



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

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

**MONDAY  
September 24, 2007**

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**21-07**

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**DS:ds**

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, September 24, 2007, at 9:21 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 Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Dana Kauffman, Lee District, arrived at 9:26 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 Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise Scott, Deputy Clerk to the Board of Supervisors.

**BOARD MATTERS**1. **MOMENT OF SILENCE** (9:22 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Leonard Wood, who died last week. He was an incredible volunteer and community activist.

2. **PRESENTATION TO THE BOARD BY THE GREEN BUILDING INITIATIVE** (9:23 a.m.)

Chairman Connolly noted that the Katherine K. Hanley Family Shelter opened this summer.

Erin Shaffer, representative, Green Building Initiative of Portland, Oregon, presented the Board with a Green Globe Award recognizing the Katherine K. Hanley Family Shelter for its environmentally friendly construction. It is the first homeless shelter in the country to be recognized.

Ms. Shaffer noted that those interested in learning more about the green globe system should visit the website at [www.thegbi.org](http://www.thegbi.org).

**AGENDA ITEMS**3. **PROCLAMATION DESIGNATING OCTOBER 7-13, 2007, AS "MENTAL ILLNESS AWARENESS WEEK" IN FAIRFAX COUNTY** (9:28 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 7-13, 2007, as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING OCTOBER 7-13, 2007, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (9:40 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate October 7-13, 2007, as "*Fire Prevention Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. EMANUEL HERSHKOWITZ** (9:48 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Emanuel Hershkowitz for his community involvement and active lifestyle as an older adult. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE FALLS HILL-POPLAR HEIGHTS STORMWATER ACTION COMMITTEE** (9:54 a.m.)

Supervisor Smyth moved approval of the Certificates of Recognition presented to members of the Falls Hill-Poplar Heights Stormwater Action Committee for their efforts. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. COLLEEN BEVAN AND MR. RANDY BEVAN** (10:05 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Colleen Bevan and Mr. Randy Bevan for their efforts to make the Beulah Road Trail a reality. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

8. **CERTIFICATE OF APPRECIATION PRESENTED TO MEMBERS OF THE FAIRFAX COUNTY COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION AND CERTIFICATE OF RECOGNITION PRESENTED TO THE INOVA HEALTH SYSTEM** (10:12 a.m.)

(BACs) Supervisor Gross moved approval of the:

- Certificate of Appreciation presented to members of the Commission on Organ and Tissue Donation and Transplantation for its efforts to encourage County businesses to implement organ donation policies.
- Certificate of Recognition presented to the Inova Health System for adopting a new organ donation policy for its employees.

Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Supervisor Hudgins said that she and Supervisor Kauffman have been working with the Washington Metropolitan Area Transit Authority (WMATA) and indicated that the County should share the work of Inova with WMATA.

Therefore, Supervisor Hudgins asked the amend the motion to direct staff to forward a letter to WMATA indicating that the County supports businesses that implement organ donation policies and that others are doing it. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

9. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX WATER**  
(10:21 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to Fairfax Water on the occasion of its fiftieth anniversary. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

10. **RESOLUTION OF RECOGNITION PRESENTED TO THE NORTHERN VIRGINIA NURSERY AND LANDSCAPE ASSOCIATION** (10:28 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to the Northern Virginia Nursery and Landscape Association on the occasion of its fiftieth anniversary. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

11. **10 A.M. – PRESENTATION OF THE FAIRFAX COUNTY GANG PREVENTION – 2005-2006 STATUS REPORT** (10:33 a.m.)

Bob Birmingham, Fairfax County Gang Prevention Coordinator, presented its 2005–2006 status report.

Mr. Birmingham noted five initiatives that either had been established or expanded during the past year, as follows:

- Expansion of Middle School After-School Programs.
- Enhancement of Road DAWG Program.
- Intervention, Prevention, and Education Program.
- Gang and Youth Violence Resource and Referral Phone Line.
- Smart Kids/Safe Choices.

Supervisor Hudgins called the Board's attention to the Middle School After-School Program and raised a question regarding whether the suspension/expulsion rate is being tracked.

Mr. Birmingham noted that the Gang and Youth Violence Resource and Referral Phone Line 1-866-914-GANG (4264) was launched this month. Youth, parents/guardians, law enforcement, community organizations and service providers can call 24 hours a day, 7 days a week to obtain information regarding gang prevention and intervention services.

Supervisor Hyland suggested that a card with the phone number listed be produced that youths could carry in their wallets or purses. He also suggested that something be posted in the schools.

Supervisor Bulova noted that she and Supervisor Gross attended a Road DAWG graduation program this summer at West Springfield High School.

Supervisor McConnell thanked Captain Jack Hurlock, Police Department, for his success with the program during its first year.

Supervisor Gross asked unanimous consent that the Board direct staff in the Police Department and the Office of Management and Budget, in developing the next budget, to explore ways to expand the Road DAWG Program. Without objection, it was so ordered.

Chairman Connolly noted that staff should not overlook the ability to raise funds from the private sector.

Supervisor Smyth raised a question regarding whether any additional legislative action was required to make gang activity and recruitment criminal offenses and discussion ensued, with input from Mr. Bermingham and David M. Rohrer, Chief of Police.

Further discussion ensued regarding the report.

**EBE:ebe**

12.

(APPTS)  
(BACs)

**11:12 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (11:12 a.m.)**

**ADVISORY SOCIAL SERVICES BOARD**

Supervisor Hudgins moved the reappointment of Ms. Heidi Kallett as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointments of the Lee and Mount Vernon District Representatives.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD**

Chairman Connolly moved the reappointment of Mr. Grant Nelson as the At-Large #2 Representative. Supervisor Hudgins seconded the motion, which carried a vote of nine, Supervisor Gross being out of the room.

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

**ARCHITECTURAL REVIEW BOARD**

Supervisor McConnell moved the appointment of Mr. Joseph Plumpe as the Landscape Architect Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey asked unanimous consent that the Board invite Mr. Mark Lewis to appear before the Board on October 15 to be recognized for his service to the Architectural Review Board. Without objection, it was so ordered.

Supervisor DuBois moved the reappointment of Mr. John F. Boland as the Attorney Representative. This motion, the second to which was inaudible, carried by unanimous vote.

Supervisor Hyland moved the following reappointments:

- Mr. Charles Bierce as the Architect #1 Representative.
- Mr. John Allen Burns as the Related Professional Group #4 Representative.

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

**ATHLETIC COUNCIL**

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

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

The Board deferred the appointments of the Alternate #3 and Alternate #4 Representatives.

**CELEBRATE FAIRFAX INCORPORATED BOARD OF DIRECTORS**

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

Supervisor Hudgins moved the reappointment of Mr. Christopher Welker as the At-Large #3 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Peter Murphy as the At-Large #4 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred appointment of the At-Large #1 Representative.

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

Supervisor Hyland moved the appointment of Ms. Gloria Bannister as the Mount Vernon District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

Chairman Connolly moved the reappointment of Mr. Harrison Glasgow as the At-Large #2 Representative. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

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

Supervisor DuBois moved the reappointment of Mr. Thornton Withers Field as the Dranesville District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Jean Huang as the Providence District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Christina Terpak-Malm as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

**CHILD CARE ADVISORY COUNCIL**

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

The Board deferred the appointments of the Providence and Lee District Representatives.

#### **COMMISSION FOR WOMEN**

The Board deferred the appointment of the At-Large (Minority) Representative.

#### **COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

Supervisor Smyth moved the appointment of Ms. Shirley Keyes as the Providence District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Lee District Representative.

#### **COMMUNITY ACTION ADVISORY BOARD**

Supervisor Hyland moved the appointment of Ms. Jennifer Parker as the Mount Vernon District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

#### **COMMUNITY CRIMINAL JUSTICE BOARD**

##### **CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment:

- Ms. Ann Monday as the City of Fairfax At-Large #2 Education Representative.

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

The Board deferred the appointment of the At-Large #1 and #3 Fairfax County Representatives.

#### **COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP**

The Board deferred the appointment of the Sully District Representative.

#### **FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointment of the Providence District Representative.



**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

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

**HEALTH CARE ADVISORY BOARD**

The Board deferred the appointment of the Sully District Representative.

**HISTORY COMMISSION**

Supervisor Gross moved the reappointment of Mr. Joseph Balicki as the Citizen #7 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

**HUMAN RIGHTS COMMISSION**

Supervisor Smyth moved the reappointment of Mr. Emanuel Solon as the At-Large #5 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #10, #4, #6, and #7 Representatives.

**HUMAN SERVICES COUNCIL**

Supervisor Frey moved the appointment of Ms. Carol Hawn as the Sully District #2 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

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

**SMALL BUSINESS COMMISSION**

Supervisor DuBois moved the appointment of Mr. George Rice as the Dranesville District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #3 and At-Large #2 Chairman's Representatives.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointment of the Tenant Member #1 and Citizen Member #3 Representatives.

**TRESPASS TOWING ADVISORY BOARD**

Chairman Connolly moved the reappointment of Mr. John Fee as the Citizen Representative. The motion was multiply seconded, and carried by unanimous vote.

Supervisor DuBois moved the reappointment of Mr. Alvin Leach as the Towing #2 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

**AD HOC COMMITTEES****2007 FALL BOND REFERENDUM CITIZEN COMMITTEE**

Chairman Connolly moved the appointment of Mr. John Jennison as the At-Large Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Neal McBride as the Mount Vernon District Representative. This motion, the second to which was inaudible, carried by unanimous vote.

The Board deferred the appointment of the Lee District Representative.

**FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES**

Supervisor DuBois moved the appointment of Ms. Connie Haines Hutchinson as the Dranesville District #2 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Ms. Shirley McCoy as the Hunter Mill District #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the appointment of Mr. Frederick J. Lindstrom as the Mason District #1 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Michael K. Bohn as the Mount Vernon District #2 Representative. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Mr. William Birdseye as the Providence District #2 Representative. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the following appointments:

- Ms. Lynne Garvey-Wark as the Springfield District #1 Representative.
- Mr. Jack Hiller as the Springfield District #2 Representative.

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

The Board deferred the appointments of the At-Large Chairman's #2, Hunter Mill District #2, Lee District #1 and #2, Mason District #2, Providence District #1, and Sully District #1 and #2 Representatives.

### **TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE**

#### **CONFIRMATION:**

Supervisor Gross moved the confirmation of the following appointment:

- Mr. John Jennison as the Federation of Citizens Associations Representative.

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

**DET:det**

#### 13. **ADMINISTRATIVE ITEMS** (11:24 a.m.)

Supervisor Gross moved approval of the Administrative Items with a minor correction to Admin 8 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, to Add a New Chapter, Chapter 120 (Tree Conservation Ordinance), regarding Conservation of Heritage, Memorial, Specimen, and Street Trees. Supervisor Hyland seconded the motion.

Supervisor Hyland asked to amend the motion to consider Admin 6 – Additional Time to Commence Construction for Special Exception Amendment Application SEA 84-V-009-2, Khan International, LLC (Mount Vernon District) separately, and this was accepted.

Supervisor DuBois called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Park Authority and Authorization for the County Executive to Sign on Behalf of the Board a Land Bank Agreement and inquired whether she could remove an item between now and after the public hearing. Discussion ensued with input from Edward L. Long, Jr., Deputy County Executive.

Supervisor Gross called the Board's attention to Admin 8 and noted the following correction on page 6 of 7, Section 120-5-1, Exceptions, Item #4, on the revised copy:

- Maintenance and repair of water lines or sanitary sewer lines when no other reasonable options are available; delete "sanitary."

Discussion ensued concerning compensation and written consent, with input from Paul Emerick, Assistant County Attorney.

Discussion continued concerning handouts, with input from Michael P. Knapp, Urban Forester, Urban Forest Management, Land Development Services, Department of Public Works and Environmental Services, and modification of the original ordinance to require full consent of property owners before bringing a proposed designation to the Board.

Further discussion ensued, with input from Catherine A. Chianese, Assistant to the County Executive, concerning the number of revised handouts.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 6, 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 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MASON AND SULLY DISTRICTS)**

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-M07-49	Sprint PCS Antenna co-location on existing treepole monopole 3435 Sleepy Hollow Road (Mason District)	November 23, 2007

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-Y06-88-1	Sprint/Nextel Communication Relocate equipment cabinet 5858 Old Centreville Road (Sully District)	December 3, 2007

**ADMIN-2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE PARK AUTHORITY AND AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SIGN ON BEHALF OF THE BOARD A LAND BANK AGREEMENT**

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

- Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 4:30 p.m.** regarding the conveyance of County-owned property to the Park Authority.
- Authorized a waiver of County policy requiring notification of adjacent property owners of the public hearing by certified mail.
- Authorized and directed the County Executive, on behalf of the Board, to sign the Land Bank Agreement.

**ADMIN-3 – APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD DISTRICT)**

- (Rs)
- Adopted the Resolution authorizing installation of a “Watch for Children” sign on One Penny Drive (Springfield District).
  - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measure as soon as possible.

**ADMIN-4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO IMPLEMENT CUT-THROUGH MEASURES ON MORNINGSIDE LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 4:30 p.m.** for the purpose of endorsing Morningside Lane for cut-through measures as part of the R-TAP. The proposed cut-through plan includes the installation of one speed hump.

**ADMIN-5 – STREETS INTO THE SECONDARY SYSTEM (LEE 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>
Piney Glen	Lee	Piney Woods Lane  Piney Woods Court  Telegraph Road (Route 611) (Additional ROW Only)
Old Centreville Townes	Sully	Old Centreville Road (Route 898) (Additional ROW Only)

**ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-V-009-2, KHAN INTERNATIONAL, LLC (MOUNT VERNON DISTRICT)**

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 11.)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #14.)

**ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2009 REGIONAL SURFACE TRANSPORTATION (RST) PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS**

Authorized DOT to apply for FY 2009 RST and CMAQ Program funds. These funds will be used to advance the projects. No local cash match is required.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO ADD A NEW CHAPTER 120 (TREE CONSERVATION ORDINANCE), REGARDING CONSERVATION OF HERITAGE, MEMORIAL, SPECIMEN, AND STREET TREES**

- (A) (NOTE: Earlier in the meeting, the Board took additional action on this item. See page 11.)

Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, to add a new Chapter 120 (Tree Conservation Ordinance), regarding Conservation of Heritage, Memorial, Specimen, and Street Trees.

14. **ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-V-009-2, KHAN INTERNATIONAL, LLC (MOUNT VERNON DISTRICT)** (11:30 a.m.)

- (AT) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #13.)

Supervisor Hyland moved to **DENY** the request for six months of additional time to commence construction for Special Exception Amendment Application SEA 84-V-009-2. Supervisor Frey seconded the motion and it carried by unanimous vote.

15. **A-1 – APPROVAL OF CONTRACT AGREEMENTS – 800MHz REBANDING FREQUENCY RECONFIGURATION AGREEMENTS WITH SPRINT-NEXTEL** (11:31 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Frequency Reconfiguration Agreements with Sprint-Nextel and authorized the County Executive to execute the agreements.

16. **A-2 – APPROVAL OF FINAL COMMUNITY IMPROVEMENT PROGRAM ASSESSMENTS FOR MOUNT VERNON MANOR (MOUNT VERNON DISTRICT)** (11:31 a.m.)

- (Rs) Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the Resolutions establishing the final assessment for Mount Vernon Manor. Supervisor Bulova seconded the motion.

Supervisor Gross asked for clarification on the number of outstanding items and the length of time involved between the original estimated assessments and the final assessments contained in the accompanying resolutions. Discussion ensued

with input from Susanne Sotirchos, Special Projects Manager, Department of Housing and Community Development, concerning the notice of intent to file liens, and an overview of the completion process.

Discussion continued concerning the process of notifying homeowners when a project is finally completed before the actual assessment occurs.

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."

17. **A-3 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SIGN, ON BEHALF OF THE BOARD, A REPLACEMENT INTERIM USE AGREEMENT BETWEEN THE BOARD AND THE PARK AUTHORITY FOR CERTAIN PROPERTIES RECENTLY CONVEYED TO THE BOARD BY THE FAIRFAX COUNTY SCHOOL BOARD** (11:36 a.m.)

On motion of Supervisor Bulova, jointly seconded by Supervisor Gross and Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized and directed the County Executive, on behalf of the Board, to sign a Replacement Interim Use Agreement that would allow the Park Authority to continue using eight sites for park purposes and to require the Park Authority to maintain the facilities located on such sites.

18. **A-4 – APPROVAL OF A RESOLUTION TO AFFIRM COOPERATION BETWEEN THE BOARD OF SUPERVISORS AND THE SCHOOL BOARD TO COORDINATE PLANNING AND DELIVERY OF SPACE FOR PUBLIC AND SCHOOL SERVICES IN THEIR RESPECTIVE FACILITIES** (11:36 a.m.)

- (R) Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve a joint Resolution for the Board of Supervisors and the School Board to work together to determine opportunities for the shared delivery of services to citizens in County and School facilities. Supervisor Bulova seconded the motion.

Discussion ensued concerning the Department of Community and Recreation Services (CRS) with input from Anthony H. Griffin, County Executive.

The question was called on the motion and 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."

(NOTE: Later in the meeting, the Board discussed joint use provisions of a school property. See Clerk's Summary Item #39.)



19. **A-5 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) AND THE COUNTY FOR THE COLLECTION OF NVTA’S TRANSIENT OCCUPANCY TAX** (11:38 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize staff to sign the MOU between the County and NVTA. Supervisor Hudgins seconded the motion.

Supervisor Hyland asked for clarification on the expense to the County for performing this function. Kevin C. Greenlief, Director, Department of Tax Administration, stated that the cost would be negligible, that all the hotels and motels were being contacted, that the County already has the existing infrastructure, and that NVTA would piggyback on current efforts.

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

20. **A-6 – ADJUSTMENT OF THE LAND DEVELOPMENT SERVICES COMPREHENSIVE UNIT PRICE SCHEDULE (UPS) THAT IS USED TO DETERMINE DEVELOPMENT AGREEMENT BOND AMOUNTS** (11:40 a.m.)

On motion of Supervisor Frey, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed UPS effective January 1, 2007, with an annual adjustment based on the most current Construction Cost Index as reported by *Engineering News Record*. It is also recommended that a complete review of the entire UPS be performed by an independent construction cost estimating consultant every five years.

21. **A-7 – ENDORSEMENT OF FISCAL YEAR (FY) 2009 VIRGINIA DEPARTMENT OF TRANSPORTATION’S ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (11:40 a.m.)

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

- Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match.
- Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board.

Supervisor Bulova and Supervisor Hyland jointly seconded the motion.

Supervisor Hudgins noted that some issues regarding the descriptions and funding of the proposed Reston Town Center pedestrian projects proposed for submission for funding for consideration for federal enhancement funding had come to her attention at a recent meeting, noting that funds had been identified from other sources for two of the projects and that one of the projects is not likely to be constructed with federal funds as currently described.

Therefore, Supervisor Hudgins asked to amend the motion to include approval of the staff recommendation with the understanding that while the Reston pedestrian projects will continue to be in the vicinity of Reston Town Center and the required match will continue to be provided by others, the project descriptions will be modified prior to submission of the project funding applications. This was accepted.

Supervisor Bulova stated that she had previously inquired about the pedestrian overpass from the north side of the Norfolk Southern Railroad tracks to the Burke Centre Virginia Rail Express (VRE) station as a candidate for this funding. Katharine D. Ichter, Director, Department of Transportation, indicated that that study was to be completed toward the end of this year, and noted that this project could be eligible for funds with the caveat that the County has required others to provide the match.

Supervisor Frey asked unanimous consent that the Board direct staff to provide descriptions of the project and an explanation of who the applicant is and where the match is coming from throughout the consideration process and not simply at the beginning. Without objection, it was so ordered.

Discussion continued concerning the State match with input from Tom Biesiadny, Chief, Coordinating and Funding Division, Department of Transportation.

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."

22.

**A-8 – APPROVAL OF THE FISCAL YEAR (FY) 2008 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD AND THE VIRGINIA DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES** (11:45 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the FY 2008 State Performance Contract between the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services and the associated acceptance of funds.

23. **A-9 – ADJUSTMENT TO FAIRFAX CENTER ROAD FUND CONTRIBUTION RATE AND AUTHORIZATION OF CORRESPONDING RATE ADJUSTMENTS IN THE CENTREVILLE AND TYSONS CORNER FUND AREAS (PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:45 a.m.)

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

- Adopt the revised Procedural Guidelines for the Annual Review Process including 3.2 percent adjustment of the existing contribution rate in the Fairfax Center Area from \$4.91 to \$5.07 per gross square foot on non-residential building structures and from \$1089 to \$1124 per residential unit, with the new rate effective September 24, 2007.
- Increase the rates used in other areas of the County for similar purposes (e.g. Centreville and Tysons) by 3.2 percent, also to become effective September 24, 2007.

Supervisor Hyland seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to compile data on the collection of proffers in the County in relationship to neighboring counties and report to the Board as soon as possible. Without objection, it was so ordered.

Discussion ensued concerning a previous request for that information.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

24. **A-10 – EXPANSION OF THE APPROVED SEWER SERVICE AREA (ASSA) TO INCLUDE A PORTION OF THE WEST OX COMMUNITY PLANNING SECTOR (SULLY DISTRICT)** (11:48 a.m.)

On motion of Supervisor Frey, seconded by Chairman Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and expanded the ASSA to include the portion of the West Ox (UP8) Community Planning Sector.

25. **I-1 – CONTRACT AWARD - ANNUAL CONTRACT FOR HEATING, VENTILATING, AND AIR CONDITIONING (HVAC) ENGINEERING SERVICES** (11:48 a.m.)

The Board next considered an item contained in the Board Agenda dated September 24, 2007, requesting authorization for staff to award a contract to SBA in the amount of \$150,000 for HVAC Engineering Services for various buildings throughout the County.

Discussion ensued concerning the designation of the contract awardee with input from Carey F. Needham, Deputy Director, Planning and Design Division, Department of Public Works and Environmental Services.

The staff was directed administratively to proceed as proposed.

26. **I-2 – TRANSITION OF NON-REGIONAL METROBUS ROUTE 2W, LINE 12 ROUTES, AND LINE 20 ROUTES TO FAIRFAX CONNECTOR (PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated September 24, 2007, requesting authorization for the Department of Transportation to plan for transitioning the Metrobus routes and lines into the FAIRFAX CONNECTOR in accordance with the schedule provided.

The staff was directed administratively to proceed as proposed.

27. **I-3 – AGREEMENT BETWEEN COVANTA FAIRFAX, INCORPORATED, AND THE COUNTY TO PROVIDE SUPPLEMENTAL POWER FOR CRITICAL COUNTY INFRASTRUCTURE** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated September 24, 2007, requesting authorization for the County Executive to approve a letter agreement for the development of the Lorton Supplemental Power Project (SPP) Phase I on behalf of the County.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

28. **LETTER TO THE GOVERNOR REGARDING THE REGIONAL GREENHOUSE GAS INITIATIVE (RGGI)** (11:50 a.m.)

Chairman Connolly said that as part of the Board's ongoing environmental initiatives, he distributed to the Board a draft letter to Governor Kaine urging the Commonwealth's participation in the RGGI, a cooperative effort amongst ten

Northeast and Mid-Atlantic states. It covers carbon dioxide emissions from the region's power plants.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board endorse the referenced letter to the Governor. Supervisor Gross seconded the motion, which carried by unanimous vote.

29. **PEDESTRIAN SAFETY MONTH** (11:51 a.m.)

Noting that Pedestrian Safety month is in October, Chairman Connolly asked unanimous consent that the Board declare October as "*Pedestrian Safety Month*" in Fairfax County, and direct staff to invite staff and appropriate members of the community to appear before the Board in October to receive a proclamation. Without objection, it was so ordered.

Supervisor Gross noted the timeliness of this issue because the groundbreaking for the long-awaited pedestrian bridge across Route 50 from Seven Corners to Willston is in October.

30. **LIBRARY FOUNDATION MONTH** (11:51 a.m.)

With reference to his written Board Matter on the subject, Chairman Connolly asked unanimous consent that the Board proclaim October 2007 as "*Library Foundation Month*" in Fairfax County and direct staff to invite representatives from the Library Foundation to appear before the Board to receive the proclamation at the October 15 Board meeting.

Following a query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule and the possibility of mailing the proclamation, without objection, it was so ordered.

31. **VOLUNTEERFEST 2007** (11:52 a.m.)

Chairman Connolly announced that on Saturday, October 27, 2007, Volunteer Fairfax will sponsor its tenth annual VolunteerFest. The day long celebration will feature hands-on projects including internet tutoring, landscaping, cleaning, helping the homeless, and much more.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim October 27, 2007, "*VolunteerFest Day 2007*" in Fairfax County and direct staff to invite the appropriate representatives from Volunteer Fairfax to appear before the Board to be presented with the proclamation at the October 15 Board meeting. Without objection, it was so ordered.

32. **EXPANSION OF TREE PLANTING CAPACITY** (11:53 a.m.)

Chairman Connolly noted that this item is a joint matter with Supervisor Gross, the Board's Environmental Committee Chair. He said that in July of this year the Board approved a tree canopy goal of 45 percent that will require the community to plant millions of trees over the next 30 years. He noted that over the past decade several grassroots organizations have worked with the County to expand tree canopy and planting in the County.

In accordance with recommendations from the Department of Public Works and Environmental Services' Urban Forestry Branch, Chairman Connolly, jointly with Supervisor Gross, moved that the Board direct staff to take immediate actions to designate the following organizations as contributory agencies with the aforementioned effort to receive funding already available in the Fiscal Year 2008 Budget in the following amounts:

- \$52,000 to Fairfax ReLeaf – for building its organizational capacity to plant trees.
- \$20,000 to Earth Sangha – for building its organizational capacity to collect native plant seeds and to grow these out in its native plant nursery at Franconia Park.
- \$36,000 to the Center for Chesapeake Communities – for helping the County to develop a canopy tracking mechanism that will be used as a regional model to report tree planting for the regional DC/MD/VA Air Quality Management Plan (aka SIP).

Supervisor DuBois seconded the motion and discussion ensued regarding the worthiness of these organizations.

The question was called on the motion, which carried by a vote of nine, Supervisor Kauffman being out of the room.

33. **LETTER TO SENATOR JOHN WARNER REGARDING CLIMATE CHANGE LEGISLATION** (11:55 a.m.)

Chairman Connolly said that Senator John Warner of Virginia and Senator Joseph Lieberman of Connecticut are crafting legislation to address the issue of global climate change. During the Board's September meeting of the Legislative Committee, it approved the idea of writing Senator Warner a letter of support for his draft legislation.

Accordingly, Chairman Connolly moved approval of the draft letter, copies of which were distributed to the Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

34. **COUNTY WEBSITE TOPS IN THE NATION** (11:56 a.m.)

With reference to his written Board Matter on the subject, Chairman Connolly announced that Fairfax County was named Best of the Web for all counties in the US. Accordingly, he asked unanimous consent that the Board direct staff to invite David Molchany, Deputy County Executive; Wanda Gibson, Director, Department of Information Technology; and appropriate staff to appear before the Board at an appropriate time to be recognized for this accomplishment. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

35. **FINDING BRADDOCK'S TRUE GOLD AT THE OAK HILL MANSION (BRADDOCK DISTRICT)** (11:56 a.m.)

Supervisor Bulova announced that on October 6 the Park Authority and the Look Back at Braddock Committee will be hosting "Finding Braddock's True Gold" at the Oak Hill Mansion at the corner of Wakefield Chapel and Braeburn Drives. She said that it is an excellent opportunity to celebrate local history at this free family festival at one of the oldest homes in the County. The event will take place from noon to 5 p.m.

Some of the highlights of this event will be conversations with two sisters who were former residents of the mansion, a Civil War drill, camp-like demonstrations, and storytellers who will present the histories and mysteries of the Braddock District area, including the Murder at Keene Mill and haunted legends like the "Bunny Man." Other presentations will be the Andrew Acosta musical trio and the demonstration of the new Braddock Heritage Web site (<http://braddockheritage.org>). There will be free shuttle service from the parking lot at the Nancy Sprague Technology Center and free ice cream sundaes on the lawn. She encouraged the Board Members to attend and noted that the ground floor of the house will be open and it is for sale, subject to a historic easement.

36. **ALTE KAMERADEN CELEBRATES 30 YEARS** (11:58 a.m.)

Supervisor Bulova said that the City of Fairfax's ensemble unit, *Alte Kameraden* (or "Old Friends"), commemorated its thirtieth anniversary as a group at the grand finale of this year's Braddock Nights concert series at Lake Accotink Park. *Alte Kameraden* has been entertaining audiences with its festive shows of spirited Bavarian and alpine village music for 30 years. The size of the ensemble has grown from 5 musicians to 30, and audience demand for their lively performances has grown to the point where the ensemble plays more than 50 performances each year. She recounted a typical show led by Sam Laudenslager, the *Kapellmeister*, or bandmaster.

Accordingly, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Mr. Laudenslager and the members of *Alte Kameraden* to appear

before the Board at the October 15 Board meeting to receive a resolution congratulating them on their thirtieth anniversary. She added that since they are so generous of their time and talents, perhaps the ensemble would consider playing for the Board in celebration of Oktoberfest. Without objection, it was so ordered.

37. **KEEPING NEIGHBORHOODS SAFE, ATTRACTIVE AND VITAL THE KINGS PARK NEIGHBORHOOD INITIATIVE (BRADDOCK DISTRICT)**  
(12 noon)

Supervisor Bulova said that in March she convened a council of community leaders from five older Braddock neighborhoods, built mostly during the 1950s and 1960s, with intact, active civic associations, to brainstorm about ways to address activities and conditions that can cause, or are causing, destabilization and dissatisfaction within the community. She said that the group was joined by senior County staff interested in a potential model for working with older communities to prevent or intervene in neighborhood deterioration.

Supervisor Bulova listed the following issues that were put on the table to be addressed:

- Overcrowding, zoning violations.
- Parking (too many cars, commercial or commercial-looking vehicles, boats and trailers).
- Upkeep of property.
- Tear-downs and the rebuilding of McMansions.
- Shoddy or potentially unsafe (no County permits/inspections) construction.
- Cultural and language conflicts.

Supervisor Bulova said that at the end of this meeting, she asked if one of the civic association leaders would agree to having his/her community serve as a pilot for addressing these issues.

Supervisor Bulova said that on June 20, the work of this Council and the County was the subject of her spring town meeting. At the meeting, the president of the Kings Park Civic Association presented his proposal for a pilot program in his community, called the *Kings Park Neighborhood Initiative*.

The initiative begins with the premise that "Older single-family home communities in the County are beginning to face a new set of challenges without the tools available to communities with mandatory homeowners associations or



wealthier residents." The objective of the Kings Park Initiative is to "test whether older neighborhoods can be revitalized through a program of community education, leadership training, outreach, and advocacy for voluntary compliance with '*neighborhood expectations*' supplemented with the intensive application of existing governmental programs and a search for ways to update community infrastructure."

Supervisor Bulova said that the official kick-off for this initiative took place last Thursday at a general meeting of the Kings Park Civic Association, where the community voted to endorse the program. The room was full of enthusiastic people from the community. Some major components of the program include:

- A Neighborhood College series tailored specifically to challenges that Kings Park is attempting to address.
- Community Education to improve understanding of County regulations.
- New Neighbor Welcome to introduce newcomers into the community, explain "neighborhood expectations" (i.e., "these are the rules we live by") and encourage adherence to established neighborhood expectations.
- Expanded English for Speakers of Other Languages programs.
- Enhanced Block Captain Training.
- Enhanced Zoning Enforcement.
- Neighbor Assistance with upkeep, "neighbors helping neighbors."
- Infrastructure Revitalization (aging pools, sidewalks, storm drains, et cetera.).
- More Community Activities.

Supervisor Bulova reported that the second phase of the Kings Park Neighborhood Initiative Kick-off is scheduled for the evening of October 18, when the meeting agenda will feature code violations and Strike Team activities. A Neighborhood College specifically designed for Kings Park starts this evening and, in November, a set of neighborhood expectations or norms will be adopted by the community. Other members of the original council will continue to meet and follow the progress of the pilot. Already one of the older neighborhoods has decided to begin a smaller, less intensive program modeled after the Kings Park Initiative.

Supervisor Bulova noted that the long-term answer to stopping the emergence of gang activity in the County was prevention and intervention and that she believes that this model, based on empowering, strengthening, and equipping neighborhoods to deal with emerging challenges with support from the County, will prove to be a long-term strategy for revitalizing the older communities. About a year from now, the progress of the pilot will be evaluated and measured, and she will report to the Board.

Discussion ensued regarding engaging newcomers, the composition of the attendees at the meeting, communication, commendation of Supervisor Bulova for this initiative, enforcement issues, the Neighborhood College, and a Department of Systems Management for Human Services study on immigrants.

38. **UPCOMING RETIREMENT OF FLORENCE NAEVE, CHIEF OF STAFF TO BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA**  
(12:12 p.m.)

Supervisor Bulova announced that Florence Naeve, her Chief of Staff, will be retiring by the end of the year. She has served as Chief of Staff for 20 years and previously worked with Supervisor Bulova when they were both aides performing constituent services for former Annandale District Supervisor Audrey Moore. Board Members briefly commended Ms. Naeve.

39. **CONCURRENT PROCESSING FOR THE SCHOOL BOARD (HUNTER MILL DISTRICT)** (12:14 p.m.)

Supervisor Hudgins reported that the School Board has filed a final development plan amendment application (FDPA) for its property located on Tax Map Parcel 15-4-((1))-35A, the site of the future Coppermine Elementary School. This application is necessary to correct an error in the tabulations on the FDPA previously approved by the Planning Commission on January 10, 2007. No changes to the building or the uses are proposed, and there will be no additional improvements or increase in intensity of use with this amendment.

Supervisor Hudgins said that the School Board's site plan was reviewed concurrently with the review of the proffered condition amendment (PCA)/FDPA application for this site earlier this year, and is ready for approval but for the need to make this one correction to the tabulations. To enable the school to open as scheduled in September 2008, expedited review of Final Development Plan Amendment Application FDPA 2002-HM-035-2 and concurrent site plan review are essential.

Therefore, Supervisor Hudgins moved that the Board:

- Direct the Zoning Evaluation Division to expeditiously review Final Development Plan Amendment Application FDPA 2002-HM-035-2, with a Planning Commission hearing date in November 2007.

- Direct the Department of Public Works and Environmental Services to process the Coppermine Elementary School site plan concurrent with the review of Final Development Plan Amendment Application FDPA 2002-HM-035-2.
- Authorize the Zoning Evaluation Division to waive the filing fee for Final Development Plan Amendment Application FDPA 2002-HM-035-2.

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.

Following a brief discussion regarding joint use provisions, the question was called on the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

40.

**CONCURRENT PROCESSING FOR SEKAS HOMES (HUNTER MILL DISTRICT)** (12:17 p.m.)

Supervisor Hudgins reported that on March 26, the Board approved Rezoning Application RZ 2006-HM-024, an application by Sekas Homes Limited (the “applicant”) that rezoned Tax Map Parcel 28-3 ((1 )) 31 to the R-3 District with proffers to allow development of 11 single family detached units. Since that time, the applicant has been able to consolidate two adjacent parcels that are currently zoned R-1 and would like to integrate these parcels into the site design through the rezoning process. The applicant has recently submitted a rezoning application to the Department of Planning and Zoning to rezone the entire site area from R-1 and R-3 to the R-3 District to permit development of 15 houses on Tax Map 28-3 ((1)) 28-29 and 31. The applicant has requested that it be permitted to submit its subdivision plan to the Department of Public Works and Environmental Services (DPWES) for concurrent review as the rezoning moves forward. Further, the application property includes a portion of Beulah Road right-of-way that is proposed to be vacated and/or abandoned.

Supervisor Hudgins moved that the Board:

- Consent to include a portion of Beulah Road right-of-way in the application identified with a temporary identification as Rezoning Application RZ 2007-0296.

- Direct the DPWES to accept for simultaneous and concurrent processing any plans as may be submitted in conjunction with the rezoning application.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way.

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

41. **HEAD START PROCLAMATION** (12:19 p.m.)

Supervisor Hudgins noted that Head Start was established in May 1965, and has provided health, educational, and social services to more than 22 million children and their families in every U.S. state and territory over the last 40 plus years. October is recognized nationally as Head Start Awareness Month.

Therefore, Supervisor Hudgins asked unanimous consent that the Board proclaim October 2007 as "*Head Start Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office for Children and the Fairfax County Head Start program to be presented with the proclamation at the October 15 Board meeting.

Following a query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule for October 15, without objection, the request was so ordered.

42. **REGULATING MOLD** (12:21 p.m.)

Supervisor Hudgins noted that the presence of mold can present serious health problems, especially to allergy sufferers and asthmatics, children and infants, the elderly, individuals with existing respiratory conditions or a weakened immune system when left untreated and/or when it becomes airborne. Her office has been notified about mold concerns in residential dwellings, notably a senior facility as well as a town home structure. In one instance a town home suffered severe water damage from the neglect of an absent owner, which had subsequently spread to the walls of the neighboring home. In another, aging infrastructure has led to recurring mold issues. These two incidents left seniors, small children, and a newborn exposed.

Currently the Department of Public Works and Environmental Services (DPWES), through the Virginia Uniform Statewide Building Code (USBC), investigates mold complaints from a structurally sound perspective for the building. She stated her understanding that the County has little authority to regulate air quality and the presence of mold from a health perspective. When the County investigates whether water damage has left a dwelling habitable, mold

infestation may have already persisted to problematic levels. Therefore, she asserted that it is a desire to determine what opportunities are available to regulate senior facilities similar to how the County regulates mold in health facilities.

Supervisor Hudgins moved that the Board direct staff to research existing statutes and determine what legal or oversight options exist to protect the most vulnerable citizens and what recourse may be necessary at the state level to further ensure the safety of County residents and report to the Board. Supervisor McConnell seconded the motion.

Following discussion regarding mold issues in Florida and County schools, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to also review environmental issues with mold in the School Division as renovations are underway, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

43. **NATURAL RESOURCES CONSERVATION WEEK** (12:24 p.m.)

Supervisor Gross announced that the week of October 14-20, 2007, is designated by the Commonwealth of Virginia and its 46 Soil and Water Conservation Districts as Natural Resources Conservation Week. This year's theme is "Litter, Recycling and the Impact of Litter on Virginia's Watersheds," which serves as a reminder of the importance of reducing litter in the environment and recycling waste material whenever possible

Supervisor Gross asked unanimous consent that the Board declare the week of October 14-20, 2007, as "*National Resources Conservation Week*" in Fairfax County and direct staff to prepare a proclamation to be presented to the Northern Virginia Soil and Water Conservation District at a date to be determined or sent to it. Without objection, it was so ordered.

44. **NATIONAL SAVE FOR RETIREMENT WEEK (NSRW)** (12:25 p.m.)

Supervisor Gross noted that the US Senate passed a Resolution designating October 22-28, 2007, as NSRW. This is the first congressionally-endorsed national event formally calling on employers to promote the benefits of saving for retirement, and encourage employees to take full advantage of employer-sponsored plans.

Inasmuch as the County has many employees serving in County government and has been a leader in providing opportunities for investing in sound retirement plans, Supervisor Gross asked unanimous consent that the Board:

- Recognize October 22-28, 2007, as “*National Save for Retirement Week*” in Fairfax County.
- Direct the Office of Public Affairs to prepare an appropriate proclamation for presentation to the Department of Human Resources and provide information to County employees about the need to save for retirement.

Without objection, it was so ordered.

45. **NINETIETH BIRTHDAY OF MS. IRENE SHUMAN (MASON DISTRICT)**  
(12:27 p.m.)

Supervisor Gross noted that Ms. Irene Shuman, a resident of the Glen Forest community, will be celebrating her ninetieth birthday in October with a big party. Accordingly, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Certificate of Appreciation for Ms. Shuman prior to October 13 for presentation by Supervisor Gross at the party. Without objection, it was so ordered.

46. **MASON DISTRICT PARK FESTIVAL** (12:27 p.m.)

Supervisor Gross distributed flyers on the twenty-eighth annual Mason District Park Festival which is scheduled for Saturday, September 29, from 10 a.m. to 4 p.m. She invited everyone to attend.

**DMS:dms**

47. **EXCESS MULCH HURTS TREES** (12:29 p.m.)

Supervisor Hyland stated he received an email from a constituent advising him that the way the County piles two to three feet of mulch around the bottom of trees may be harmful and facilitate their death during arid seasons. The large mounds of mulch can prevent water and nutrients from reaching the roots. Facilities Management staff has replaced several trees over the years at the Mount Vernon Governmental Center that died either from drought, mulch, or a combination of both.

Supervisor Hyland asked unanimous consent that the Board direct staff to examine this mulching practice and educate landscaping maintenance employees and the Sheriff’s Department to its detriment to trees and remove excess mulch where appropriate. Without objection, it was so ordered.

48. **RECOGNITION OF MS. MARY JO TANDY (MOUNT VERNON DISTRICT)** (12:30 p.m.)

(BACs) Supervisor Hyland stated that after 19 years of service on the Consumer Protection Commission, Ms. Mary Jo Tandy tendered her resignation last week. Her stalwart service has helped protect residents from illegal, fraudulent, or deceptive consumer practices in the marketplace.

Supervisor Hyland asked unanimous consent that the Board direct staff to invite Ms. Tandy to appear before the Board to be recognized for her outstanding service to the Consumer Protection Commission. Without objection, it was so ordered.

49. **PROTECTION OF BEST MANAGEMENT PRACTICE BUFFER AREAS (MOUNT VERNON DISTRICT)** (12:30 p.m.)

Supervisor Hyland stated that within the Wellington community of Mount Vernon, the Chesapeake Bay Preservation Ordinance requirements to protect water quality can be removed by a property owner. The Chesapeake Bay Preservation Ordinance requires phosphorous reductions in the form of Best Management Practices (BMP). BMPs can take on several forms, including vegetated buffer areas. For new subdivisions, these buffer areas are recorded as part of the deed and all homeowners must preserve and maintain them. For other structural BMPs, like rain gardens, the County enters into a private maintenance agreement that is recorded and runs with the land. However, BMP buffer areas, as shown on infill grading plans, can be removed after the County releases the development's conservation bond. Supervisor Hyland went on to note that this practice does not protect streams, the Potomac River, or Chesapeake Bay.

Supervisor Hyland asked unanimous consent that the Board direct staff to determine whether the County has the authority to require deed restrictions or maintenance agreements for property owners to maintain BMP buffer areas on infill grading plans. Without objection, it was so ordered.

A brief discussion ensued regarding the legal authority the County has pertaining to this issue.

50. **RECOGNITION OF ALEXANDRIA OPTIMISTS CLUB (MOUNT VERNON DISTRICT)** (12:32 p.m.)

Supervisor Hyland stated that the Alexandria Optimists Club has been very influential in the lives of many young people in the Mount Vernon District. Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation to be presented to the club at its upcoming meeting on October 5, 2007, to recognize its efforts. Without objection, it was so ordered.

51. **POSSIBLE ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR HYLAND** (12:33 p.m.)

Supervisor Hyland announced that the funeral for Ms. Mara Burk, who recently died, is today at 4 p.m. Ms. Burk had been a long-time participant with the Lorton Arts Foundation. He informed the Board that he would be attending the service and was not sure if he would return in time for the public hearings. He noted that he had an issue with the last item on the agenda concerning the workforce housing and affordable housing. He stated to the Board that in his absence, Supervisor Hudgins would raise those questions for him.

52. **CLARIFICATION REGARDING FLINT HILL SCHOOL REZONING APPLICATION RZ 2007-PR-002/SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-P-105-3 (PROVIDENCE DISTRICT)** (12:36 p.m.)

Supervisor Smyth stated that on September 10, 2007, the Board held a public hearing on two concurrent applications filed by Flint Hill School, a rezoning application and a special exception amendment application, which were subsequently approved by the Board. It had been brought to her attention that during her motion of the rezoning application that she inadvertently misstated the case number by referencing Rezoning Application RZ 2004-PR-002 instead of Rezoning Application RZ-2007-PR-002.

Supervisor Smyth moved to clarify for the record, that the motion should have referenced approval of Rezoning Application RZ 2007-PR-002, and asked that the Board concur with this correction.

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

53. **LESS SECURE SHELTER II (PROVIDENCE DISTRICT)** (12:36 p.m.)

Supervisor Smyth said the Department of Public Works and Environmental Services (DPWES) is currently working on the construction plans for the Less Secure Shelter II project in the Providence District. This important project is part of the Approved Capital Improvement Program and funding was approved as part of the 2004 Human Services Bond Referendum.

The County is the owner of the site at the southeast quadrant of the intersection of Page Avenue and Judicial Drive. The site is part of the County Public Safety Complex, just west of the existing Juvenile Detention Center. The site is currently planned for an approximate 12,000 square foot structure, approximate 3,000 square foot recreation, 3 short term parking spaces, and associated site improvements. The proposed Less Secure Shelter II is shown on Final Development Plan Amendment (FDPA) 91-W-023-2 as "Youth Residence Addition" which includes proffer conditions.



Accordingly, Supervisor Smyth explained that to build the shelter, the Board must authorize staff to file an application for both a final development plan amendment and a proffer condition amendment application on its behalf.

Supervisor Smyth moved that the Board direct staff to take the following actions on its behalf:

- The Planning and Design Division shall act as the agent of the Board to process these land use applications.
- That concurrent processing of the appropriate building and site plans be provided by DPWES.

By approving this motion, the Board shall not prejudice in any way the normal review of this application.

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

54. **GRAND OPENING OF OAKTON LIBRARY (PROVIDENCE DISTRICT)**  
(12:38 p.m.)

Supervisor Smyth announced that on Saturday, September 29, 2007, at 10 a.m., the Oakton Library will be opening. Supervisor Smyth invited everyone interested to attend.

**PMH:pmh**

55. **CENTREVILLE DAY (SULLY DISTRICT)** (12:38 p.m.)

Supervisor Frey expressed his appreciation to Chairman Connolly and all those who participated in the recent Centreville Day held on Saturday, September 22, 2007.

56. **CHILDREN'S FESTIVAL** (12:39 p.m.)

Supervisor McConnell announced that the recent Children's Festival at Wolftrap was beautiful.

57. **NO BOARD MATTERS FOR SUPERVISOR DuBOIS (DRANESVILLE DISTRICT)** (12:39 p.m.)

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

58. **GOLD STAR WIVES** (12:40 p.m.)

Supervisor Kauffman said that on September 16, he met with the local chapter of the Gold Star Wives. Gold Star Wives is an organization formed 60 years ago to

help the women whose husbands died while serving in the Armed Forces of the United States or from service-connected disabilities.

Originally named the American Widows of World War II, the group's name later changed to Gold Star Wives of America. While many states offer Gold Star Wives property tax relief through a Homestead Act exemption, Virginia does not.

In many cases, and especially as the Iraq war drags on, Gold Star Wives who have lost their husbands may not have another source of income other than the pension that they receive from the US government. That pension does not compensate for the loss of the income that they and their families would receive had their husbands not died serving their country.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to forward this issue to the Legislative Committee for review and consideration of adding to the Legislative program a request for the General Assembly in Richmond to implement a Statewide property tax relief program for Gold Star Wives. He added that the request should specify that the State "make us whole." Without objection, it was so ordered.

59. **LEE VILLAGE AT SILVER LAKE LLC (LEE DISTRICT)** (12:41 p.m.)

Supervisor Kauffman said that Lee Village at Silver Lake LLC is diligently pursuing applications Rezoning/Final Development Plan Application RZ/FDP 2007-LE-012 and Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 96-LE-034-02, PCA 82-L-030-12, and FDPA 82-L-030-09. The property is located in the southeast quadrant of the intersection of Beulah Street and Manchester Lakes Boulevard and is identified among the Fairfax County tax map records as 91-3 ((9)) 8B. A public hearing has been scheduled for the applications on November 28, 2007, and the applicant has requested the scheduling of a Board public hearing in January.

Therefore, Supervisor Kauffman moved that the Board direct staff to schedule a public hearing on the aforementioned applications before the Board in January 2008. This motion does not in any way prejudice the Board's review of this case. Supervisor Bulova seconded the motion and it carried by unanimous vote.

60. **RECESS/CLOSED SESSION** (12:42 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. *James D. Clark v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0010142 (Fx. Co. Cir. Ct.) (Providence District)
  - 2. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0001041 (Fx. Co. Cir. Ct.)
  - 3. *Eugenia B. White v. Fairfax County Department of Family Services*, Court No. 1:07cv696 (E.D. Va.)
  - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County and Nutley Street, L.L.C.*, Case No. CL-2007-0010307 (Fx. Co. Cir. Ct.) (Providence District)
  - 5. *Richard William Horner and Margaret Draffin Horner v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Case No. CL-2006-0007696 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aqela Hashimi and Haroon M. Wardak*, Case No. CL-2007-0008418 (Fx. Co. Cir. Ct.) (Sully District)
  - 7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County v. Sonia Montecinos and Ruben Perez*, Case No. CL-2007-0007570 (Fx. Co. Cir. Ct.) (Lee District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder S. Soto, a/k/a Soto Wilder*, Case No. CL-2007-0008830 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farmville Group, LLC*, Case No. CL-2007-0008623 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro E. Gonzalez*, Case No. CL-2007-0009990 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Syung D. Han and Young J. Byun*, Case No. CL-2007-0010842 (Fx. Co. Cir. Ct.) (Providence District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Douglas L. Card*, Case No. CL-2007-0010592 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Ventura and Isabel Blanco*, Case No. CL-2007-0010664 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Davis and Donna Davis*, Case No. CL-2007-0010981 (Fx. Co. Cir. Ct.) (Lee District)

And in addition:

- *McLean Bible Church v. Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia*; CL 2006-0008305.

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

DMS:dms

At 3:16 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

**ACTION FROM CLOSED SESSION**

61. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:16 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**

EBE:ebe

62. **3 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE WIEHLE AVENUE TRAIL PROJECT (HUNTER MILL DISTRICT)** (3:18 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 issue of September 13, 2007.

Robert Knutsson, Senior Right of Way Agent, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Hudgins submitted items for the record.

Supervisor Hudgins moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project W00300 (W3040), Wiehle Trail, Fund 307, Pedestrian Walkway Improvements. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hyland, and Supervisor Kauffman being out of the room.

63. 3 P.M. – PH ON REZONING APPLICATION RZ 2007-SU-003  
(FAIR RIDGE, LLC) (SULLY DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SU-002  
(FAIR RIDGE, LLC) (SULLY DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION  
PCA 1998-SU-009-02 (FAIR RIDGE, LLC) (SULLY DISTRICT) (3:25 p.m.)

(O) (NOTE: On September 10, 2007, the Board deferred the public hearing on this item until September 24, 2007.)

The application property is located on the north side of Fair Ridge Drive and the south side of Ox Hill Road, Tax Map 46-3 ((1)) 14c.

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

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

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

- Sack Harris & Martin, PC

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

- Atlantic Realty Companies Incorporated

Following the public hearing, which included testimony by one speaker, 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 Proffered Condition Amendment Application PCA 1998-SU-009-02. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-SU-003, from the

PDC, HC, and WS Districts to the R-8, HC, and WS Districts, subject to the proffers dated September 20, 2007. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Frey moved approval of Special Exception Application SE 2007-SU-002, subject to the development conditions dated June 27, 2007. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room

Supervisor Frey moved:

- Modification of the transitional screening requirement in favor of the use of existing vegetation, as shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat.
- Modification of the barrier requirements to the north in favor of that proffered.
- Modification of Additional Standard 9 of Section 9-306 to allow a 19.8-foot setback instead of 30 feet on the eastern boundary, as shown on the GDP/SE Plat.

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

64. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-06 (WEST\*GROUP PROPERTIES LLC) (PROVIDENCE DISTRICT) (3:35 p.m.)**

(NOTE: On September 10, 2007, the Board deferred the public hearing on this item until September 24, 2007.)

The application property is located on the south side of Dolley Madison Boulevard, east and west sides of Old Meadow Road, Tax Map 29-4 ((6)) 95C, 96A, 97C, 99B, 101A, 102, 105, 106 and 107.

Mr. Keith C. Turner reaffirmed the validity of the affidavit for the record.

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

- Mr. Mark C. Lowham, WEST\*GROUP Management, LLC

Supervisor Smyth disclosed the following campaign contributions which she received in excess of \$100 from:

- Mr. Mark C. Lowham, WEST\*GROUP Management, LLC
- Mr. Eric R. Maggio, WEST\*GROUP Management, LLC
- Ms. Donna Shafer, WEST\*GROUP Management, LLC
- Mr. John C. Ulfelder, Park Gate Group, LLC
- Mr. Ralph S. Dweck, TDC Owner, LLC

Supervisor Bulova disclosed the applicant WEST\*GROUP Properties made an in kind contribution of office space to the Fairfax Democratic Committee, the value of which exceeded \$100. She noted that she is no longer using the office space.

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

- WEST\*GROUP Properties, LLC

Mr. Turner 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 St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, confirming no changes had been made.

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

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 92-P-001-06, subject to the proffers dated August 3, 2007, and amendment dated August 28, 2007. Vice-Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly being out of the room.



65. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-06 (WEST\*GROUP PROPERTIES LLC) (PROVIDENCE DISTRICT)** (3:41 p.m.)

(NOTE: On September 10, 2007, the Board deferred the public hearing on this item until September 24, 2007.)

The application property is located on the south side of Dulles Airport Access Road, southeast and southwest quadrants of the intersection of Jones Branch Drive and West Branch Drive, Tax Map 29-2 ((15)) A6 and B2; 29-4 ((7)) A5, C1, C2, 1, 1A1, 1A2, 2, 3, 4, 6, 7A1, 7B, 8, 9, 10, and 11A.

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

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

Supervisor Gross disclosed the following campaign contribution which she received in excess of \$100 from:

- Mr. Mark C. Lowham, WEST\*GROUP Management, LLC

Supervisor Smyth disclosed the following campaign contributions which she received in excess of \$100 from:

- Mr. Mark C. Lowham, WEST\*GROUP Management, LLC
- Mr. Eric R. Maggio, WEST\*GROUP Management, LLC
- Ms. Donna P. Shafer, WEST\*GROUP Management, LLC
- Mr. John C. Ulfelder, Park Gate Group LLC
- Mr. Ralph S. Dweck, TDC Owner, LLC

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

- WEST\*GROUP Properties, LLC

Supervisor Bulova disclosed the applicant WEST\*GROUP Properties made an in kind contribution of office space to the Fairfax Democratic Committee, the value of which exceeded \$100. She noted that she is no longer using the office space.

Following the public hearing, 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, confirming that no changes have been made.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 88-D-005-06, subject to the proffers dated August 9, 2007. Vice-Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly being out of the room.

66. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-MA-010 (EASTWOOD PROPERTIES, INCORPORATED) (MASON DISTRICT)**  
(3:46 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2007-MA-010 indefinitely. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly being out of the room.

67. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-HM-004 (DULLES CENTER, LLC) (HUNTER MILL DISTRICT)** (3:47 p.m.)

The application property is located in the northwest quadrant of the intersection of Centreville Road and Coppermine Road, Tax Map 16-3 ((1)) 6A, 6B (formerly known as 16-3 ((1)) 6), and 36, and a portion of Old Centreville Road public right-of-way to be vacated and/or abandoned.

[Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Old Centreville Road to proceed under Section 15.2-2272 (2) and 33.1-151 of the *Code of Virginia*].

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, Tracy Strunk, Senior 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 2003-HM-004, subject to the proffers dated September 12, 2007.
- Modification of the transitional screening requirements in favor of that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
- Modification and waiver of the barrier requirements in favor of those shown on the CDP/FDP.
- Waiver of the loading space requirement for the drive-through bank.

Supervisor DuBois seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hyland, Supervisor McConnell, and Chairman Connolly being out of the room.

(NOTE: On September 11, 2007, the Planning Commission approved Final Development Plan Amendment Application FDPA 2003-HMM-004, subject to the development conditions dated September 6, 2007.)

68. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 87-C-088 (FOUR SEASONS DEVELOPMENT, LLC) (HUNTER MILL DISTRICT)** (3:53 p.m.)

The application property is located at 1890 Old Reston Avenue, Tax Map 17-4 ((1)) 5B.

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

Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC 87-C-088, subject to the development conditions dated September 5, 2007.
- Modification of the trail requirement along Old Reston Avenue in favor of the existing four-foot wide sidewalk depicted in the PRC plan.

Supervisor DuBois seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hyland, Supervisor McConnell, and Chairman Connolly being out of the room.

69. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SP-008 (SPRINGFIELD GOLF AND COUNTRY CLUB, INCORPORATED) (SPRINGFIELD DISTRICT) (3:58 p.m.)**

The application property is located at 8301 Old Keene Mill Road, Tax Map 89-1 ((1)) 9.

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

Supervisor McConnell disclosed that she has a social membership with the Springfield Golf and Country Club.

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

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

Supervisor McConnell moved:

- Approval of Special Exception Application SE 2007-SP-008, subject to the development conditions dated September 20, 2007.
- Modification of the requirement that the first indoor tennis court building be set back 50 feet from the property line with West Springfield Plaza [Tax Map 89-1 ((1)) 7, 4] and that the second indoor tennis court building be set back 50 feet from the right-of-way of Rolling Road, as shown on the SE Plat referenced by the proposed development.
- Modification of the transitional screening requirements along all boundaries in favor of that shown on the SE Plat referenced by the proposed development conditions.
- Waiver of the barrier requirement along all boundaries of the property.
- Modification of the trail requirements along Old Keene Mill Road in accordance with the proposed development conditions.

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

70. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2005-SU-007 (TRUSTEES OF KOREAN CENTRAL PRESBYTERIAN CHURCH) (SULLY DISTRICT)** (4:05 p.m.)

(NOTE: On September 10, 2007, the Board deferred the public hearing on this item until September 24, 2007.)

The application property is located at 15308 Compton Road and 15315, 15403, and 15451 Lee Highway, Tax Map 64-1 ((1)) 8, 9, 25, 26, and 27; 64-1 ((3)) 16; 64-2 ((3)) 18; 64-2 ((5)) 1, 2, and 3.

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.

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

- Mr. Tong Soo Park

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 Amendment Application SEA 2005-SU-007, subject to the development conditions dated September 21, 2007.
- Modification of the transitional screening requirement on all sides of the property in favor of the existing vegetation.
- Waiver of the barrier requirement on all sides of the property, except as shown on the SEA Plat.
- Waiver of the service drive requirement only along Route 29.

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

71. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-S-039-06 (FAIRFAX CORNER RETAIL LC) (SPRINGFIELD DISTRICT)** (No Time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #74.)

72. **ORDERS OF THE DAY** (4:11 p.m.)

Vice-Chairman Bulova announced that the Board would next consider the public hearing on Special Exception Application SE 2007-SU-010.

73. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SU-010 (CORT BUSINESS SERVICES CORPORATION) (SULLY DISTRICT)** (4:12 p.m.)

The application property is located at 14370-B Sullyfield Circle, Tax Map 34-3 ((5)) C4 and C5.

Ms. Sherry Hoy reaffirmed the validity of the affidavit for the record.

Ms. Hoy 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 Frey disclosed the following campaign contribution which he received in excess of \$100 from:

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

Following the public hearing, Shelby McKnight, 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 2007-SU-010, subject to the development conditions dated September 21, 2007.
- Waiver of the requirement to construct a major paved trail along the application's Sully Road frontage in favor of a monetary contribution to the Sully District Walkway Fund.
- Waiver of the requirement for construction of an on-road bicycle lane within the right-of-way along Sully Road.

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

74. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-S-039-06 (FAIRFAX CORNER RETAIL LC) (SPRINGFIELD DISTRICT)** (4:17 p.m.)

The application property is located in the northeast quadrant of the intersection of Monument Drive and Government Center Parkway, Tax Map 56-1 ((1)) 47G1, 47H, 47J, 47K, 47L, 47P, 47Q, 47R, 47S and 47T.

Mr. Francis McDermott reaffirmed the validity of the affidavit for the record.

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

Supervisor DuBois disclosed the following campaign contributions which she received in excess of \$100 from:

- Mr. Francis McDermott
- Mr. James Todd, TFP Investments LP

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

- Mr. M. Jon Peterson

Supervisor Bulova disclosed the following campaign contribution which she received in excess of \$100 from:

- Mr. Jon Peterson

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 McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 87-S-039-06, subject to the proffers dated September 24, 2007.
- Modification of the PDC Standards to permit a maximum of 1,447,062 square feet of residential uses.

- Waiver of the transitional screening and barrier requirements between the residential and non-residential uses within the original application area.
- Modification of the loading space requirement for the residential uses to allow one loading space per residential building.

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

(NOTE: On September 20, 2007, the Planning Commission approved Final Development Plan Amendment Application FDPA 87-S-039-10, subject to the conditions consistent with those contained in Attachment 2 of the staff report addendum.)

75. **4 P.M. – PUBLIC HEARING ON SE 2007-SU-006 (MONTESSORI SCHOOL OF FAIRFAX, INCORPORATED) (SULLY DISTRICT)**  
(4:31 p.m.)

The application property is located at 3411 Lees Corner Road, Tax Map 34-2 ((1)) 20.

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.

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

Discussion ensued with input from Ms. Kelsey, regarding the application. Supervisor Frey submitted items for the record.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2007-SU-006, subject to the development conditions dated September 21, 2007.
- Modification of the transitional screening requirements on all sides of the property to allow existing vegetation to be utilized with supplemental landscaping and trees proposed along the southern and western property boundaries, as depicted on the SE Plat.



- Modification of the barrier requirements on the northern, southern, and western portions of the property in favor of the existing four-foot chain link fence.
- Waiver of the barrier requirement along the eastern property line.

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

76. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT S07-IV-RH1, BOUNDED BY MANCHESTER BOULEVARD, BEULAH STREET, AND SILVER LAKE BOULEVARD (LEE DISTRICT)** (4:38 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 September 6 and September 13, 2007.

John Bell, Planner III, Environment and Development Review Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Bell presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved approval of proposed Plan Amendment S07-IV-RH1 as recommended by the Planning Commission. The proposed Plan amendment seeks to provide an opportunity for the development of workforce housing in a community where this need is not fully served. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

77. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT S07-CW-2CP REGARDING WORKFORCE HOUSING** (4:42 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 September 6 and September 13, 2007.

Ms Heidi Merkel, Planner III, Department of Planning and Zoning (DPZ), presented the staff report.

After a lengthy discussion ensued with input from David Stroh, Assistant County Attorney; James P. Zook, Director, DPZ; John Payne, Acting Deputy Director, Department of Housing and Community Development (HCD); Thomas Fleetwood, Strategic Planner, Department of HCD; Heidi Merkel, Senior Planner, DPZ; and Donna Pesto, Planner, DPZ regarding the proposed amendment.

Following the public hearing, which included testimony by seven speakers, Ms. Merkel presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of proposed Plan Amendment S07-CW-2CP, as recommended by the Planning Commission. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor McConnell voting “**NAY**,” Supervisor Frey and Supervisor Hyland being out of the room.

78. **BOARD ADJOURNMENT** (6:34 p.m.)

The Board adjourned.

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