DEFERRAL OF BASE REALIGNMENT AND CLOSING (BRAC) APPLICATIONS** (10:18 p.m.)

Supervisor Hyland said that the Planning Commission has a schedule to receive BRAC nominations to change to the Comprehensive Plan. The US Army has not yet communicated which of the three scenarios they have chosen and it is unknown where the developments may occur, so the Planning Commission has requested deferral of the timetable on the BRAC applications until the US Army indicates where it plans to locate the majority of its developments.

Therefore, Supervisor Hyland moved that the Board defer the schedule for BRAC applications indefinitely. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

76. **DEMOLITION PERMITS** (10:19 p.m.)

Supervisor Hyland said that a home located at 8115 Yorktown Drive was demolished without a permit. After staff in the Code Enforcement Branch, Land Development Services, Department of Public Works and Environmental Services, was contacted to inspect this violation, the property owner received the permit two days after the demolition occurred. Since this violation had been abated, Code Enforcement closed the case without issuing a violation or pursuing any further punitive action against the owner.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the process and report its findings to the Board. Without objection, it was so ordered.

77. **HOME IMPROVEMENT LOAN PROGRAM (HILP) FOR THE HUNTINGTON COMMUNITY (MOUNT VERNON DISTRICT)** (10:21 p.m.)

Supervisor Hyland said that the Huntington Community suffered extensive damage from the extraordinary rain storms of last month. One part of the recovery stage is the HILP, which offers deferred, low cost home improvement loans through the Department of Housing and Community Development (DHCD). Supervisor Hyland moved that the Board increase the income restriction to up to 120 percent of the County median for HILP loans for the Huntington Community on an emergency basis only and that the DHCD explore ways that the HILP loans may also be used to assist landlords in the repair of rental units damaged by the floods in the Huntington Community. Supervisor Kauffman seconded the motion.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding the percent of the standard.

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

78. **RECOGNITION OF THE HUNTINGTON FLOOD EMERGENCY RESPONSE TEAM AND OTHERS** (10:23 p.m.)

Supervisor Hyland, jointly with Chairman Connolly, asked unanimous consent that the Board direct staff to invite everyone who assisted the residents in the Huntington community, as listed in his written Board Matter and including the Minimum Security Prisoner Workforce who also contributed to this effort, to appear before the Board on July 31 to be recognized for their heroic accomplishments. He further asked that the Board direct the Office of Public

Affairs to invite all residents affected by the flood to participate and help congratulate them.

Supervisor Kauffman asked to amend the request to include additional staff, the names of whom will be provided to the Office of Public Affairs, and this was accepted.

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

79. **REVENUE STABILIZATION FUND (RSF)** (10:25 p.m.)

- (P) Supervisor Bulova stated that on Friday, July 7, the Board received a memorandum dated June 30 from the County Executive regarding the RSF. It reiterated the Board's Policy on the RSF and noted that the Board fully funded it at three percent of General Fund disbursements as part of the Fiscal Year (FY) 2006 Third Quarter Budget Review. As noted in the memorandum, staff recommends that the RSF maintain fully funded status through a combination of retention of interest earnings on the balance and, in the instance where retained earnings do not meet the targeted requirement, a transfer from the General Fund to the RSF to maintain fully funded status. Any interest earned on the revenue stabilization reserve balance over and above the amount required to maintain full funding status would be retained by the General Fund.

Accordingly, Supervisor Bulova moved approval of the staff recommendation regarding the RSF, which is similar to the managed reserve. Supervisor Kauffman seconded the motion.

Following a brief discussion about this automated mechanism to maintain the three percent routinely as well as the Board's authority to change that Policy if necessary, the question was called on the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

80. **BOARD ADJOURNMENT** (10:27 p.m.)

The Board adjourned.

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