



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
June 4, 2007**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <http://www.fairfaxcounty.gov/bosclerk/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

15-07

DMS:dms

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, June 4, 2007, at 9:04 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- 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 Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Sharon Bulova, Braddock District, arrived at 9:11 a.m.

Supervisor Dana Kauffman, Lee District, arrived at 9:13 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** (9:05 a.m.)

Chairman Connolly asked everyone to keep in thoughts the men and women in harm's way around the world, especially in Iraq and Afghanistan.

Supervisor Frey asked everyone to keep in thoughts the family of Vincent Darconte. Mr. Darconte, a Sully Station Police Officer, died on May 30, from injuries he sustained in a motorcycle accident on his way to work.

Supervisor Hyland asked everyone to keep in thoughts the family of Geraldine "Jean" Byrnes Scully, who died on May 30. Ms. Scully was a long-time advocate for the homeless and for affordable housing.

AGENDA ITEMS2. **PRESENTATION OF THE COLORS BY THE ARMY CONTINENTAL COLOR GUARD AND AN ELEMENT OF THE OLD GUARD FIFE AND DRUM CORPS** (9:08 a.m.)

The Army Continental Color Guard presented the colors while the Old Guard Fife and Drum Corps performed.

3. **PROCLAMATION DESIGNATING JUNE 9-16, 2007, AS "ARMY STRONG WEEK" IN FAIRFAX COUNTY** (9:13 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 9-16, 2007, as "Army Strong Week" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE 2007 LORD AND LADY FAIRFAX HONOREES** (9:21 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to the 2007 Lord and Lady Fairfax Honorees as follows:

Braddock District

- Ms. Mary Kay Buckingham Lipsey
- Reverend Ronald F. Christian

Dranesville District

- Ms. Eleanor Weck
- Mr. M.L. Clark Tyler

Hunter Mill District

- Ms. Sarah Newman
- Mr. Bruce Wright

Lee District

- Ms. Leah Lamba-Skidmore
- Mr. Joseph D. Johnson

Mason District

- Ms. Yolma C. Torres
- Mr. Daniel W. McKinnon Jr.

Mount Vernon District

- Ms. Elizabeth Promen
- Mr. Marvin D. Miller Esquire

Providence District

- Ms. Linda F. Byrne
- Mr. Kenneth A. Lawrence

Springfield District

- Ms. Lisa Adler
- Mr. Michael DeLoose

Sully District

- Ms. Cheryl-Ann Repetti
- Mr. Lorenzo Vaughan

Chairman At-Large

- Ms. Stella M. Koch
- Mr. Walter L. Alcorn

These County citizens were nominated for volunteerism, heroism, and community service, as well as, other special accomplishments.

This motion, the second to which was inaudible, carried by unanimous vote.

Chairman Connolly announced that:

- A reception will be held for the Lord and Lady Fairfax honorees later in the evening.
- The Celebrate Fairfax Fair will be held this weekend, June 8–10.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, a presentation was made regarding Celebration Fairfax. See Clerk's Summary Item #6.)

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. GARY ROISUM** (9:47 a.m.)

Supervisor Kauffman moved approval of the Resolution of Recognition presented to Mr. Gary Roisum for his 30 years of service to the County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

ADDITIONAL BOARD MATTER

6. **CELEBRATE FAIRFAX!** (9:51 a.m.)

(NOTE: Earlier in the meeting, the Board recognized the 2007 Lord and Lady Fairfax honorees. See Clerk's Summary Item #4.)

Christopher Welker, Chair, Celebrate Fairfax, Incorporated, Board of Directors, made a brief presentation outlining the upcoming events at Celebrate Fairfax,

June 8-10, 2007, as well as an introduction of other board members and event sponsors.

AGENDA ITEMS

7. **CERTIFICATES OF RECOGNITION PRESENTED TO 2007 EARTH DAY/ARBOR DAY SPONSORS AND PROGRAM COMMITTEE**
(9:55 a.m.)

Supervisor Bulova moved approval of the Certificates of Recognition presented to the 2007 Earth Day/Arbor Day celebration program committee. Chairman Connolly seconded the motion and it carried by unanimous vote.

Supervisor Bulova moved approval of the Certificates of Recognition presented to the 2007 Earth Day/Arbor Day celebration sponsors. Chairman Connolly seconded the motion and it carried by unanimous vote.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO CIVIC GROUPS**
(10:01 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to members of the Cub Run and Bull Run Watershed Management Plan Advisory Committee for outstanding commitment and dedication to improve and protect the County's water resources. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Hudgins moved approval of the Certificates of Recognition presented to Difficult Run Watershed Management Plan Advisory Committee for its outstanding commitment and dedication to improve and protect the County's water resources. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

9. **PROCLAMATION DESIGNATING JUNE 11-17, 2007, AS "RESPONSIBLE FATHERHOOD WEEK" IN FAIRFAX COUNTY**
(10:13 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 11-17, 2007, as "*Responsible Fatherhood Week*" in Fairfax County. Supervisor Kauffman and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **PROCLAMATION DESIGNATING JUNE 16, 2007, AS "HEPATITIS AWARENESS DAY" IN FAIRFAX COUNTY** (10:18 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 16, 2007, as "*Hepatitis Awareness Day*" in Fairfax County. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Smyth being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

11. **10 A.M. – PRESENTATION BY THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY BACTERIAL MONITORING PROGRAM IN COLLABORATION WITH FAIRFAX COUNTY, STORMWATER PLANNING DIVISION, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (10:24 a.m.)

Danielle Wynne, Ecologist, Stormwater Planning Division, DPWES, presented the Board with the benefits of the partnership between the County and Thomas Jefferson High School.

Ms. Kate Kirschner, a senior at Thomas Jefferson High School for Science and Technology, presented the Board with the four types of bacterial monitoring programs the students were studying over the course of the year.

DS:ds

12. **ADMINISTRATIVE ITEMS** (10:35 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), TO IMPLEMENT A TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) PROGRAM

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to implement a temporary RPPD program.

ADMIN 2 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) FOR THE BENEFIT OF MOUNT VERNON LADIES ASSOCIATION

(BONDS)

(R)

Adopted the Resolution authorizing the EDA to issue up to \$15 million revenue bonds for the benefit of Mount Vernon Ladies Association.

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

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-M07-26	Department of Public Works and Environmental Services Renovation and expansion of Thomas Jefferson Library 7415 Arlington Boulevard (Mason District)	August 6, 2007
2232-P06-12	Washington Metropolitan Area Transit Authority Parking structure 2900 Nutley Street (Providence District)	October 15, 2007

ADMIN 4 – INSTALLATION OF “NO PARKING” SIGNS ON THE SOUTH SIDE OF THE SERVICE DRIVE OF LEESBURG PIKE WEST OF NEVIUS STREET NEAR THE EASTERN ENTRANCE TO THE MUNSON HILL APARTMENTS (MASON DISTRICT)

(R)

- Adopted the Resolution approving the installation of “No Parking” signs on the south side of the service drive of Leesburg Pike west of Nevius Street near the eastern entrance to the Munson Hill Apartments at 6129 Leesburg Pike.
- Directed staff to request the Virginia Department of Transportation (VDOT) install these signs at the earliest possible date.

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cecil Case Estates	Mount Vernon	James Franklin Court
Estates at Leewood	Springfield	Lee Highway Service Road F-896
Estates at Leewood	Springfield	Arniel Place Fairfax Estate Drive
Centre Ridge Land Bay 12-C	Sully	Picket Oaks Road (Route 8416) Muster Court
First Addition to Silkwood	Sully	Gerald Lane (Route 2485)

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE VACATION OF A TRAIL EASEMENT LOCATED ON PROPERTY OWNED BY THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 23, 2007, at 4 p.m.** regarding the vacation of a trail easement located on property owned by UOSA.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ESTABLISHING THE NEWINGTON II COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Newington II CPD in accordance with current CPD restrictions.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON PARTS OF THE RIGHT-OF-WAY OF I STREET (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2007, at 4 p.m.** regarding a proposal to vacate and abandon parts of the right-of-way of I Street.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions).

ADMIN 10 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND AUTHORIZATION FOR MULTIPLE CONSOLIDATED PLAN CERTIFICATIONS

- Authorized HCD, in partnership with Pathway Homes, to apply and accept funding, if awarded, for three renewal Shelter Plus Care grants totaling \$993,528. No local cash match is required for these applications.
- Authorized CSB to apply and accept renewal funding, if awarded, for \$305,670, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, \$253,332 is HUD funding and \$52,338 is the required local cash match.
- Endorsed the submission of one new project application by Pathway Homes to serve seven chronically homeless individuals for two years in leased units with services provided utilizing a housing first approach. The project totals \$336,246 for two years, of which \$307,314 is HUD funds and \$28,932 is private match funds.
- Endorsed 16 renewal grant applications totaling \$3,382,535, including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, \$2,345,268 is HUD funding, \$445,136 is State pass-through funds, and \$592,131 is private match. A local cash match is not required. However, three applications by Christian Relief Services for a total of \$644,245 in HUD funds, one application by Pathway Homes, Incorporated, for a total of \$157,788 in HUD funds, and one application by PRS, Incorporated, for a total of \$168,450 in HUD funds require a combined cash match of \$445,136 for a one-year period. This match will be supported with State pass-through

funds to the CSB. The remaining 11 nonprofit renewal applications totaling \$1,374,785 in HUD funds require local cash match, however, private match of \$592,121 is included and committed by the applicants to support these applications.

- Authorized the Department of Family Services to apply and accept funding, if awarded, for two renewal grants. This total, \$560,856, including \$67,000 in local cash match and \$53,585 in private funds, is for the RISE Support Housing Grant; and \$858,552, including \$433,837 in local cash match, is for the Community Housing Resource Program – Award Three.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 6, 2007, at 4 p.m.** to solicit comments and input on the proposed Fiscal Year 2009 Transportation Enhancement Program Projects.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 9530 BURKE LAKE ROAD (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2007, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 9530 Burke Lake Road, Burke, Virginia, 22015, Tax Map Number 078-3-((01))-0001.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7831 OAK STREET (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2007, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 7831 Oak Street, Dunn Loring, Virginia, 22027, Tax Map Number 039-4-((01))-0171.

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 3502 PAUL STREET (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 9, 2007, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 3502 Paul Street, Alexandria, Virginia, 22311, Tax Map Number 061-4-((17))-0036.

13. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-Y07-6, FAIRFAX WATER (SULLY DISTRICT)** (10:35 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, announcing that the Planning Commission approved Public Facilities Review Application 2232-Y07-6, Fairfax Water. The application sought approval to install approximately 1,650 feet of 24-inch diameter water main within the Virginia Department of Transportation right-of-way along Centerview Drive (south of Skyhawk Drive), eastward across the southern portion of private property [Writ Dulles I, LLP, Tax Map 34-4 ((12)) 19], across Centreville Road to a 24-inch pressure-reducing valve within the existing easement at the corner of Centreville Road and Metrotech Drive. A new pressure-reducing vault will also be constructed as part of the improvements.

14. **I-2 – RETIREMENT SYSTEMS COST-OF-LIVING INCREASES FOR 2007** (10:35 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, regarding the annual cost-of-living increase for retirees of the Police Officers System and the Employees' and Unformed System.

Supervisor Gross moved that the Board direct staff to review the provisions for cost-of-living increases in each of the County retirement systems and provide a report on best practices and recommended options for addressing the disparity across the different systems. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

15. **I-3 – CONTRACT AWARD – CONSULTANT SERVICES: POLICE OFFICER SELECTION PROCESS** (10:37 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, requesting authorization for staff to award a contract to CWH Research, Incorporated, to provide Consultant Services for the Police Officer Selection Process.

The staff was directed administratively to proceed as proposed.

16. **I-4 – CONTRACT AWARD—STONE ROAD IMPROVEMENTS (SULLY DISTRICT)** (10:37 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, requesting authorization for staff to award a contract to Cube Construction in the amount of \$1,162,163.59 for the construction of Stone Road Improvements, Project Number 008801, in Fund 301, Contributed Roadway Improvement Fund.

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

17. **I-5 – CONTRACT AWARD - BRADDOCK ROAD AT LITTLE RIVER TURNPIKE INTERSECTION IMPROVEMENTS (MASON DISTRICT)**
(10:38 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, requesting authorization for staff to award a contract to Ashburn Contracting Corporation in the amount of \$574,104 for the construction of Braddock Road at Little River Turnpike Intersection Improvements, Project Number 4YP014, in Fund 304, Transportation Improvements.

The staff was directed administratively to proceed as proposed.

18. **I-6 – CONTRACT AWARD – LAKE FAIRFAX PARK CORE AREA PHASE II IMPROVEMENTS (HUNTER MILL DISTRICT)** (10:39 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, requesting authorization for staff to award a contract to Corning Construction Corporation in the amount of \$3,366,000 for the Lake Fairfax Park Core Area Phase II Improvements in Project 475804, Building Renovation and Expansion in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

19. **I-7 – CONTRACT AWARD – CONSULTANT SERVICES, TRANSPORTATION AND URBAN PLANNING, DESIGN, AND ENGINEERING** (10:39 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, requesting authorization for staff to award a contract to each of the following to provide Consultant Services for Transportation and Urban Planning, Design, and Engineering:

- Cambridge Systematics, Incorporated
- PB Americas, Incorporated
- Rummel, Klepper and Kohl, LLP
- ATCS, PLC

The staff was directed administratively to proceed as proposed.

20. **I-8 – CONTRACT AWARD – VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) WEST PARCEL MAINTENANCE FACILITY (SPRINGFIELD DISTRICT)** (10:39 a.m.)

The Board next considered an item contained in the Board Agenda dated June 4, 2007, requesting authorization for staff to award a contract to Falls Church Construction Corporation in the amount of \$7,890,000 for the construction of project 009211/VDOT, VDOT West Parcel Maintenance Facility, in Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

21. **STATE LEGISLATION TO COMBAT GLOBAL WARMING** (10:39 a.m.)

Chairman Connolly stated that the most recent Intergovernmental Panel on Climate Change stated that there is a 90 percent probability that humans are causing global warming. This report reinforces the scientific consensus that global warming is an environmental problem of unprecedented magnitude, and immediate action is required to reduce carbon dioxide and other greenhouse gas emissions. He said that ten states have joined the Regional Greenhouse Gas Initiative (RGGI) mandating one percent annual statewide reductions in greenhouse gas emissions. Virginia is not yet a member. More than 20 states have adopted Renewable Portfolio Standards (RPS), which mandate that a certain percentage (generally around 20 percent) of a state's energy come from renewable sources by a certain date. State Senator Mary Margaret Whipple introduced RPS legislation for each of the past two General Assembly sessions. The Clean Air Act of 1990 permits states to adhere to either federal clean air standards or those established by California. By switching to California, rather than federal, clean air standards, Maryland will reduce carbon dioxide emissions from vehicles by 30 percent by 2016. Finally, consumers in many states have the option of choosing to purchase a percentage of renewable energy.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct staff to:

- Prepare information on this and other legislation pertaining to global warming for the consideration of the Board's Legislative Committee.
- Work with the local delegation to draft legislation to join the RGGI, to draft legislation analogous to Maryland's "Clean Cars" act, and to offer consumers the opportunity to purchase a

percentage of renewable energy through their normal electricity provider.

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

22. **TRAFFIC MITIGATION/RAPID RESPONSE IN TYSONS CORNER**
(10:41 a.m.)

Chairman Connolly said that the County has a successful track record of collaborating with the community and other organizations to create effective Transportation Demand Management (TDM) strategies for reducing the traffic impacts both during and after construction of new commercial and residential developments and new transportation improvements. With at least three major projects converging in Tysons Corner [the Dulles Corridor Metrorail Project, the addition of High Occupancy Toll (HOT) lanes on the Capital Beltway, and the expansion of Tysons Corner Center], each with their own TDM components, there is the opportunity to mitigate congestion comprehensively through the creation of a rapid respond “war room.” He credited Ken Lawrence, Providence District Representative to the Planning Commission, as being the initial impetus for this idea.

Working with the rail project office, the Virginia Department of Transportation (VDOT), and its partners in the private sector, Chairman Connolly said that the Board would like to see the capacity for a rapid response to any construction-related incidents, automobile accidents, or other events that might affect travel through and around the construction zones. In the event of an incident or lane closure, the “war room” would serve as an information intake center, coordinating with VDOT, County staff, the rail project office, and large employers in Tysons Corner to disseminate that information as quickly as possible to residents, employees, and others who might be in the vicinity. He stated his understanding that the rail project office has already committed to undertake such activities with the creation of a 24-hour hotline, coordination with the VDOT traffic center, and other strategies. All will be helpful and must be communicated with the community.

Chairman Connolly said that although the situation was slightly different, the success of the traffic mitigation program at the Springfield Interchange Project (“Mixing Bowl”) ought to be emulated in Tysons Corner and serve as a model. VDOT successfully worked with the community and local businesses affected by that massive construction project, a seven year work in progress that is scheduled to be finished later this year. He asserted that that success was due in large part to the grassroots work of the local project office and its staff, (as well as the leadership of Supervisor Kauffman and Supervisor McConnell), which was based in the construction zone, where it was readily accessible and in routine contact with the community.

Chairman Connolly moved that the Board direct the County Executive to work with the Dulles Corridor Metrorail Project Office (VDRPT), Macerich (Tysons Corner Center), TYTRAN, and other related organizations in and around Tysons Corner to explore the creation of a “war room” to coordinate congestion mitigation in Tysons Corner and report with its findings. He noted that he made this motion on behalf of himself, Supervisor DuBois, Supervisor Hudgins, and Supervisor Smyth.

Supervisor Smyth seconded the motion and asked to amend it to add Tysons II (which is included in a later draft of the written Board Matter), and this was accepted.

Following discussion of the motion, as amended, the question was called on the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, staff briefed the Board on the Dulles Corridor Metrorail Project. See Clerk’s Summary Item #45.)

23. **INTRODUCTION OF INTERNS** (10:48 a.m.)

Chairman Connolly introduced two new interns in his office as follows:

- Ms. Lindsey Mehan, a student at George Mason University.
- Mr. Charles Wilson-deGrazia, a student at James Madison University.

He warmly welcomed them to the Board Auditorium.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

24. **FEE WAIVER FOR THE TOWN OF CLIFTON (SPRINGFIELD DISTRICT)** (10:49 a.m.)

Noting the concurrence of the County Attorney and staff, Supervisor McConnell moved that the Board direct staff to waive the fees for the Town of Clifton’s footbridge repairs. Chairman Connolly seconded the motion, which carried by unanimous vote.

25. **IMPROVING CONNECTOR BUS SERVICE** (10:49 a.m.)

Supervisor Smyth said that with record fuel prices, people are seeking new transportation options, one of which is bus service. However, the choice to change from driving to using public transportation can only be made if the public transportation option provides dependable, high-quality service: the service must be on time, dependable, convenient, and affordable.

Supervisor Smyth moved that the Board direct the:

- Department of Transportation (DOT) to report with a list of the top CONNECTOR routes in need of augmentation to address any ridership or customer demand issues. This list should include recommendations about level of service due to potential and/or existing ridership issues and the annual ongoing operating and capital costs of enhancing the services, including the cost of marketing any recommended services.
- County Executive to work with DOT to identify funding to support the appropriate recommendations once the service enhancements have been communicated to the Board and the costs have been identified.

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

26. **WAIVER OF FIRE PERMIT FEE FOR VIENNA AMERICAN LEGION POST (HUNTER MILL DISTRICT)** (10:51 a.m.)

Supervisor Hudgins noted that the Vienna American Legion meets the community need for the proper disposal of worn, tattered, and discarded American flags. Noting that the Vienna American Legion is providing a needed and valued service to the community, Supervisor Hudgins moved that the Board authorize a waiver of the required \$100 County fire permit fee for the Vienna American Legion for the disposal of flags.

Supervisor Gross seconded the motion and noted that this action could be used as a template for future fee waiver requests by other local American Legion posts.

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

27. **PON REZONING EXPEDITED PROCESSING REQUEST (HUNTER MILL DISTRICT)** (10:52 a.m.)

Supervisor Hudgins said that Mr. and Mrs. Phillip Pon have requested rezoning of their property at 9818 Old Courthouse Road, Tax Map 28-4((1)) 5, from the R-1 District to the R-2 District developed under the cluster provisions of the Zoning Ordinance.

Supervisor Hudgins noted that Mr. and Mrs. Pon have met with the citizens and with staff and are working toward resolving the issues raised by staff. The Planning Commission date was deferred to provide additional information to staff and to allow further input from the Hunter Mill District Land Use Committee and the community.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule a public hearing to be held before the Board on Rezoning Application RZ 2007-HM-08 for July 23, 2007. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor Bulova seconded the motion and it carried by unanimous vote.

28. **WINCHESTER HOMES CONCURRENT PROCESSING REQUEST (HUNTER MILL DISTRICT)** (10:54 a.m.)

Supervisor Hudgins said that Winchester Homes is proposing to rezone approximately 20 acres of land on West Ox Road from R-1 to DPH-2*. The application currently has a recommendation for approval from staff, the Planning Commission, and the Hunter Mill District Land Use Committee.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Public Works and Environmental Services to accept for simultaneous and concurrent processing any plans as may be necessary in conjunction with Rezoning Application RZ 2006-HM-020. Supervisor Bulova seconded the motion.

*Supervisor Smyth noted that DPH should be PDH.

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

29. **REQUEST FOR CERTIFICATE OF RECOGNITION (HUNTER MILL DISTRICT)** (10:54 a.m.)

With reference to her written Board Matter on the subject, Supervisor Hudgins said that this matter refers to an easement that will be granted to the Board by a citizen along the NoVi Trail route. Most of the necessary right-of-way is already present, but she wanted to recognize the first citizen who stepped forward to grant easements for it.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Bevan Family, along with Jennifer Joy Madden and Reed Black, to appear before the Board to celebrate the Bevans' generosity and the community spirit that is behind the effort to make the Beulah Road Trail a reality. Without objection, it was so ordered.

30. **RECOGNITION OF OUTSTANDING OAKTON HIGH SCHOOL ATHLETE JASMINE THOMAS (HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)** (10:55 a.m.)

Supervisor Frey said that with Oakton High School's graduation ceremony next week, the County will see the end of the high school career of one its most

decorated athletes. On behalf on Supervisor Hudgins, Supervisor Smyth, and himself, Supervisor Frey asked unanimous consent that the Board direct staff to invite Oakton High School outstanding basketball player Jasmine Thomas to appear before the Board in recognition of her accomplishments and wish her well as she represents the US abroad this summer. Without objection, it was so ordered.

31. **SPACE SHUTTLE ASTRONAUT** (10:55 a.m.)

Supervisor McConnell announced that the Space Shuttle will be launching this week. She noted that a graduate of West Springfield High School, Mission Specialist Patrick Forrester, is a member of the crew and will be walking in space.

PMH:pmh

32. **NEW INTERN FOR MASON DISTRICT** (10:56 a.m.)

Supervisor Gross introduced Emily Vorek, a new intern in her office.

33. **REZONING APPLICATION RZ 2007-MA-010 (MASON DISTRICT)**
(10:57 a.m.)

Supervisor Gross said that Rezoning Application RZ 2007-MA-010, an application for rezoning property on Lincolnia Road filed by Eastwood Properties, was accepted by staff on March 30, 2007.

Supervisor Gross said that it is her understanding from staff that the Planning Commission hearing for this application is scheduled for September 19, 2007.

Therefore, Supervisor Gross moved that the Board direct staff to schedule a public hearing to be held before the Board on this application on September 24, 2007. This motion should in no way be construed as a favorable recommendation by the Board on the said rezoning application or any subsequent development applications. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

34. **JEFFERSON LIBRARY EXPANSION RENOVATION – TEMPORARY LIBRARY FACILITIES AT SAINT PHILIP CATHOLIC CHURCH (MASON DISTRICT)** (10:58 a.m.)

Jointly with Supervisor Smyth, Supervisor Gross said that the Department of Public Works and Environmental Services (DPWES) is currently working on finalizing the construction plans for the renovation and expansion of the Jefferson Library in the Mason District. This important project is part of the Approved Capital Improvement Program, and funding was approved as part of the 2004 Library Bond Referendum. While the plans and permits for the project are nearly final, construction of the project cannot proceed until plans are in place for a

temporary library facility to be used during the construction work on the permanent library facility.

Supervisor Gross said that DPWES is currently in discussion with representatives from the Saint Philip Catholic Church, located off Camp Alger Avenue in the Providence District, to use excess parking spaces at the church as the location for the temporary library trailers during construction of the permanent library project. To facilitate the expeditious regulatory reviews required for the temporary library facility and to minimize the associated delays to the start of construction on the permanent library, Supervisor Gross moved that the Board direct staff to:

- Provide expedited processing of all building and site plans, and for the Special Exception Amendment and other rezoning applications for the temporary library facility.
- Provide concurrent processing of the building and site plans related to the Special Exception and any other zoning applications for the temporary library facility.
- Waive all application, review, permit, and approval fees for site plans, building plans, special exception amendments, and any related rezoning approvals for the temporary library facility.

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

35. **VACATION/ABANDONMENT OF ROCK SPRINGS AVENUE (MASON DISTRICT)** (10:59 a.m.)

Supervisor Gross said Camden USA, Incorporated has submitted a zoning application to rezone approximately 5.5 acres of land from the R-3 and C-8 zoning districts to the PRM district. As part of that application, the applicant proposes the abandonment of a portion of Rock Springs Avenue to permit consolidation and redevelopment of 17 existing single-family, detached houses with a multi-family residential building containing 371 units, generally consistent with the adopted Comprehensive Plan for the area.

Accordingly, the applicant has requested that the Board authorize the applicant to include a portion of Rock Springs Avenue in its zoning application. The applicant will submit a vacation/abandonment application to the Department of Transportation upon a favorable Board action on the zoning application.

Therefore, Supervisor Gross moved that the Board:

- Authorize the inclusion of that portion of Rock Springs Avenue abutting property identified as Fairfax County Tax Map # 61-2 ((22)), Parcels 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21,

and 22 in the Rezoning Application RZ 2007-0022/Final Development Plan Application FDP 2007-0023 filed by Camden USA, Incorporated.

- Authorize the County Executive to act as the agent for the Board in connection with the applications, if necessary.

This motion should in no way be construed as a favorable recommendation by the Board on the said rezoning application or any subsequent development applications. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

36. **NORTHERN VIRGINIA CHAPTER OF THE ARMED FORCES COMMUNICATIONS AND ELECTRONICS ASSOCIATION (AFCEA NOVA) BREAKFAST RECEPTION** (11 a.m.)

Supervisor Gross said that AFCEA NOVA has underwritten a \$350,000 grant to the Fairfax County Public Schools to fund a series of electronic field trips about the science and technology related to aviation. According to AFCEA members, the project is an exciting one and makes use of the Fairfax network infrastructure to share resources with more than 10 million children nationwide — at no additional cost to Fairfax.

As part of a Family Day and Fly-In at the Udvar-Hazy Center on Saturday, June 16, AFCEA NOVA is sponsoring a breakfast reception from 8 a.m. until 9:30 a.m. to celebrate the production of the first program. AFCEA NOVA extended a special invitation to Board Members to attend this exciting kick-off.

Supervisor Gross noted that the project chair, Sue Hoffman, is from Mason District.

37. **MOUNT PLEASANT BAPTIST CHURCH (MASON DISTRICT)** (11:01 a.m.)

Supervisor Gross announced that Mount Pleasant Baptist Church, in the Lincolnia area of the County, will celebrate its 140th anniversary on September 9. Mount Pleasant is one of the oldest Black Baptist churches in Northern Virginia, and was founded by freedmen just after the conclusion of the Civil War. It has a long and distinguished history of service to the community, with a roster of eminent pastors, including the Reverend Harry Pilson, who will be celebrating his 36th ministerial anniversary and nineteenth year as pastor of Mount Pleasant at the September 9 observances.

In recognition of the significant anniversaries of both Mount Pleasant Baptist Church and Reverend Pilson, Supervisor Gross asked unanimous consent that the Board direct staff to prepare certificates of recognition for presentation at the September 9 service, and that the certificates include the Mason District

Supervisor's signature as well as the Chairman's. Without objection, it was so ordered.

38. **FIFTH ANNUAL CLEANUP OF CULMORE (MASON DISTRICT)**
(11:01 a.m.)

Supervisor Gross said that on Saturday, May 12, a large, multi-ethnic coalition of non-profits, businesses, community associations, area businesses, churches, community volunteers, and County agencies gathered for the fifth annual cleanup of Culmore. With each year the cleanup has gained more support to increase awareness of the need to keep communities clean of litter.

This multi-ethnic effort included members and organizations within the Arab and Muslim, Hispanic/Latino, and other ethnic community groups. The organizers included Alternative House, Bailey's Beautification Alliance, Fairfax-Falls Church Community Services Board, Culmore Family Resource Center, Dar Al-Hijrah Islamic Center, the Woodrow Wilson Library, and the Mason District Supervisor's office.

This year's cleanup was a great accomplishment and a successful event. It was an opportunity for the sponsors and nearly 200 volunteers to work together and express pride in their community — cleaning the public roadsides from JEB Stuart High School to Columbia Pike.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite the organizers, sponsors, supporters, and those volunteers who can attend to appear before the Board to be recognized for their community service. Without objection, it was so ordered.

39. **POTOMAC SCHOOL SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-5 (DRANESVILLE DISTRICT)** (11:01 a.m.)

Supervisor DuBois said that last fall, the Potomac School filed Special Exception Amendment Application SEA 85-D-097-5 to complete the next phase of its expansion of school facilities on Potomac School Road in McLean. This application is supported by the surrounding Evermay Citizens Association and has received support from the McLean Citizens Association. Because last minute technical transportation issues were raised by the Virginia Department of Transportation, the public hearing before the Planning Commission was delayed until July 25, 2007.

Therefore, because a Board hearing was not scheduled previously, Supervisor DuBois moved that the Board direct the Department of Planning and Zoning to schedule a public hearing to be held before the Board on this application for Monday, August 6, 2007. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances,

regulations, and adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

40. **NO BOARD MATTERS TO PRESENT FOR BRADDOCK DISTRICT SUPERVISOR BULOVA** (11:02 a.m.)

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

41. **GROVETON AREA ACCEPTED AS AN OFFICIAL COMMUNITY IN THE VIRGINIA 2007 COMMUNITY PROGRAM (LEE DISTRICT)** (11:03 a.m.)

Supervisor Kauffman said that the Groveton area of the Lee District has been accepted as an official community in the Virginia 2007 Community Program, part of the Jamestown celebration. Groveton will now fly the Virginia 2007 community program flag and will be included on the list of official communities on the www.Americas400thAnniversary.com web site, and receive a certificate of recognition from Governor Kaine.

Accordingly, Supervisor Kauffman asked unanimous consent that the Board direct staff to prepare a proclamation for presentation to the Groveton Civic Association and Saint Mark's Episcopal Church. Without objection, it was so ordered.

42. **BURGUNDY VILLAGE COMMUNITY CENTER PREFERENCE POLL (LEE DISTRICT)** (11:04 a.m.)

(APPTS)
(BACs)

Supervisor Kauffman said that Burgundy Village Community Center recently conducted a preference poll to select three members to serve on its operations board. In accordance with the results of the poll, Supervisor Kauffman moved confirmation of the following reappointments:

- Ms. Shirley Magalis – four year term
- Ms. Carole Shazer – four year term
- Ms. Eleanor Hearst – four year term

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

43. **THE MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATION (MVCCA) RESOLUTION ON PROCEDURE FOR WAIVERS REQUIRED TRANSPORTATION AND ENVIRONMENTAL IMPROVEMENTS**
(11:04 a.m.)

Supervisor Hyland said that MVCCA passed a resolution at its May 23 meeting requesting the Board to significantly change the way the County reviews and approves various land use waivers. The MVCCA requests that “all administrative waivers of required transportation, environmental or related improvements effecting (sic) pedestrian or vehicular safety” get a minimum 30 day waiting period, copy the submission request to the District Supervisor, and publicize the request in local newspapers with the stated reasons for requesting the waiver.

Supervisor Hyland explained that the Council is expressing the frustration of many County residents when they find out a much needed sidewalk, curb and gutter, or storm drainage improvement has been waived by staff. What residents may not know is that these waivers, in many occasions, are not necessarily an easy out for the property’s developer, but rather a modification of the Subdivision Ordinance or the Public Facilities Manual (PFM). If staff entirely waives the requirement, why not extend the notification boundaries or withhold action for a period of time?

In other cases, especially in older sections of the County like Mount Vernon, many lots were subdivided before the County’s Subdivision Ordinance came into existence. On these infill lots, Department of Environmental Services and Public Works (DPWES) staff cannot require the much needed public improvements that the County receives from newer subdivisions or proffered rezoning cases. In almost every occasion where a new house is built, the increase in impervious surface floods their neighbors. To accept this as a matter of course is a failure of government. Supervisor Hyland asserted that the County has an obligation to protect the constituents, either through amendments to the PFM or by asking the General Assembly for enabling legislation to require current standards and public improvements on infill lots.

Therefore, Supervisor Hyland moved that the Board direct the County Executive and Office of the County Attorney to determine if the County has the enabling legislation from the Virginia General Assembly to amend the Subdivision Ordinance in line with the MVCCA’s request and what suggestions, if any, DPWES staff may have to make the site plan review process more transparent and allow for public input and report with their recommendations. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

44. **WHO YOU GONNA CALL – GOOSEBUSTER! (MOUNT VERNON DISTRICT)** (11:07 a.m.)

Supervisor Hyland referred to the shores of Little Hunting Creek and the remains of Canada geese that haunt the shores of the Potomac's tributaries. A Chicago company, Bird-X Incorporated, recently sent him information on three goose repellants, including its most popular, "GooseBuster" that "features genuine alarm and alert calls and recently added optional sounds of gunshots and hunting coyotes," which have already been added along the creek. These products may help reduce overhead costs associated with clean up at County facilities and Animal Control travel and response.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Executive and Animal Control to evaluate these products and return with their recommendations. Without objection, it was so ordered.

DS:ds/PMH:pmh

AGENDA ITEMS

45. **11 A.M. – DULLES CORRIDOR METRORAIL EXTENSION TO WIEHLE AVENUE, STAFF BRIEFING** (11:10 a.m.)

Chairman Connolly warmly welcomed everyone to the Board Auditorium and announced that the purpose of today's briefing was a public session regarding the Dulles rail project.

Anthony H. Griffin, County Executive, gave opening remarks and introduced the following individuals who would be available to answer questions following the briefing:

- Rick Stevens, Liaison and point person for Dulles rail project, Department of Transportation
- Leonard P. Wales, County Debt Manager, Department of Management of Budget
- James McGettrick, Assistant County Attorney
- Edward Faggen, Vice President and General Counsel, Metropolitan Washington Airports Authority (MWAA)
- Lynn Hampton, Vice President for Finance and Chief Financial Officer, MWAA
- Dennis Datten, General Counsel's Office, MWAA

- Andy Roundtree, Chief Financial Officer's Office, MWAA
- Mike Loulabis, Wickwire Gavin Law Firm

Following the introduction of Katharine Ichter, Director, Department of Transportation, Mr. Stevens briefed the Board on Phase One of the Dulles Corridor Metrorail extension to Wiehle Avenue.

In response to a query from Supervisor Smyth regarding the availability of the contract, Mr. Faggen reported that it would be available for Board review by close of business on Friday, June 8.

Supervisor Kauffman moved that the Board:

- Defer action on the County's financial commitment which is scheduled for June 18.
- Allow two hours of additional public comment time.

Supervisor Smyth seconded the motion.

Following discussion regarding the motion, the question was called on the motion and it **FAILED** by a recorded vote of eight, Supervisor Kauffman and Supervisor Smyth voting "AYE."

PMH:pmh

46. **RECESS/CLOSED SESSION** (2:23 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Y. C. Wang, et. al.*, Case No. CL-2006-0007129 (Fx. Co. Cir. Ct.) (Lee District)
2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Silvio Diana*, Case No. CL-2006-0014774 (Fx. Co. Cir. Ct.) (Lee District)
3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo*, Case No. CL-2006-0008832 (Fx. Co. Cir. Ct.) (Braddock District)
4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane Whitney, et al.*, In Chancery No. CH-1997-0152580 (Fx. Co. Cir. Ct.) (Providence District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique Vereen*, Case No. CL-2006-0009795 (Fx. Co. Cir. Ct.) (Lee District)
6. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); *William E. Shoup, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC*, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District) *In Re: Virginia Equity Solutions, LLC, Debtor*, Case No. 07-10646-RGM (U.S. Bankr. Ct. E.D. Va.)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth J. Nies*, Case No. CL-2007-0003480 (Fx. Co. Cir. Ct.) (Mason District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2007-0001746 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simon V. Ortiz, Ronald Ortiz, and*

Ruth A. Ortiz, Case No. CL-2007-0003736 (Fx. Co. Cir. Ct.) (Mason District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eugenia Leus*, Case No. CL-2007-0005557 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Trustees of the Pentecostal Church of God "La Biblia," et. al.*, Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Springfield District)
12. *Eileen M. McLane Fairfax County Zoning Administrator v. Michael Collins*, Case No. 07-0009929 (Fx. Co. Gen. Dist. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph E. Yates*, Case No. 07-0009942 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Yi C. Ahn*, Case No. 07-0009930 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Board of Supervisors of Fairfax County, Virginia v. Jaco Horse Pen LLC and Hartford Fire Insurance Company*, Case No. CL-2006-0003317 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Board of Supervisors v. Jaco Horse Pen II, LLC, and Hartford Fire Insurance Company*, Case No. CL-2006-0006088 (Fx. Co. Cir. Ct.) (Hunter Mill District)

This motion, the second to which was inaudible, carried by unanimous vote.

DMS:dms

At 3:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION**47. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (3:37 p.m.)**

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

DET:det**AGENDA ITEMS****48. 3 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), REGARDING DEFINITIONS (3:37 p.m.)**

(O) (NOTE: On May 21, 2007, the Board held a public hearing on this item and deferred decision until June 4, 2007.)

James W. Patteson, Director, Land Development Services, and David V. Sharp, Chief, Permits Division, Department of Public Works and Environmental Services, reported on:

- The matrix requested by the Board at its May 21 meeting describing the changes proposed in the amendment.
- Specific examples of additions representing different percentage increases.
- Feedback from consultation with the Code Enforcement Strike Force Team.

During the presentation, discussion ensued concerning the need for the public to have access to ANSI (American National Standards Institute) standards, and the role of the Health Department in enforcing health code violations.

Following the presentation, discussion ensued concerning electrical demands in older homes, accumulative or incremental additions, cross-training of County personnel, residential use permits (RUPs), and violation enforcement.

Supervisor Kauffman asked unanimous consent that the Board direct staff to:

- Work with the Legislative Committee to address debris accumulation.
- Clarify enforcement of occupancy provisions.
- Review avenues of enforcement for dumpster provisions.

Without objection, it was so ordered.

Supervisor Kauffman moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), concerning Addition to Single Family Dwelling with the following exception: change 150 percent of the existing gross floor area to 100 percent.
- That the Board review this provision 12 months after it takes effect.

Supervisor Bulova seconded the motion.

Discussion ensued concerning the definition of demolition with input from Mr. Patteson. Supervisor Smyth asked unanimous consent that the Board direct staff to make the definition very clear to the public. Without objection, it was so ordered.

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

Discussion continued concerning the rooming house concept with input from Mr. Patteson and Cynthia A. Bailey, Assistant County Attorney, regarding the Virginia Uniform Statewide Building Code, as well as floor area ratio (FAR) and set-backs with input from Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning.

(NOTE: Later in the meeting, Supervisor DuBois asked to be recorded as voting "AYE" on the motion. See Clerk's Summary Item #51.)

49. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-MA-031 (THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON AND HIS SUCCESSORS IN OFFICE) (MASON DISTRICT)** (4:19 p.m.)

The application property is located at 4601 Ravensworth Road, Tax Map 71-1 ((9)) 7A.

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

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

Supervisor Gross, at the request of Supervisor Bulova, submitted an item for the record.

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2006-MA-031, subject to the development conditions dated June 1, 2007.
- Modification of the transitional screening requirement along the north, east, and south property lines in favor of those shown on the SE plat.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Kauffman, and Supervisor McConnell being out of the room.

50. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-097-04 (CCP SHIRLEY HIGHWAY INCORPORATED AND PETROLEUM MARKETING GROUP, INCORPORATED) (MASON DISTRICT)** (4:26 p.m.)

The application property is located at 5550 Bloomfield Drive, Tax Map 81-1 ((1)) 7H pt.

Mr. William E. Lawson, Jr. reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 81-M-097-04 subject to the development conditions dated May 22, 2007.
- Modification of the transitional screening requirements and waiver of the barrier requirements along the eastern, southern, and western boundaries in favor of that shown on the Special Exception Plat and as modified by the development conditions.

Supervisor DuBois seconded the motion and it carried by a recorded vote of six, Supervisor Bulova abstaining, Supervisor Kauffman, Supervisor McConnell, and Supervisor Smyth being out of the room.

ADDITIONAL BOARD MATTER

51. **REQUEST TO RECORD VOTE** (4:33 p.m.)

(NOTE: Earlier in the meeting, the Board voted on this item. See Clerk's Summary Item #48.)

Supervisor DuBois asked unanimous consent that she be recorded as voting "AYE" for the Board decision on proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), regarding definitions. Without objection, it was so ordered.

AGENDA ITEMS

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-LE-009 (SHARON CHAPEL, LLC) (LEE DISTRICT)** (4:33 p.m.)

(O) The application property is located on the north side of Sharon Chapel Road at its intersection with Telegraph Road, Tax Map 82-4 ((1)) 34.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

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

- Carson Lee Fifer, Jr., Esquire, McGuire Woods LLP

- Mr. R. Michael Sorensen, Sharon Chapel, LLC
- Mr. Lester A. Sorensen, Jr., Sharon Chapel, LLC

Chairman Connolly disclosed the following campaign contribution which he had received:

- Within the 12-month period prior to the public hearing on this application, the law firm of McGuire Woods LLP, listed in Paragraph 1(a) of the affidavit as the applicant's attorney/agent, hosted a fundraising event, the costs of which exceeded \$100.

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

Following the public hearing, St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-LE-009, from the PDH-2 District to the PDH-3 District, subject to the proffers dated May 2, 2007.
- Waiver of the 600-foot maximum length requirement for private streets.

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

(NOTE: On May 30, 2007, the Planning Commission approved Final Development Plan Application FDP 2007-LE-009.)

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-MV-004 (BADCO, LLC D/B/A DAKS RESTAURANT (MOUNT VERNON DISTRICT))** (4:40 p.m.)

(O) The application property is located in the northwest quadrant of the intersection of Richmond Highway and Woodlawn Court, Tax Map 101-3 ((1)) 96.

Mr. Jason B. Heinberg reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hyland submitted items for the record.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-MV-004, from the R-2, CRD, and HC Districts to the C-6, CRD, and HC Districts, subject to the proffers dated June 4, 2007.
- Waiver of the service drive requirement along Richmond Highway.
- Modification of the barrier requirement along the northern property boundary, in favor of that depicted on the Generalized Development Plan (GDP).
- Waiver of the transitional screening and barrier requirements along the southern property boundary, in favor of the streetscape shown on the GDP.

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

54. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-C-088-07 (BOSTON PROPERTIES LIMITED PARTNERSHIPS) (HUNTER MILL DISTRICT)**

AND

PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA 85-C-088-05 (BOSTON PROPERTIES LIMITED PARTNERSHIP) (HUNTER MILL DISTRICT)

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 85-C-088 (BOSTON PROPERTIES LIMITED PARTNERSHIP) (HUNTER MILL DISTRICT) (5 p.m.)

The application property is located in the southwest quadrant of the intersection of Library Street and Market Street and north of Bluemont Way, Tax Map 17-3 ((10)) 15.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, John M. Thompson, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of:

- Proffered Condition Amendment Application PCA 85-C-088-07, subject to the proffers dated June 4, 2007.
- Development Plan Amendment Application DPA 85-C-088-05, subject to the development conditions dated May 17, 2007.

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

Supervisor Hudgins moved approval of Planned Residential Community Application PRC 85-C-088. Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

55. 3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-MV-028 (SCOTT A. AND PHYLLIS P. CRABTREE) (MOUNT VERNON DISTRICT) (5:06 p.m.)

The application property is located at 8019 East Boulevard Drive, Tax Map 102-2 ((1)) 35A.

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

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

- Mr. Scott A. Crabtree

Greg Chase, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Discussion ensued concerning the history of the application and provisions of the Chesapeake Bay Preservation Ordinance.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 2002-MV-028, subject to the development conditions dated April 20, 2007, modified as follows:
 - Revise Condition #18 to read: “The existing carport shown to remain on the SEA Plat shall require a special exception amendment to be enlarged or used for another purpose.”
 - Revise Condition #23 to read: “When replaced, all of the driveway that is in the RPA shall be constructed of pervious material, such as pervious asphalt and brick pavers.”

- Approval of Resource Protection Area Encroachment Request 15043-WRPA-002-1, subject to the proposed RPA Exception Conditions dated March 30, 2007, and included as Appendix 8 of the Staff Report Addendum II, with Condition #7 revised to agree with Condition #18 of Special Exception Amendment Application SEA 2002-MV-028.

Supervisor Kauffman seconded the motion.

Discussion ensued with input from Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment, concerning the amount of fill to be used.

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Smyth and Chairman Connolly voting “NAY,” Supervisor McConnell being out of the room.

56. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-SU-034 (CENTREVILLE SQUARE PROJECT, LP) (SULLY DISTRICT)**
(5:21 p.m.)

The application property is located at 14200-A, B, C, E, F, G, H; 14220 A and B, and 14240 B Centreville Square, Tax Map 54-3 ((1)) 14 pt.

Mr. John L. McBride reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved approval of Special Exception Application SE 2006-SU-034, subject to the development conditions dated June 4, 2007. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)** (5:25 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 May 17 and May 24, 2007.

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

Supervisor Bulova submitted an item for the record.

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, Appendix G, expanding the Robinson RPPD, District 17. The proposed district expansion includes the following streets:

- Collingham Drive (Route 5480), from Commonwealth Boulevard to Nottinghill Lane.
- Ashcroft Way (Route 5481), from Collingham Drive to the end.
- Ashcroft Court (Route 5482), from Ashcroft Way to the end.

Chairman Connolly 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.

ADDITIONAL BOARD MATTER

58. **LORD AND LADY FAIRFAX RECEPTION** (5:30 p.m.)

(NOTE: Earlier in the meeting the Board discussed this item. See Clerk’s Summary Items #4 and #6.)

Chairman Connolly reminded the Board about the reception for the Lord and Lady Fairfax honorees.

59. **BOARD ADJOURNMENT** (5:31 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-6
Items Presented by the County Executive	
Administrative Items	6-10
Information Items	11-13
Board Matters	
Chairman Connolly	2, 13-15
Supervisor Bulova	n/a
Supervisor DuBois	14-15, 21-22
Supervisor Frey	2, 17-18
Supervisor Gross	18-21
Supervisor Hudgins	14-18
Supervisor Hyland	2,23-24
Supervisor Kauffman	22
Supervisor McConnell	15, 18
Supervisor Smyth	14-19
Dulles Corridor Metrorail – Staff Briefing	24-25
Actions from Closed Session	28
Public Hearings	28-37