



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
March 10, 2008**

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

05-08

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, March 10, 2008, at 9:37 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst, Office of 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 MATTER1. **MOMENT OF SILENCE** (9:37 a.m.)

Chairman Connolly asked everyone to keep in thoughts Lee Northrop, an employee with the Fairfax County Police Department, who serves the Board at the meetings in the auditorium. Officer Northrop had some heart difficulties and underwent surgery this past weekend. On behalf of the Board, Chairman Connolly wished him a speedy recovery.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING MARCH 9–15, 2008, AS "GIRL SCOUT WEEK" IN FAIRFAX COUNTY** (9:38 a.m.)

Supervisor Gross moved approval of the Proclamation to designate March 9–15, 2008, as "*Girl Scout Week*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. DOUG GRANEY** (9:45 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Mr. Doug Graney for his extraordinary accomplishment and outstanding work as a County schoolteacher. Supervisor Bulova seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING MARCH 2008 AS "INTELLECTUAL AND DEVELOPMENTAL DISABILITIES INCLUSION MONTH" IN FAIRFAX COUNTY** (9:48 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate March 2008 as "*Intellectual and Developmental Disabilities Inclusion Month*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING APRIL 2008 AS "CHILD ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY** (10:01 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate April 2008 as "*Child Abuse Prevention Month*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **PROCLAMATION DESIGNATING MARCH 2008 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY** (10:09 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate March 2008 as "*Women's History Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **PROCLAMATION DESIGNATING MARCH 24, 2008, AS "TUBERCULOSIS AWARENESS DAY" IN FAIRFAX COUNTY** (10:16 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate March 24, 2008, as "*Tuberculosis Awareness Day*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **PROCLAMATION DESIGNATING MARCH 10-17, 2008, AS "MULTIPLE SCLEROSIS AWARENESS WEEK" IN FAIRFAX COUNTY** (10:24 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate March 10-17, 2008, as "*Multiple Sclerosis Awareness Week*" in Fairfax County. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins* being out of the room.

ADDITIONAL BOARD MATTER

Welcome Back to Bill Miller, Public Information Officer
(10:30 a.m.)

On behalf of the Board, Chairman Connolly warmly welcomed back Bill Miller, Public Information Officer in the Office of Public Affairs. Mr. Miller had been out of the office recovering from surgery.

(NOTE: Upon her return to the dais, Supervisor Hudgins asked to be recorded as voting "AYE" on the motion.)

9. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:32 a.m.)

Chairman Connolly briefed the Board on General Assembly activities, noting that the General Assembly failed to meet its deadline for the fourth time out of the last five years.

Chairman Connolly noted that the Supreme Court ruled that the General Assembly's delegation of authority to regional authorities in Hampton and Northern Virginia was unconstitutional. He stated that, although it does not have a direct effect on the County's budget, it has a direct effect on the investment funding stream for transportation infrastructure. Chairman Connolly said that he will present a Board Matter, later in the meeting, regarding this matter.

(NOTE: Later in the meeting, Chairman Connolly presented a Board Matter regarding transportation funding. See Clerk's Summary Item #20.)

Chairman Connolly continued briefing the Board on General Assembly activities which included a brief synopsis of actions on the proffer bill, the Strike Force legislation, and community and beautification donations.

With reference to endocrine disrupters, Chairman Connolly said that there was an article in *The Washington Post* today about pharmaceuticals showing up in water supplies in the region.

Supervisor Gross said that there is a lot of information in news articles about endocrine disrupters and the kinds of pharmaceuticals that were found. However, there is apparently a disconnect in the reporting. She noted that *The Washington Post* said that tap water is a problem. In actuality, it is not the tap water, but the water that is flowing to the river that is the source of drinking water, not the finished water. She said that Fairfax Water is trying to ensure that the information is out there correctly – "*The identification of pharmaceuticals in source water, which is the untreated water that runs to the river, versus treated water or finished water, is quite different.*"

Therefore, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to disseminate information to County citizens that it is safe to drink the water that comes out of the tap, but not to drink it out of the river.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and amended the request that the Board direct the Office of Public Affairs to also publicize the information on Channel 16 and contact *The Washington Post* to clarify it. Without objection, the request, as amended, was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Herrity noted that the Fairfax County Water Authority uses ozonation, which was mentioned in the article, and is the one thing that will actually rid the chemicals from the drinking water.

Chairman Connolly continued his report.

A brief discussion ensued, with input from Karen Harwood, Deputy County Attorney, and Susan E. Mittereder, Legislative Director, regarding the Homestead Exemption.

Chairman Connolly continued his report, noting information regarding payday lending and the Northern Virginia Transportation Authority membership, with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation.

Supervisor Smyth highlighted the Tree Preservation legislation.

(NOTE: Later in the meeting, Chairman Connolly presented a Board Matter regarding the Tree Canopy Ordinance. See Clerk's Summary Item #22.)

Supervisor Gross called the Board's attention to page three of the report, Section One – Report on Initiatives, Priorities, and Preliminary Budget Analysis, and noted that it was very well written.

Discussion ensued, with input from Mr. Biesiadny, regarding transportation issues.

Supervisor McKay called the Board's attention to page 11, regarding Local Code Enforcement, HB 80/SB 427, regarding the 180 day notice expiration, and discussion ensued with input from Ms. Harwood.

DET:det

10. **10:15 A.M. – PRESENTATION OF COMMUNITY COUNCIL ON HOMELESSNESS ANNUAL MESSAGE** (10:52 a.m.)

Linda Wimpey, Chair, Community Council on Homelessness, presented its annual message and acknowledged the work of the faith communities and the contributions of Freddie Mac and the Freddie Mac Corporation. She stated that the Council's plan implementation would be presented as an action item at the March 31 Board meeting. Supervisor Gross noted the need to include the Park Authority in any discussion.

11. **10:30 A.M. – PRESENTATION OF THE ADVISORY SOCIAL SERVICES BOARD (ASSB) ANNUAL REPORT** (11:23 a.m.)

Marcus Simon, Chair, ASSB, presented its annual report. Supervisor Hudgins noted a statistic for foster care and asked unanimous consent that the Board direct staff to provide additional statistical information on families in need. Without objection, it was so ordered.

Discussion ensued, concerning child abuse and nurturing, with input from Kathy Froyd, Director, Child, Youth and Families Division, Department of

Family Services, concerning a lack of resources. Discussion continued concerning cluster care and providing services to a community within a community.

DMS:dms

12. **ADMINISTRATIVE ITEMS** (11:39 a.m.)

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

Supervisor Hudgins called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for Fiscal Year (FY) 2009. Supervisor Hudgins asked to amend the motion to include:

- Restoration of the money for the Community Development Block Grant (CDBG) fund for the Reston Historic Museum to \$135,000, instead of \$67,555.
- Deletion of the requirement for matching funds for the Reston Historic Museum.

Discussion ensued, with input from Audrey Spencer-Horsley, Associate Director, Grants Management, Department of Housing and Community Development (HCD), regarding the Reston Historic Museum on page 33 of the Proposed Consolidated Plan One-Year Action Plan for FY 2009.

Discussion continued, with input from Paula C. Sampson, Director, HCD, regarding any possible interferences or changes to the recommendations from the Consolidated Community Funding Advisory Committee (CCFAC) resulting from the amended motion.

Following further discussion, with input from Ms. Spencer-Horsley, regarding changes the Board has made in the past to the CCFAC recommendations and advertisement of the two approaches pertaining to the Reston Storefront Museum, the amendment to the motion was accepted.

Supervisor Gross asked unanimous consent that the Board direct staff to provide more information on the two possible options regarding the funding recommendations by CCFAC for the use of CDBG funds. Without objection, it was so ordered.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding any needed funding adjustments resulting from the amended motion.

Supervisor Hudgins noted that the Consolidated Plan contains two new proposed policies which address the need for increased housing opportunities for those with very low income or a disability, and the need for cross-agency coordination in responding to these needs.

Supervisor Hudgins called the Board's attention to pages 4-5 of the Consolidated Plan and discussion ensued regarding the current language proposed for the Consolidated Plan and its ability to reflect the needs and comments from the public, and that further analysis, including the involvement of the Board, HCD, Disability Services Board, Department of Family Services, Community Services Board, Redevelopment and Housing Authority (FCRHA), as well as other agencies, is needed in developing a holistic and comprehensive approach to this issue.

Supervisor Hudgins asked unanimous consent to remove the two new policies from the advertisement of the Consolidated Plan and that the proposed policies be brought to a joint meeting of the Board's Housing Committee and the FCRHA on how best to develop a comprehensive policy to meet housing needs for the disabled community. Without objection, it was so ordered.

Supervisor Foust called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), Regarding Fire Marshal Fees and Admin 4 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions) and Chapter 62 (Fire Protection), Regarding Fire Marshal Fees. Supervisor Foust asked to amend the motion to advertise the fee structure at 90 percent of the cost recovery rate (\$135).

Discussion ensued, with input from Mr. Griffin, regarding the percentage of cost recovery rates.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide information pertaining to the implications resulting from the advertised cost recovery rate and why the cost recovery rate is not 100 percent. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued, with input from Nell Rose Jarvis, Project Manager, Fairfax Inspections Database Online, Fire Prevention Division, Fire and Rescue Department, regarding timeliness of the advertisements for the Board and the Planning Commission.

The amendment to the motion, made by Supervisor Foust, was not accepted.

Supervisor Foust moved to amend the motion to advertise the fee structure at 90 percent of the cost recovery rate (\$135). Supervisor Smyth seconded the amendment to the motion.

Following further discussion, Supervisor Gross withdrew her objection and accepted the amendment to the motion.

Supervisor Herrity called the Board's attention to Admin 13 – Authorization to Advertise Publication of the Fiscal Year (FY) 2009 Budget and Required Tax Rates and discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the recommendation to advertise a tax rate of \$0.92 per \$100 of assessed value.

Supervisor Herrity asked to amend the motion to keep the tax rate at \$0.89 per \$100 of assessed value, and this was not accepted.

Supervisor Herrity moved to amend the motion to advertise the tax rate at the current \$0.89 per \$100 of assessed value. Supervisor Frey seconded the motion.

Discussion ensued regarding the opportunity to examine all options and the flexibility that would occur given the advertised \$0.92 tax rate.

Discussion continued, with input from Mr. Griffin, regarding the tax rate in neighboring counties.

The question was called on the amendment to the motion, which **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting "AYE."

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

ADMIN 1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) REVENUE BONDS FOR THE BENEFIT OF NATIONAL WILDLIFE FEDERATION AND NATIONAL WILDLIFE FEDERATION ENDOWMENT, INCORPORATED

- (R) Adopted the Resolution authorizing the EDA to issue up to \$22 million in revenue bonds pursuant to the plan of National Wildlife Federation and National Wildlife Federation Endowment, Incorporated.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), REGARDING ISSUANCE AND RENEWAL FEES FOR LICENSES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), regarding issuance and renewal fees for licenses.

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING FIRE MARSHAL FEES

- (A) (R) (NOTE: Earlier in the meeting, the Board took additional action on this item. See pages 7–8.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on April 17, 2008, and before the Board on **April 28, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), regarding fire marshal fees.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS) AND CHAPTER 62 (FIRE PROTECTION), REGARDING FIRE MARSHAL FEES

- (A) (NOTE: Earlier in the meeting, the Board took additional action on this item. See pages 7–8.)

Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions) and Chapter 62 (Fire Protection), regarding fire marshal fees.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE PROTECTION), REGARDING FIREWORKS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 28, 2008, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection), regarding fireworks.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), REGARDING TRANSPORT BY COUNTY EMERGENCY MEDICAL SERVICE VEHICLES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), regarding transport by County emergency medical service vehicles.

ADMIN 7 – FORMAL OFFER TO DEDICATE TO THE BOARD AN 84-SQUARE-FOOT AREA OF COMMON OPEN SPACE, LOCATED IN THE FAIRFAX GATEWAY SUBDIVISION (BRADDOCK DISTRICT)

Declined the offer made of dedication of an 84-square-foot area of common open space (a portion of Parcel A) located in the Fairfax Gateway Subdivision, Tax Map Number 057-4-18-0000-A, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 2-702, Paragraph 4.

ADMIN 8 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, PROVIDENCE, MOUNT VERNON, HUNTER MILL, 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>
Antezana Property	Dranesville	Georgetown Pike (Route 193) (Additional ROW Only)
Scott's Addition to King's Manor	Dranesville	Baron Road (Route 1813) (Additional ROW Only)
		Kensington Road (Route 1821) (Additional ROW Only)
Bonnet Property	Providence	Marbury Road (Route 806) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bonnet Property	Providence	Hunter Mill Road (Route 674) (Additional ROW Only)
Laurel Ridge Crossing	Mount Vernon	Plaskett Lane (Route 7644) (Additional ROW Only)
Rayburn Property	Hunter Mill	Clark's Crossing Road (Route 676) (Additional ROW Only)
Timber Lake Property Section 1	Sully	Marshall Lake Drive Timberlake Court (Route 5707) Timberline Drive (Route 5708) Vale Road (Route 671) (Additional ROW Only)

ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, LEE, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-S07-18	Sprint-Nextel Antenna co-location on existing transmission tower 11451 Braddock Road (Springfield District)	May 10, 2008
FS-P07-66	Sprint-Nextel Rooftop antennas 7799 Leesburg Pike (Providence District)	May 15, 2008

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L07-69	Verizon Wireless Antenna colocation on existing light pole/monopole 5801 Franconia Road (Edison High School) (Lee District)	May 15, 2008
FS-S07-67	Verizon Wireless Antenna colocation on existing monopole 7008 Elkton Drive (Springfield District)	May 16, 2008
2232-D07-13	NewPath Networks LLC and New Cingular Wireless PCS, LLC Distributed Antenna System (DAS) Portions of Georgetown Pike and Old Dominion Drive (Dranesville District)	May 19, 2008
FS-P08-2	Fairfax Water Approximately 8,200 feet of water main relocations Gallows Road/Lee Highway (Providence District)	September 8, 2008
FS-L08-3	Department of Public Works and Environmental Services Expansion of Richard Byrd Community Library 7250 Commerce Street (Lee District)	September 8, 2008

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE UNNAMED RIGHT-OF-WAY IN THE SHIRLEY GATE PARK SUBDIVISION (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 4 p.m.** regarding a proposal to vacate unnamed right-of-way in the Shirley Gate Park Subdivision.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2009

- (A) (NOTE: Earlier in the meeting, the Board took action on this item. See pages 6-7.)

Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 4:30 p.m.** regarding the Proposed Consolidated Plan One-Year Action Plan for FY 2009.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO ESTABLISH A RATE FOR THE TRANSPORTATION TAX ON CERTAIN COMMERCIAL AND INDUSTRIAL PROPERTIES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to adopt a tax rate of \$0.12 per \$100 on commercial and industrial property for transportation purposes.

ADMIN 13 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2009 BUDGET AND REQUIRED TAX RATES

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 8.)

Authorized the advertisement of the following items, which are included in the proposed FY 2009 Budget:

- A brief synopsis of the FY 2009 Budget, including information as it relates to the impact of the Personal Property Tax Relief Act on the percentage of state “Car Tax” subsidy on qualifying personal property tax levy, and a notice of proposed adoption of a Resolution appropriating funds for FY 2009 to be advertised during the weeks ending March 23 and March 30, 2008. This includes a proposed real estate tax rate of \$0.92 per \$100 of assessed value.
- The notice required by *Virginia Code* Section 15.2-2506.
- Public hearings on the proposed Advertised Capital Improvement Program for FYs 2009 – 2013 (with Future FYs to 2018).
- Public hearings on the FY 2009 Proposed Tax Rate – March 30, 2008.

- FY 2009 Budget Mark-up and Board Adoption of the *FY 2008 Third Quarter Review* scheduled for April 28, 2008.
- Board Adoption of Fiscal Plan, Tax Levies, and Appropriation Resolution scheduled for April 28, 2008.
- School transfer set (required by May 1 or 30 days after the State approves aid to schools).

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2008 REVISED BUDGET PLAN

- (A) Authorized the advertisement of public hearings to be held before the Board on **March 31, April 1 and 2, 2008, at 7 p.m.** to increase the FY 2008 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2008 Third Quarter Reviews*.

13. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ACT AS AGENT OF THE BOARD AND SIGN THE PROGRAMMATIC AGREEMENT RELATIVE TO THE IMPACT OF THE BASE REALIGNMENT AND CLOSURE (BRAC) RELATED EXPANSION OF FORT BELVOIR, VIRGINIA ON HISTORIC PROPERTIES (MOUNT VERNON AND LEE DISTRICT)** (12:25 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and authorized the County Executive to act as an agent of the Board to execute and sign on behalf of the Board Historic Preservation (Section 106 process) the Programmatic Agreement.

14. **A-2 – SOLICITATION FOR POLICE-DIRECTED TOWING SERVICES** (12:25 p.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve issuance of a Request for Proposal to contract for police-directed towing services (law enforcement towing) for the County. Supervisor Smyth seconded the motion.

Discussion ensued regarding whether Board approval of this item pertained to the staff recommendation or to police-directed towing services.

Discussion continued, with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, regarding:

- Reconciliation between the staff recommendation and that of the Towing Advisory Board, and the police district system.

- Reduction of the zones and the alignment with the police districts.
- Allowing parking enforcement staff the authority to tow cars.

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

15. **A-3 – AMENDED PARKING REDUCTION FOR PARCEL “C” OF DULLES TECHNOLOGY CENTER** (12:30 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved an amended parking reduction of 24.1 percent for parcel “C” of Dulles Technology Center, which includes three types of uses located in three buildings at 13505, 13515, and 13525 Dulles Technology Drive, respectively, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on conditions outlined in the Board Agenda Item dated March 10, 2008.

16. **I-1 – CONTRACT AWARD – OAK MARR RECenter IMPROVEMENTS (PROVIDENCE DISTRICT)** (12:30 p.m.)

The Board next considered an item contained in the Board Agenda dated March 10, 2008, requesting authorization for staff to award a contract to Baistar Mechanical, Incorporated, in the amount of \$718,200 for improvements to the Oak Marr RECenter in Project 475804, Building Renovation and Expansion, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

17. **I-2 – INFORMATION REGARDING THE PLAN TO CONSOLIDATE THE CENTER FOR MULTICULTURAL HUMAN SERVICES (CMHS) INTO NORTHERN VIRGINIA FAMILY SERVICES (NVFS); CONTRACT MONITORING AND SUPPORT FOR NONPROFIT AGENCIES** (12:31 p.m.)

The Board next considered an item contained in the Board Agenda dated March 10, 2008, regarding the plan to consolidate CMHS into NVFS and contract monitoring and support for nonprofit agencies.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS18. **ORDERS OF THE DAY** (12:32 p.m.)

Chairman Connolly said that the Board would proceed expeditiously with Board Matters. He queried David P. Bobzien, County Attorney, regarding the expected 90 minute length of the closed session.

In regard to the afternoon schedule of public hearings, Chairman Connolly noted that one 3:30 public hearing would be deferred because of an affidavit problem.

19. **MEETING WITH THE LIBRARY BOARD** (12:32 p.m.)

(BACs) Chairman Connolly noted that the Board met with the Library Board early in the morning, and he announced that the Library Foundation and Library Board have chosen *The Uncommon Reader* as the next "All Fairfax Reads" selection. It is the story of the Queen of England discovering reading and how much she enjoys it. He urged everyone to read this book and join in discussions later in the year. The author is expected to visit the County to discuss his writing and this novel.

20. **THE NEED FOR DEDICATED TRANSPORTATION FUNDING FOR NORTHERN VIRGINIA** (12:33 p.m.)

(NOTE: Earlier in the meeting, the Board discussed the Legislative Report of Actions of the General Assembly. See Clerk's Summary Item #9.)

Chairman Connolly reminded everyone that on Friday, February 29 the Virginia Supreme Court nullified the action of the General Assembly and the Governor to delegate the authority in Northern Virginia and Hampton Roads to levy fees as unelected bodies.

With reference to his written Board Matter on the subject, Chairman Connolly said that he drafted a letter urging Governor Kaine, the Speaker of the House of Delegates, and the Senate Majority Leader to act with deliberate speed to find a remedy to include new transportation investment flows into the Northern Virginia infrastructure. Accordingly, he relinquished the Chair to Vice-Chairman Bulova and moved approval of the referenced letter to Governor Tim Kaine, Speaker of the House of Delegates William Howell, and Senate Majority Leader Dick Saslaw, for his signature. Supervisor McKay seconded the motion.

Supervisor Frey asked to amend the letter to clarify that the Board wants the benefit of the money that is raised in the region; the Board is not supporting statewide efforts to reallocate more money through the existing formulas. This was accepted.

Supervisor Hyland asked to amend the letter to include Old Mill Road (BRAC-related) as one of the listed projects that would be affected, and this was accepted.

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

21. **REAL ESTATE ASSESSMENT ALLOCATION** (12:34 p.m.)

Chairman Connolly referred to his written Board Matter regarding real estate assessment allocations between the land and building components. He noted that the Board discussed this issue at the budget workshop on Saturday, March 8 following a presentation by Kevin C. Greenlief, Director, Department of Tax Administration (DTA). Mr. Greenlief agreed to reexamine the new methodology for land and building allocation this year to ensure that there is a proper and transparent allocation of real estate values. According to DTA, this allocation **does not** affect the overall assessed value of a piece of improved real estate. The director has agreed to reexamine the new methodology for land and building allocation this year to ensure that there is a proper and transparent allocation of real estate values.

Therefore, Chairman Connolly moved that the Board direct DTA to provide a detailed report regarding its review and notification to the citizens of the real estate allocation process prior to the adoption of the Fiscal Year 2009 Budget. Vice-Chairman Bulova seconded the motion.

Discussion ensued, with input from David P. Bobzien, County Attorney, about appeals and that the allocation between land and buildings is not subject to appeal.

Supervisor Hyland asked unanimous consent that the Board direct the County Attorney to formally review the issue of appeals on the allocation. Without objection, it was so ordered.

Discussion ensued regarding the Virginia Code requirement that the assessment valuations be broken out between land and buildings, that the Board will be pursuing legislation next year to rescind that requirement, and the importance of communicating with the public.

Supervisor Foust noted that some areas of the Dranesville District experienced apparent aberrations in assessment with increases of 20 percent and that Mr. Greenlief offered to meet with residents of those neighborhoods.

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

22. **TREE CANOPY ORDINANCE** (12:43 p.m.)

Chairman Connolly announced that on March 4 Governor Kaine signed House Bill HB 1437, sponsored by Delegate David Bulova. This legislation enables localities to require minimum tree canopy for land that is being developed. The tree canopy that counties can require developers to preserve ranges from 10 percent for commercial development to 30 percent for residential densities of two dwelling units per acre (du/ac) or fewer. This legislation would help the County preserve its existing tree cover and reach the tree canopy goal of 45 percent. Counties have the authority to enact this legislation on July 1, 2008.

Chairman Connolly moved that the Board direct staff to:

- Prepare a tree conservation ordinance in accordance with House Bill HB 1437.
- Draft this amendment in time to allow the Board to hold a public hearing on July 21.

Supervisor Gross seconded the motion.

Supervisor McKay asked unanimous consent that the Board direct staff to review House Bill HB 1437 regarding densities greater than two du/ac. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Supervisor Gross noted that the Environment Committee is scheduled to meet on June 9 and she asked unanimous consent that the Board direct staff to include this issue on the agenda for that meeting. Without objection, it was so ordered.

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

23. **UNDERAGE DRINKING: "PARENTS WHO HOST LOSE THE MOST!"
AND SCHEDULE FOR MARCH 31** (12:46 p.m.)

Chairman Connolly reminded the Board that over the past several years, the County has experienced an increase in teen deaths due to drinking and driving, and the Board has made the issue of underage drinking and driving a priority. Several initiatives already underway such as Shut It Down, Shoulder Tap Operations, Merchant Stings, Underage Drinking Town Hall Meetings, et cetera.

Chairman Connolly said that last year, a new Countywide initiative, led by the Fairfax County Public Schools (FCPS) School/Community Coalitions, was launched to reduce underage drinking. One strategy of this initiative, titled *Parents Who Host, Lose the Most*, brought together numerous community groups, schools, school partners and County agencies including the police to implement a new educational campaign in conjunction with the other underage drinking and driving initiatives already underway.

Chairman Connolly noted that 65 percent of underage youth say they get alcohol from family and friends. This campaign targets parents who host teen house parties where parents knowingly or unknowingly allow drinking parties in their homes. To reach parents of teens, as well a broader population, the coalition intends to use a variety of educational and informational materials including the following:

- A mailing to 55,000 parents of eighth through twelfth grade public school students to include a fact card on underage drinking laws and risks of underage drinking.
- Distribution of an additional 80,000 fact cards and 1,500 posters throughout the County.
- Placement of banners in all FCPS high school football stadiums and gymnasiums.
- A public service announcement and interviews on television and placement of ads in local newspapers.
- Expansion of Police Department shoulder-tap operations across the County.
- Increase in the number of community partners supporting the Countywide initiative.

Therefore, Chairman Connolly moved that the Board proclaim April 2008 as “*Parents Who Host Lose the Most Month*” in Fairfax County and direct staff to invite the appropriate representatives from the agencies coordinating this effort to to appear before the Board to be recognized with the proclamation at the March 31 meeting. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

Discussion ensued with input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the scheduled presentations for that date as well as the meeting with the Park Authority Board prior to the regular meeting.

Chairman Connolly asked unanimous consent that the Board direct staff to review the schedule for March 31. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

24. **US COMMUNITIES GOVERNMENT PURCHASING ALLIANCE MERITORIOUS SERVICE AWARD** (12:49 p.m.)

Supervisor Hyland said that recently the US Communities Government Purchasing Alliance presented the County with a Meritorious Service Award for the staff's contribution, advice, and oversight to help make its program the number one cooperative purchasing program for local agencies in the nation. This recognition would not have happened without the hard work and commitment of several County employees like Cathy Muse, Director of Purchasing and Supply Management, and Lonnette Robinson, Teena Stewart, and George Bright. Also recognized for their work and intergovernmental cooperation that provides substantial savings to taxpayers and public agencies are Pat Reimbold, Lee Ann Pender, and Tony Crosby from the County Public Schools and Deborah Garris from the Park Authority. These professionals' efforts reflect great credit upon the County and its residents.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite the employees listed above to appear before the Board at an appropriate time for recognition. Without objection, it was so ordered.

Discussion ensued regarding a compilation of the honors won by the County. Merni Fitzgerald, Director, Office of Public Affairs, indicated that that information was currently online.

25. **ANTICIPATING THE FUTURE: FAIRFAX 50+ ACTION PLAN 2007** (12:51 p.m.)

Supervisor Herrity said that on October 15, 2007, the Board made a commitment to a more aging-friendly Fairfax County by approving *Anticipating the Future: Fairfax 50+ Action Plan 2007*. This plan documents actions to be taken to ensure that the needs and talents of those 50 and over are included in the future of the community. He noted that since joining the Board on January 1, he has been given the honor of chairing the Board's Committee on Aging and the privilege of working with the Commission on Aging and others to continue the work.

Focusing on the challenges and opportunities of aging citizens is at the heart of the Board's commitment. In this spirit, Supervisor Herrity noted that Older Americans Month is observed nationally each May to celebrate the accomplishments of older citizens and to express gratitude for the contributions they have made, and continue to make, to the communities. This year's theme, "Working Together for Strong, Healthy, and Supportive Communities" urges citizens and communities alike to work together to strengthen the services the County provides to older adults. By providing older adults with more opportunities to make informed choices about the way they live, and to engage in and contribute to the community in which they live, the County is not only promoting wellness, but also enriching the quality of their lives.

Accordingly, Supervisor Herrity asked unanimous consent that the Board designate May as “Older Americans Month” in Fairfax County and direct staff to invite representatives from the Commission on Aging, the Long Term Care Coordinating Council, the Area Agency on Aging, and other appropriate groups to appear before the Board on May 5. By doing so the Board continues to pledge its commitment to the aging citizens and recognizing its covenant with them which aims to ensure that they may enjoy active, productive, and healthy lives with independence, safety, and dignity. Without objection, it was so ordered.

(NOTE: Later in the meeting, another Board Matter was presented regarding the 50+ Action Plan. See Clerk’s Summary Item #41.)

26. **BURKE VOLUNTEER FIRE DEPARTMENT CELEBRATES SIXTIETH ANNIVERSARY (BRADDOCK AND SPRINGFIELD DISTRICTS)** (12:53 p.m.)

With reference to his written Board Matter regarding the Burke Volunteer Fire Department’s sixtieth anniversary, Supervisor Herrity indicated it was being presented jointly with Chairman Connolly and Supervisor Bulova.

Supervisor Herrity noted how in the last 60 years the County landscape changed from rural to suburban. However, the Burke Volunteer Fire Department endured during that 60-year timeframe. Starting with only nine members, it now has grown to 85.

Supervisor Herrity acknowledged that the Burke Volunteer Fire Department and all volunteer departments within the County are integral partners with the County’s Department of Fire and Rescue in the delivery of service to the citizens. Volunteer members contribute countless hours of service to the community.

Accordingly, jointly with Chairman Connolly and Supervisor Bulova, Supervisor Herrity moved that the Board direct staff to invite members from the Burke Volunteer Fire Department to appear before the Board on April 28 to be recognized for the department’s 60 years of excellent service to the Burke area (Braddock and Springfield Districts) and all of the County. Supervisor Bulova seconded the motion.

Following discussion regarding a recent anniversary celebration attended by Members of the Board as well as the Burke Station’s open house, the question was called on the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

27. **COUNTY TRANSPORTATION PRIORITIES FOR FEDERAL FUNDING (HUNTER MILL DISTRICT)** (12:57 p.m.)

Supervisor Hudgins stated that she had two items to add to the Board’s priorities for federal funding. She said that the pedestrian bridge over the Dulles Access

and Toll Road (Trap Road Pedestrian Bridge) was endorsed by the County on July 23, 2007, as part of the Proposed Federal Capital Improvements Program - National Capital Region, Fiscal Years (FY) 2008-2013. Safe access to Wolf Trap National Park for the Performing Arts was a clear community desire shown in the 2006 NoVi Trails Feasibility Report, an earlier earmark. With support from the Wolf Trap Foundation, and from US Representatives Frank Wolf and Jim Moran, a bridge across the Toll Road at Trap Road is being designed that would connect Wolf Trap on the north side of the Dulles Corridor with the Barns of Wolf Trap on the south side, connecting with the proposed Beulah Road trail network. Supervisor Hudgins said it was anticipated to be part of the FY 08 Federal Budget, however, she was informed in February that it was not. The estimated cost is \$3.3 million.

Supervisor Hudgins said that the second item was the implementation of a Camera On-Bus program that she asserted would enhance safety and security for operators and passengers. The program involves retrofitting approximately 30 Fairfax Connector buses operating out of the Herndon Division and serving the Reston community and includes both internal and external cameras. The project would require the acquisition of video cameras and required ancillary support equipment. The project would focus initially on the Reston Internal Bus Service (RIBS) routes and eventually expand to Fairfax Connector routes in the Reston area before implementation to all Fairfax Connector Routes. Total federal funding is estimated at \$500,000.

Accordingly, Supervisor Hudgins moved that the Board add these two transportation items to the County's Legislative Program as priorities for federal funding. Chairman Connolly seconded the motion.

Following discussion regarding how this Board Matter follows the process laid out by the Board for federal projects, Supervisor Hudgins amended her motion to also direct staff to send a letter to Transportation Secretary Pierce Homer informing him that the Pedestrian Bridge over the Dulles Toll and Access Road is a County priority for federal funding, and this was accepted.

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

DET:det

28. **NINTH ANNUAL PROVIDENCE DISTRICT ENVIRONMENTAL FAIR (PROVIDENCE DISTRICT)** (1:01 p.m.)

Supervisor Smyth announced that her office would be hosting the Ninth Annual Providence District Environmental Fair on Saturday, March 29 from 9 a.m. to noon at Fairhill Elementary School, 3001 Chichester Lane, Fairfax. She stated that residents could visit the informational booths relating to global climate change; get bicycles repaired (one per resident); bring up to five medium-sized

boxes of personal documents for secured shredding; make customized maps of commuting and leisure routes; and participate in many other activities. She stated that additional information was available on the Providence District's office events' website or by calling her office.

Supervisor Smyth invited her colleagues on the Board and residents to come and enjoy the event and asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing the event. Without objection, it was so ordered.

29. **FOLLOW-UP TO THE WISE COUNTY JOINT BOARD MATTER OF FEBRUARY 11** (1:02 p.m.)

Supervisor Smyth stated that at its meeting on Friday, March 7, 2008, the Metropolitan Washington Air Quality Committee (MWAQC) prepared comments to be sent to the Virginia Department of Environmental Quality (DEQ) to further analyze the impact of the proposed coal-fired power plant in Wise County on the Washington Metropolitan Region. A copy of the draft letter from MWAQC was provided to the Board.

Supervisor Smyth moved that the Board endorse MWAQC's comments and send a letter of support to Virginia DEQ to that effect. Supervisor Gross and Supervisor Hudgins jointly seconded the motion.

Supervisor Smyth asked unanimous consent that if the State Air Pollution Control Board takes up this issue the Board direct staff to send this letter to it as well. Without objection, it was so ordered.

Discussion ensued concerning an appending chart as well as specific provisions contained in the letter. Supervisor Gross noted that the letter did not reference the role of the United States Environmental Protection Agency (US EPA) and that as a member of the US EPA Advisory Committee, she would be sharing this letter with the US EPA.

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

30. **BRADDOCK DISTRICT TAX RELIEF WORKSHOPS (BRADDOCK DISTRICT)** (1:11 p.m.)

Supervisor Bulova announced that she would be holding two tax relief workshops for seniors this week: one tomorrow and another on Friday starting at 10 a.m. She asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing these events. Without objection, it was so ordered.

31. **BRADDOCK DISTRICT BUDGET BRIEFING (BRADDOCK DISTRICT)**
(1:12 p.m.)

Supervisor Bulova stated that tomorrow evening she was holding a budget briefing for Braddock District constituents in Braddock Hall, adjacent to her office, starting at 7:30 p.m. She noted that the briefing was being conducted in partnership with the Braddock District Council of Community Associations.

PMH:pmh

32. **SENIOR TAX RELIEF** (1:12 p.m.)

Supervisor Gross announced that two workshops regarding tax relief for senior citizens were held last week in the Mason District. She commended the Department of Tax Administration staff for its presentation.

33. **ARBOR DAY** (1:13 p.m.)

Supervisor Gross noted that as Ralph Waldo Emerson once wrote, "The creation of a thousand forests is in one acorn." In 1872, Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. The popularity of the event grew and Arbor Day is now celebrated throughout the nation and the world by planting trees.

Founded in 1999, the Bailey's Beautification Alliance continues this tradition in the community. The Alliance re-landscaped the Woodrow Wilson Library and Bailey's Park by removing invasive species, clearing brush, and planting trees. Since then, it has continued to initiate numerous projects to beautify and enhance the Woodrow Wilson Library area and the Bailey's Crossroads community.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Proclaim April 25, 2008, as "*Arbor Day*," in Fairfax County.
- Direct the Clerk to prepare a certificate to be presented to the Bailey's Beautification Alliance at a ceremony to be held at the Woodrow Wilson Library on Arbor Day.

Without objection, it was so ordered.

34. **MASON DISTRICT SPRING TOWN MEETING** (1:14 p.m.)

Supervisor Gross announced that she will be hosting the Mason District Spring Town Meeting on Tuesday, March 25, at 7 p.m. Residents are encouraged to attend the meeting, which will be held in the lecture hall of the new Glasgow Middle School, 4101 Fairfax Parkway, in Alexandria.

Speakers at the town meeting will include County Executive Anthony H. Griffin and Chief Financial Officer Edward L. Long, Jr. who will discuss the proposed Fiscal Year 2009 budget. After the budget presentation, there will be a question and answer period, and attendees also may introduce additional topics.

35. **ANNANDALE LIONS CLUB (BRADDOCK AND MASON DISTRICTS)**
(1:15 p.m.)

Jointly with Supervisor Bulova, Supervisor Gross said that the Annandale Lions Club will be celebrating its sixtieth anniversary this year. Originally founded on March 23, 1948, the Annandale Lions have grown from 30 members to become the outstanding organization it is today.

The Annandale Lions Club has been a proud member of the Annandale community, with the motto and philosophy of "We Serve." Below is just a short list of how the Annandale Lions have served the community:

- Generated more than \$1 million in fundraising that is dedicated to be put back into the community.
- Championed assistance on matters on sight, hearing, health and welfare for people in the community.
- Sponsored the community's youth for Boys and Girls State and a youth camp.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the Clerk to prepare a Certificate of Recognition on behalf of the Board for presentation at its April 1 Charter Night. Without objection, it was so ordered.

36. **ANNANDALE CENTER DRIVE TO BE RENAMED "TOM DAVIS DRIVE" (BRADDOCK AND MASON DISTRICTS)** (1:16 p.m.)

Jointly with Supervisor Bulova, Supervisor Gross noted that Annandale is an unincorporated portion of the County with a diverse community, commercial centers, parks, and growing sense of common identity and vitality. This spark of revitalization and civic activism in the Annandale community has been as a result of continued support from business, civic, and political leaders. The Annandale Chamber of Commerce honors such leaders at its annual Awards Banquet and this year will honor Congressman Tom Davis.

With the pending retirement of Congressman Davis, the Annandale Chamber would like to have a street renamed in his honor. The Annandale Chamber requests that the Board rename "Annandale Center Drive" to "Tom Davis Drive."

Therefore, Supervisor Gross moved that the Board support this request by the Annandale Chamber of Commerce and direct the County Executive to coordinate

with County agencies to facilitate the request in time for the awards dinner on May 23. Chairman Connolly seconded the motion.

Following discussion regarding the proposal, the question was called on the motion, and it carried by unanimous vote.

37. **REZONING APPLICATION RZ 2004-SU-009 – POPLAR TREE ROAD (SULLY DISTRICT)** (1:19 p.m.)

- (A) Supervisor Frey said that proffer 12 of Rezoning Application RZ 2004-SU-009 requires the applicant to realign the curve on Poplar Tree Road in the vicinity of the rezoned property. The construction of the improvement has been completed and the abandonment of the now excess right-of-way is a condition of the Virginia Department of Transportation street acceptance process. In addition, a vacation of the right-of-way is required to transfer the abandoned property to the adjoining property owners. On February 25 the Board deferred the proposed abandonment of this area to April 28. An authorization of the conjunctive vacation is also necessary for this same date to be heard simultaneously with the abandonment.

Therefore, Supervisor Frey moved that the Board authorize a public hearing on the vacation of the area in conjunction with the authorized abandonment public hearing for a portion of Poplar Tree Road on April 28, 2008. This motion, the second to which was indistinguishable, carried by unanimous vote.

38. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR JOHN FOUST** (1:20 p.m.)

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

39. **CODE ENFORCEMENT STRIKE TEAM** (1:21 p.m.)

Supervisor McKay said that on February 21 he spent the day observing the Code Enforcement Strike Team in action. He added that he was eager to see the real life side of the reports the Board receives each week that show the work done to date to address dangerous and unsafe boarding houses in each of the Supervisor districts.

Supervisor McKay referred to his written Board Matter and described the conditions he observed. His said that his firsthand experience made two things very clear:

- The current efforts are only scratching the surface and alone are not enough to stem the multiple violations that are occurring, in some cases, block by block, street by street.
- Each address requires a good deal of time and thorough investigation by several staff to ensure the landlords of these illegal

boarding houses are held responsible for the multitude of safety and code violations on their property.

Therefore, Supervisor McKay asked unanimous consent that the Board consider the consequences of not funding this critical neighborhood enforcement effort further. Without objection, it was so ordered.

40. **FORECLOSURES IN THE COUNTY** (1:25 p.m.)

Supervisor McKay said that he recently received the map of foreclosures in the County and noted that in Lee District, there appears to be a correlation between the neighborhoods with the most strike force cases and the number of foreclosures.

Supervisor McKay called the Board's attention to an article that appeared in the *Atlantic Monthly* entitled "The Next Slum." This article discusses the subprime mortgage crisis and the impact that foreclosures are having in communities. The article tracks the increase in crime in neighborhoods with the highest foreclosure rates and indicates that in some areas police departments are mapping foreclosures in an effort to identify potential problem areas.

Accordingly, Supervisor McKay asked unanimous consent that the Board direct staff to provide the Police Department with the foreclosure map and that the foreclosure addresses be provided to station commanders so that patrol officers can be made aware of potential trouble spots. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide to fire stations in the County the map published by the Police Department depicting the locations of teenage driving accidents in the County. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

41. **50+ ACTION PLAN** (1:27 p.m.)

(NOTE: Earlier in the meeting, another Board Matter was presented regarding the 50+ Action Plan. See Clerk's Summary Item #25.)

Supervisor McKay said that the Board and the Committee on Aging created the 50+ action plan to ensure a more aging friendly Fairfax County. That plan encouraged universal design concepts to meet the needs of every age and degree of mobility and that can be easily adapted to new construction as well as renovations.

For many County residents, making certain types of modifications to their homes can allow them to remain active members of the community where they have lived for many years. This applies not only to seniors but also to those with varying levels of disability.

He noted that the Department of Public Works and Environmental Services maintains a list of foundation contractors for residents who have sustained damage from marine clay.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to compile a short list of contractors with expertise in universal, accessible, or adaptable design to be made available to residents upon request. Without objection, it was so ordered.

There was a brief discussion regarding the report.

42. **RECESS/CLOSED SESSION** (1:30 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. Robert Lepelletier, Jr., v. Robert L. Mears, Director of the Department of Finance, Record No. 072007 (Va. Sup. Ct.)
 2. Reena Sangwan v. Fairfax County Department of Family Services, Record No. 0400-07-4 (Va. Ct. App.)
 3. Henry Penn v. Fairfax County; Case No. 1:06cv1449 (E.D. Va.)

4. Ryan Herold v. Richard Perl, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
5. Michael C. Judge and Doris Y. Judge v. Fairfax County Board of Supervisors, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)
6. The Grievance Appeal of Douglas K. Cleveland, Case No. 0715 (Fx. Co. Civil Service Com.)
7. Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)
8. Eileen M. McLane, Fairfax County Zoning Administrator v. Nabil Zerhouni, Atef Abdellatif, and Abdelbagi Bushara, Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
9. Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
10. Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Beltran Sanchez Carbajal, Sulma Patricia Flores de Sanchez, and Evelin Y. Mendoza, Case No. CL-2007-0013442 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
11. Eileen M. McLane, Fairfax County Zoning Administrator v. William L. Stewart, Case No. CL-2007-0011742 (Fx. Co. Cir. Ct.) (Mason District)
12. Eileen M. McLane, Fairfax County Zoning Administrator v. Lydia C. Redding, et al., Case No. CL-2007-0013239 (Fx. Co. Cir. Ct.) (Providence District)

13. Eileen M. McLane, Fairfax County Zoning Administrator v. Joun Suk Lim, et al., Case No. CL-2007-0015312 (Fx. Co. Cir. Ct.) (Providence District)
14. Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laurence P. Wheeler and Susie A. Wheeler, Case No. CL-2007-0012667 (Fx. Co. Cir. Ct.) (Dranesville District)
15. Eileen M. McLane, Fairfax County Zoning Administrator v. Merritt Road, L.C., and Ronald Joseph Sweeney, Case No. CL-2008-0002313 (Fx. Co. Cir. Ct.) (Mason District)
16. Eileen M. McLane, Fairfax County Zoning Administrator v. Redentor Eguez, Viviana Paz Arza, and Marlene Zurita, Case No. CL-2008-0002529 (Fx. Co. Cir. Ct.) (Sully District)
17. Eileen M. McLane, Fairfax County Zoning Administrator v. Jon M. Boka, Case No. CL-2008-0002314 (Fx. Co. Cir. Ct.) (Braddock District)
18. Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Sanchez, Candida R. Sanchez, and Caroline M. Hervo-Akendengue Smith, Case No. CL-2008-0002003 (Fx. Co. Cir. Ct.) (Lee District)
19. Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor J. Munaires, Carmen E. Munaires, and Victor J. Munaires, d/b/a Projects A Incorporated, Case No. CL-2008-0002528 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
20. Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leonor Lopez, Case No. CL-2008-0002002 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

21. Eileen M. McLane, Fairfax County Zoning Administrator v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser, Case No. CL-2008-0002100 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. Board of Supervisors v. McLean Veterinary Associates, LLC, and Erie Insurance Company, Case No. CL-2008-0002530 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, et al., Virginia Supreme Court Record Number 070318
- Board of Zoning Appeals Appeal Applications A 2006-PR-028 and A 2006-PR-052
- Robert G. Marshall, et al. v. Northern Virginia Transportation Authority, et al.; Virginia Supreme Court Record Number 071959
- Claims Relating to the County's Purchase of Certain Guaranteed Investment Contracts

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

DET:det

At 3:34 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:35 p.m.)

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

44. **AUTHORIZATION TO FILE LITIGATION REGARDING THE PURCHASE OF CERTAIN GUARANTEED INVESTMENT CONTRACTS**
(3:35 p.m.)

Supervisor Bulova moved that the Board authorize the filing of litigation as outlined by the County Attorney in closed session to perfect the Board's claims regarding the purchase of certain guaranteed investment contracts. Supervisor McKay seconded the motion and it carried by unanimous vote.

EBE:ebe

AGENDA ITEMS

45. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO AMEND APPLICATION AF 2007-SP-002 (ROBERT S. KEENER AND DEBORAH A. KEENER) (SPRINGFIELD DISTRICT)** (3:36 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

The application property is located at 5917 Doyle Road, Tax Map 66-2 ((1)) 29, 30; 66-2 ((2)) 26.

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural Application AF 2007-SP-002, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Keener Local Agricultural and Forestal District, subject to the Ordinance provisions dated February 6, 2008. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Bulova being out of the room.

46. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO RENEW APPLICATION AR 99-D-002 (LAWRENCE A. KROP) (DRANESVILLE DISTRICT)** (3:38 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

The application property is located at 910 and 920 Utterback Store Road, 843 and 849 Black Hills Road, and 11100 Georgetown Pike, Tax Map 7-3 ((1)) 30Z, 35Z, 38Z, 42Z, and 43Z.

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Foust moved approval of Agricultural Application AR 99-D-002, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Krop Local Agricultural and Forestal District, subject to the Ordinance provisions dated February 13, 2008. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE.”

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-S-072 (T-MOBILE NORTHEAST LLC/NORTHERN VIRGINIA, ELECTRIC COOPERATIVE/SMARTPOLE, INCORPORATED, AND NEW CINGULAR WIRELESS PCS, LLC) (SPRINGFIELD DISTRICT)** (3:41 p.m.)

Supervisor Herrity moved to defer the public hearing on Special Exception Amendment Application SEA 89-S-072 until **March 31, 2008, at 3 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

48. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-SP-036 (SE W. AN) (SPRINGFIELD DISTRICT)** (3:42 p.m.)

The application property is located on the east side of Lee Chapel Road directly opposite of Iron Master Drive, Tax Map 88-1 ((1)) 28.

Mr. Peter Rinek reaffirmed the validity of the affidavit for the record.

Mr. Rinek 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, Shelby Johnson, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Proffered Condition Amendment Application PCA 2004-SP-036, subject to the proffers dated February 8, 2008. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

49. **3:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE LIDO PLACE WALKWAY PROJECT (PROVIDENCE DISTRICT)** (3:48 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

Dianne Barnes, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Supervisor Smyth submitted items for the record.

Following the public hearing, which included testimony by six speakers, Supervisor Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project W00700 (W719), Lido Place Walkway, Fund 307, Pedestrian Walkway Improvements. Supervisor Bulova seconded the motion.

Discussion ensued with input from Michael Guarino, Senior Engineer, Planning and Design Division, DPWES, regarding the impact of the walkway on the existing properties.

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

50. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING FINANCIAL INSTITUTIONS** (4:02 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding financial institutions. This motion was multiply seconded, and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland being out of the room.

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ADVERTISING ON PUBLIC TRANSIT PASSENGER SHELTERS** (4:05 p.m.)

As listed in the agenda, the public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), was deferred until **May 5, 2008, at 4 p.m.**

52. **4 P.M. – PH ON A PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ROADWAY FUNCTIONAL CLASSIFICATION** (4:05 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

Andrew Hushour, Senior Assistant to the Zoning Administrator, Zoning Administration Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding roadway functional classification, as recommended by the Planning Commission. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor

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

53. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE LANDSDOWNE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)** (4:08 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

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

Supervisor McKay submitted items for the record.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Landsdowne CPD, in accordance with current CPD restrictions. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland being out of the room.

54. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), REGARDING ELECTION PRECINCTS** (4:11 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 28 and March 6, 2008.

Judy Flaig, Election Officer, Office of Elections, presented the staff report.

Discussion ensued with input from Jackie C. Harris, General Registrar, Office of Elections, regarding the accuracy of the updated voter information to be sent to voters.

Supervisor Gross submitted items for the record.

Further discussion ensued, with input from Michael Long, Senior Assistant County Attorney, regarding the proposed changes and allowing adequate time to notify voters.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to prepare draft legislation for the Board to consider for inclusion in the Legislative Program that would address allowing local regions to make the decision to extend polling hours during inclement weather. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to:

- Temporarily move the polling place for Glade precinct.
- Move the polling place for Lincolnia precinct.
- Temporarily move the polling place for Marlan precinct.
- Revise the description of Lorton Center precinct to update its polling place addresses.
- Revise the description of Oakton precinct to change the name of its polling place.
- Set the hours and dates of operation for the absentee voting satellites for the November 4, 2008, Presidential Election.

Supervisor Hyland seconded the motion.

Supervisor Hudgins asked to amend the motion to extend the Glade Precinct temporary change through November 4, 2008, and this was accepted.

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

55. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-MV-025-03 (EXXON-MOBIL CORPORATION) (MOUNT VERNON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2006-MV-033 (EXXON-MOBIL CORPORATION) (MOUNT VERNON DISTRICT)
(4:46 p.m.)

The application property is located in the southwest quadrant of the intersection of Lorton Road and Lorton Market Street at 9400 Lorton Market Street, Tax Map 107-4 ((23)) B.

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.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Ms. Strobel and Robin Antonucci, Principal Associate, Wells and Associates, Traffic Engineers, regarding the traffic impact study conducted by the company.

Supervisor Hyland submitted items for the record.

Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Frey being out of the room.

Supervisor Hyland moved **DENIAL** of Proffered Condition Amendment Application PCA 1999-MV-025-03 and Special Exception Application SE 2006-MV-033. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Ms. Lewis, regarding the comprehensive plan review for land use in the County.

The question was called on the motion, and it **CARRIED** by a recorded vote of seven, Supervisor Gross voting "NAY," Supervisor Hudgins and Supervisor Frey being out of the room.

56. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2007-HM-015 (SEKAS HOMES, LTD) (HUNTER MILL DISTRICT) (5:27 p.m.)**

- (O) The application property is located on the west side of Beulah Road approximately 850 feet south of its intersection with Clarks Crossing Road, Tax Map 28-3 ((1)) 28, 29 and 31.

Ms. Kelly Atkinson reaffirmed the validity of the affidavit for the record.

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

Discussion ensued with input from Mr. John P. Sekas, President, Sekas Homes, Limited, regarding the length of time needed to use Liberty Tree Lane Road as alternate parking not to exceed four months.

Supervisor Hudgins submitted items for the record.

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

Supervisor Hudgins moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-HM-015, be amended from the R-1 and R-3 Districts to the R-3 District, subject to the proffers dated March 7, 2008. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay. and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Smyth being out of the room.

Supervisor Hudgins moved:

- Waiver of the Public Facilities Manual requirement for a four-foot sidewalk along Beulah Road in favor of the proposed six-foot wide asphalt trail.
- Modification of the comprehensive plan requirement for an eight-foot wide trail along Beulah Road in favor of the proposed six-foot wide asphalt trail.
- Modification of the location regulations of the Zoning Ordinance to permit an increase in the height of the proposed noise fence to seven-feet in height in the location generally shown on the GDP.

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

57.

4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SU-033 (ENTERPRISE LEASING COMPANY A MARYLAND CORPORATION D/B/A ENTERPRISE/CENTREVILLE SQUARE PROJECT, LP) (SULLY DISTRICT) (no time)

As listed in the agenda, the public hearing on Special Exception Application SE 2007-SU-033 was deferred until **March 31, 2008, at 3:30 p.m.**

58. **4:30 P.M. – PH TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5B, AMENDING PARKING REGULATIONS TO ALLOW LARGE AREA COMMUNITY PARKING DISTRICTS (CPD) (5:45 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

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

Discussion ensued, with input from Pam Pelto, Assistant County Attorney, and Ellen Gallagher, Chief, Capital Projects and Operations Division, Department of Transportation, regarding the establishment of large area CPDs.

Further discussion ensued, with input from Ms. Gallagher, Ms. Pelto, and David P. Bobzien, County Attorney, regarding the consequences of magisterial district boundary changes and redistricting. Mr. Bobzien said that he will report with more information regarding this issue.

Further discussion ensued, with input from Ms. Gallagher, regarding the process for excluding a particular neighborhood within a district from large area CPDs.

Further discussion ensued regarding large area CPDs.

Chairman Connolly and Supervisor Hyland submitted items for the record.

Following the public hearing, which included testimony by six speakers, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5B, amending parking regulations to allow large area CPDs. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

59. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE MOUNT VERNON COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT) (7:01 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 21 and February 28, 2008.

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

Following the public hearing, which included testimony by eight speakers, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Mount Vernon CPD, in accordance with current CPD restrictions. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Ms. Gallagher, regarding the process for establishing a set time for the pilot program and setting up a large area CPD in other districts.

Supervisor Hyland amended his motion to direct staff to report within six months on how this is working in the community, and this was accepted.

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

ADDITIONAL BOARD MATTER

60. **APPOINTMENT TO WATER AUTHORITY BOARD** (7:23 p.m.)

(APPTS)
(BACs) Supervisor Bulova moved the appointment of Ms. Margaret Andino as a Temporary Alternate Braddock District Representative to the Water Authority Board, for the period of time that Paul Andino, who is the current Representative, is recovering from an illness. Supervisor Smyth seconded the motion, which carried by vote of nine, Supervisor Frey being out of the room.

61. **BOARD ADJOURNMENT** (7:24 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-3
Report on General Assembly Activities	3-5
Community Council on Homelessness Annual Report	5
Advisory Social Services Board Annual Report	5-6
Items Presented by the County Executive	
Administrative Items	6-14
Action Items	14-15
Information Items	15
Board Matters	
Chairman Connolly	2, 16-19
Supervisor Bulova	23-25, 41
Supervisor Foust	n/a
Supervisor Frey	26
Supervisor Gross	24-26
Supervisor Herrity	20-21
Supervisor Hudgins	21-22
Supervisor Hyland	20
Supervisor McKay	26-28
Supervisor Smyth	22-23
Actions from Closed Session	31-32
Public Hearings	32-41