



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 20, 2008**

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20-08

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, October 20, 2008, at 9:12 a.m., there were present:

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

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

AGENDA ITEMS1. **RECOGNITION OF FAIRFAX COUNTY** (9:13 a.m.)

The County was recognized for its winning efforts in the national Change a Light campaign encouraging residents to replace one or more incandescent bulbs in their home with Energy Star compact fluorescent light bulbs.

Jennifer Gorter, Engineer III, Facilities Management Department, gave a brief background of the recognition and introduced Mr. Tim Stover from Office Depot, who congratulated the County for winning the 2007 NACO Energy Star Change a Light Challenge and presented the County with 1000 Compact Fluorescent Lamps (CFLs) for collecting the most pledges.

2. **RESOLUTION OF RECOGNITION PRESENTED TO MS. ROBIN RENTSCH** (9:18 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to Ms. Robin Rentsch for her accomplishments to improve the environment in the County. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING NOVEMBER 2008 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (9:27 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate November 2008 as "*American Indian Heritage Month*" in Fairfax County. Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **PROCLAMATION DESIGNATING NOVEMBER 2008 AS "FAMILY CAREGIVERS MONTH" IN FAIRFAX COUNTY** (9:33 a.m.)

Supervisor McKay moved approval of the Proclamation to designate November 2008 as "*Family Caregivers Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Foust and Supervisor Smyth being out of the room.

5. **RESOLUTION OF RECOGNITION PRESENTED TO SAINT JOHN'S COMMUNITY SERVICES** (9:41 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to Saint John's Community Services for its 140th anniversary. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

6. **PROCLAMATION DESIGNATING OCTOBER 25 AS "VOLUNTEERFEST DAY 2008" IN FAIRFAX COUNTY** (9:47 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate October 25 as "*VolunteerFest Day 2008*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE CENTRAL FAIRFAX CHAMBER OF COMMERCE** (9:54 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to the Central Fairfax Chamber of Commerce for its fiftieth anniversary. Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **PROCLAMATION DESIGNATING OCTOBER 19-25, 2008, AS "FRIENDS OF THE LIBRARY WEEK" IN FAIRFAX COUNTY** (10 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate October 19-25, 2008, as "*Friends of the Library Week*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING OCTOBER 2008 AS "LIBRARY FOUNDATION MONTH" IN FAIRFAX COUNTY** (10:17 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 2008 as "*Library Foundation Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Herryty being out of the room.

10. **10 A.M. – PRESENTATION OF THE BARBARA VARON AWARD** (10:29 a.m.)

(BACs) This annual award was established to recognize a Fairfax County resident's dedication to improving the community through volunteer service and to honor the memory of Barbara Varon, former chairman of the Electoral Board. The award's selection criteria states that nominees must reside in the County, demonstrate an appreciation for the diversity of the community's population, exhibit patriotism, show evidence of having a positive effect on the community, and be known for encouraging others to do the same.

Chairman Connolly presented the Barbara Varon Volunteer Award to Mr. Hung Nguyen for his work with minority communities to increase participation in the electoral process and awareness of civic duties.

11. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:36 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

Supervisor Herrity moved the appointment of Mr. Robert Kyle McDaniel as the Springfield District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Engineer/Architect/Planner #2 Representative.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Farmer #1 Representative.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

Chairman Connolly moved the reappointment of Ms. Frieda A. Tatem as the At-Large #1 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

ARCHITECTURAL REVIEW BOARD

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

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

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Hunter Mill and Providence District Representatives.

CHILD CARE ADVISORY COUNCIL

Supervisor Foust moved the reappointment of Ms. Elizabeth M. Knab as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence District Representative.

CITIZENS CORPS COUNCIL

The Board deferred the appointment of the Braddock and Providence District Representatives.

(NOTE: Later in the meeting, the Board appointed the Braddock District Representative. See page 7.)

COMMISSION FOR WOMEN

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

Supervisor Herrity moved the reappointment of Ms. Jeanie Jew as the Springfield District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Mason District, Mount Vernon District, Providence District, and Religious Community Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the At-Large Chairman's Representative.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)**CONFIRMATION:**

Supervisor Gross moved confirmation of the following appointment:

- The Honorable Kimberly J. Daniel as the Juvenile and Domestic Relations Court Representative

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

CONSUMER PROTECTION COMMISSION

Supervisor Hyland moved the reappointment of Mr. Michael J. Roark as the Fairfax County Resident #2 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Dirck A. Hargraves as the Fairfax County Resident #5 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Fairfax County Resident #3 and #8 Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)

Chairman Connolly announced the nomination of Ms. Jane Haycock Woods as the At-Large #2 Representative. The Board will take action on this nomination on November 17.

CITIZENS CORPS COUNCIL

(NOTE: Earlier in the meeting, the Board deferred the appointment of the Braddock District Representative. See page 5.)

Supervisor Bulova moved the appointment of Mr. Robert Miser as the Braddock District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN RIGHTS COMMISSION

Chairman Connolly moved the appointment of Ms. Karen Margensey as the At-Large #9 Representative. The motion was multiply seconded and it carried by unanimous vote.

INDUSTRIAL DEVELOPMENT AUTHORITY

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

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

SMALL BUSINESS COMMISSION

Supervisor Smyth moved the appointment of Mr. Joe Brooks as the Providence District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Mr. Koorosh Cyrus Sobhani as the Dranesville District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

Supervisor Foust moved the reappointment of Ms. Ashley Walde as the Landlord Member #3 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

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

TREE COMMISSION

Chairman Connolly moved the reappointment of Ms. Cheryl A. Robinette as the At-Large Chairman's Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

The Board deferred the appointment of the Providence District Representative.

YOUTH BASKETBALL COUNCIL ADVISORY BOARD

CONFIRMATIONS:

Supervisor Bulova moved confirmation of the following appointments:

- Mr. E. J. Thomas as the Chairman and Vienna Youth Incorporated Representative
- Mr. Tom Moore as the Immediate Past Chairman and Secretary
- Mr. William Ellis as the Commissioner and David R. Pinn Recreation Center Representative
- Mr. Rob Barnard as the Member At-Large and the Springfield Youth Club Representative
- Mr. Fred McCarrick as the Treasurer
- Mr. Ray Cicale as the Boys Deputy Commissioner and the Lee District Basketball Representative
- Dr. Frank DeLatour as the Parliamentarian and Annandale Boys and Girls Club Alternate Representative
- Mr. Dave Vennergrund as the Girls Deputy Commissioner and Southwestern Youth Association Representative
- Ms. Donna Troup as the Scheduler
- Mr. Steve Groff as the Fairfax County Recreation Representative
- Mr. Marvin Elliott as the Alexandria City Recreation Representative

- Mr. George Reid as the Annandale Boys and Girls Club Representative
- Mr. Dave Maher as the Arlington County Recreation Representative
- Ms. Liz Reed as the Arlington County Recreation Alternate Representative
- Mr. Grady Bryant as the Baileys Community Center Representative
- Mr. Darryl Lucas as the Baileys Community Center Alternate Representative
- Mr. Jim Watson as the Braddock Road Youth Club Representative
- Mr. James Bosley as the Braddock Road Youth Club Alternate Representative
- Mr. Gordon Austin as the Burke Basketball Club Representative
- Mr. Dave Baciocco as the Burke Basketball Club Alternate Representative
- Ms. Kate Sciorra as the Chantilly Youth Association Representative
- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative
- Mr. Ned Barnes as the David R. Pinn Recreation Center Alternate Representative
- Mr. Kirk Intermill as the Fairfax Police Youth Club Representative
- Mr. Chris Madison as the Falls Church Parks and Recreation Representative
- Mr. Danny Schlitt as the Falls Church Parks and Recreation Representative

- Mr. Alton Greene as the Fort Belvoir Youth Services Representative
- Mr. Richard L. Herman as the Fort Belvoir Youth Services Alternate Representative
- Ms. Catherine Gorham as the Fort Hunt Athletic Association Representative
- Mr. Dave Skaff as the Gainesville District Basketball Association Representative
- Mr. Benaldo Ormond as the Gainesville District Basketball Association Alternate Representative
- Ms. Jennie Bishof as the Great Falls Athletic Association Representative
- Ms. Brenda Bosch as the Great Falls Athletic Association Alternate Representative
- Mr. Dan Moon as the Gum Springs Community Center Representative
- Mr. Tom Benton as the Herndon Optimist Club Representative
- Mr. Charles Morris as the Herndon Optimist Club Alternate Representative
- Mr. Jimmy Bernardez as the James Lee Community Center Representative
- Mr. Tim Shouman as the Lee District Basketball Alternate Representative
- Mr. William Morris as the Mercer Basketball League Representative
- Mr. Dave Baker as the Mercer Basketball League Alternate Representative

- Mr. Jeff Goettman as the McLean Youth Incorporated Representative
- Mr. Gerry Megas as the McLean Youth Incorporated Alternate Representative
- Ms. Dianne Johnson as the Mount Vernon Youth Association Representative
- Mr. Brian Judd as the Mount Vernon Youth Association Alternate Representative
- Mr. Irvin Greene as the Reston Youth Basketball League Association Representative
- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Chris Spera as the Springfield Youth Club Alternate Representative
- Mr. Mike Mastrota as the Turnpike Basketball Club Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative
- Mr. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

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

AD HOC COMMITTEES

FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES

The Board deferred the appointments of the Lee District #1 and #2 and Providence District #1 Representatives.

ADDITIONAL APPOINTMENTS**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL****CONFIRMATION:**

Supervisor Hudgins moved confirmation of the following appointment:

- Mr. Adam Parnes as the Reston Association #1 Representative

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

AIRPORTS ADVISORY COMMITTEE

Supervisor Hyland moved the appointment of Ms. Sherri D. Jordan as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

DET:det

12. **ADMINISTRATIVE ITEMS** (10:45 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 15 - Authorization to Advertise a Public Hearing on Proposed Amendments to The Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), Regarding Stream Restoration Banks. Discussion ensued concerning the process and monitoring procedures, with input from John Friedman, Director, Code Analysis Division, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES). Following an inquiry as to the availability of a report, Mr. Friedman stated that he would return to the Board with that information.

Supervisor Hudgins inquired as to past experiences and resulting staff concerns, with input from James Patteson, Director, LDS, DPWES, who noted that the County was doubly bonded through both the US Corps of Engineers and the State.

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

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P08-16	AT&T Mobility Antenna colocation on extension of existing monopole/light pole 2900 Sutton Road (Oakton High School) (Providence District)	December 21, 2008
FS-M08-72	Cricket Communications Antenna colocation on existing monopole 6621 Columbia Pike (Mason District Park) (Mason District)	December 21, 2008
FS-Y08-74	Cricket Communications Rooftop antennas 15000 Conference Center Drive (Sully District)	December 21, 2008
FS-V08-57	Cricket Communications Antenna colocation on existing “tree” monopole 8616 Pohick Road (Mount Vernon District)	December 21, 2008
FS-D08-39	T-Mobile Northeast LLC Antenna colocation inside existing steeple 6817 Dean Drive (Dranesville District)	December 25, 2008
2232A-B04-6-1	Sprint-Nextel Communications Add one dish antenna to existing monopole 5035 Sideburn Road (Braddock District)	December 25, 2008

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S08-71	Cricket Communications Antenna colocation on existing tower 4618 West Ox Road (Springfield District)	December 28, 2008
FS-M08-76	Cricket Communications Antenna colocation on existing monopole 3101 Hodge Place (Jefferson Fire Station) (Mason District)	January 3, 2009
FS-P08-77	Cricket Communications Rooftop antennas 2230 George Marshall Drive (Providence District)	January 3, 2009
FS-S08-51	Cricket Communications Antenna colocation on existing monopole 12111 Braddock Road (Mott Community Center) (Springfield District)	January 5, 2009
FS-B08-55	Cricket Communications Antenna colocation on existing monopole 9525 Little River Turnpike (Woodson High School) (Braddock District)	January 5, 2009
FS-Y08-58	Cricket Communications Antenna colocation on existing tower 15717 Lee Highway (Sully District)	January 5, 2009
FS-H08-59	Cricket Communications Antenna colocation on existing monopole 2455 Fox Mill Road (Stratton Woods Park) (Hunter Mill District)	January 5, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-B08-66	Cricket Communications Antenna colocation on existing monopole 7920 Woodruff Court (Braddock District)	January 5, 2009
FS-D08-67	Cricket Communications Antenna colocation on existing monopole 10516 Leesburg Pike (Dransville District)	January 5, 2009
2232-D08-21	Fairfax County Department of Public Works and Environmental Services New 18,700 square-foot fire station to replace existing fire station 9916 Georgetown Pike (Great Falls Volunteer Fire Department Station) (Dransville District)	March 9, 2009

ADMIN 2 – AUTHORIZATION FOR THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR THE PANDEMIC INFLUENZA COMMUNITY PREPAREDNESS GRANT

Authorized the Health Department to apply for and accept funding from VDH in the amount of \$364,740 for the Pandemic Influenza Community Preparedness Grant. Funds will support the Health Department's pandemic influenza preparedness activities by continuing public outreach and training. No local cash match is required.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, MOUNT VERNON, PROVIDENCE, 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>
Marovelli Forest	Mount Vernon	Marovelli Forest Drive Forest Greens Drive

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Marovelli Forest	Mount Vernon	Ox Road (Route 123) Realignment VDOT Project Number 0123-029-F28 C- 501 [Additional Right-of- Way (ROW) only]
All Dulles Area Muslim Society	Dranesville	Sugarland Road (Route 604) (Additional ROW only)

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE COLVIN MEADOWS COMMUNITY PARKING DISTRICT (CPD) (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Colvin Meadows CPD, in accordance with current CPD restrictions.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE HAYFIELD VIEW COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Hayfield View CPD, in accordance with current CPD restrictions.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CEDAR LAKES COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Cedar Lakes CPD, in accordance with current CPD restrictions.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CAROLINE OAKS COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Caroline Oaks CPD, in accordance with current CPD restrictions.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE DANBURY FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Danbury Forest CPD, in accordance with current CPD restrictions.

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 97-P-077, WEST*GROUP PROPERTIES LLC (PROVIDENCE DISTRICT)

- (AT) Approved the request for 14 months of additional time to commence construction for Special Exception Application SE 97-P-077 to June 27, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON, SPRINGFIELD, AND DRANESVILLE DISTRICTS)

- (R)
- Endorsed traffic calming measures for Coventry Road and Burning Branch Road consisting of the following:
 - One speed hump on Coventry Road (Mount Vernon District)
 - Two speed humps on Burning Branch Road (Springfield District)

- Adopted the Resolution authorizing “Watch for Children” signs on the following streets:
 - Timberly Lane and Huntmaster Lane (Dranesville District)
 - Graceway Drive (Mount Vernon District)
 - Blanche Drive (Mount Vernon District)
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2008, at 4 p.m.** to consider the following changes to small and local sanitary districts for refuse, recycling and/or leaf collection service in accordance with the Board of Supervisor’s adopted criteria for the Creation/Enlargement/ Withdrawal of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 Within Mason District (6456 Overlook Drive)	Enlarge 1 Unit	Refuse/ Recycling and Leaf	Approve
Local District 1E Within Small District 1 Within Mount Vernon District (Battery Road Area)	Enlarge 14 Units	Leaf	Approve
Small Transportation District 1 Within Providence District (Hartlee Centre)	De-Create/ Re-Create	Remove from Leaf	Approve
Small Transportation District 1 Within Providence District (Metro Place I and II)	De-Create/ Re-Create	Remove from Leaf	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 1 Within Providence District (Metro Place Association)	De-Create/ Re-Create	Remove from Leaf	Approve

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR PROPOSED AMENDMENTS TO VARIOUS CHAPTERS OF THE CODE OF THE COUNTY OF FAIRFAX, REGARDING REFERENCES TO THE DEPARTMENT OF PUBLIC WORKS, THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, THE BUILDING OFFICIAL, AND THE CONSTRUCTION TRADES ADVISORY BOARD

(A)
(BACs)

Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2008, at 4:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, as follows:

- Proposed amendments to Chapters 2, 4, 30, 46, 61, 63, 67.1, 71, 102, 103, 104, and 117, and Appendix A replace references to the Director of Department of Environmental Management and the Department of Public Works.
- Proposed amendments to Chapters 1, 68.1, and 71 replace references to the Director of the Office of Building Code Services as the Building Official.
- Proposed amendments to Chapters 61, 64, 65, and 66 delete all references to the Construction Trades Advisory Board.

ADMIN 13 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-D-036, WALKER ROAD ASSOCIATES, LLC (DRANESVILLE DISTRICT)

(AT)

Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 00-D-036 to July 8, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 14 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2003-HM-014, PRENTISS ACQUISITION PARTNERS LP (HUNTER MILL DISTRICT)

(AT)

Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 2003-HM-014 to October 20, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), REGARDING STREAM RESTORATION BANKS

(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 **November 17, 2008, at 4:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), regarding stream restoration banks.

ADMIN 16 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09060 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT PROGRAM

(SAR) Approved SAR AS 09060 for the Health Department to accept funding from VDH in the amount of \$278,935 for the PHEP grant program. These funds will support the continuation of the County's public health emergency preparedness and response capacity building by providing training for the Health Department's Incident Management Team, physician summits on the subject of pandemic influenza and emergency exercises for agency staff and partner organizations, and by supporting the purchase of necessary equipment and supplies to expand response capabilities for non-medical dispensing operations. No local cash match is required.

ADMIN 17 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09049 FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FOR THE TARGETED INTERVENTION PREVENTION SERVICES (TIPS) PROGRAM

(SAR) Approved SAR AS 09049 for CRS to accept funding from the US Department of Justice, Office of Justice Programs, in the amount of \$178,870 for the TIPS program from October 1, 2008, through September 29, 2011. No local cash match is required.

13. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SIGN THE MEMORANDUM OF AGREEMENT (MOA) RELATIVE TO CONSTRUCTION OF THE RICHMOND HIGHWAY - TELEGRAPH ROAD CONNECTOR (ALSO KNOWN AS MULLIGAN ROAD) (MOUNT VERNON AND LEE DISTRICTS)** (10:49 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and authorize the County Executive to sign the MOA among the Federal Highway Administration, US Army Garrison, Fort Belvoir, Department of the Army, US Army Corps of Engineers, Humphreys Engineer Center, Virginia State Historic Preservations Officer; Virginia Department of Transportation (VDOT), National Trust for Historic Preservation, Catawba Indian Nation; and the County relative to construction of the Richmond Highway - Telegraph Road Connector (also known as Mulligan Road). Supervisor Hyland seconded the motion.

Supervisor McKay pointed out the revision to number 5 on handwritten page 8 of the Board Agenda Item dated October 20, 2008, which included a pedestrian connection and noted that there was a stipulation that the County would accept the maintenance responsibility for the shared use of the path and sidewalks.

Supervisor Hyland inquired as to the reference to the State being required to maintain the trail and its right-of-way noting that the reference to that requirement as outlined in Attachment D of the Board Agenda Item did not appear to be correct. He further noted that he could not locate written reference to the State's obligation to take over the maintenance of the trail and its right-of-way in the MOA, Attachment C, of the Board Agenda Item.

Following further discussion, with input from Linda Cornish Blank, Historic Preservation Planner, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, Supervisor Hyland inquired as to the cost to the County for its maintenance obligation.

Discussion ensued, with input from Katharine Ichter, Director, Department of Transportation, concerning:

- Returning to the Board with information on maintenance costs.
- An explanation of VDOT's agreement, across-the board, to maintain a sidewalk facility in its own right-of-way which had been built to its standards, which the County had in writing.
- Further clarification of the County's maintenance commitment since Woodlawn Plantation did not provide for the transfer of the land to the State.

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

14. **A-2 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE THE NUTRIENT CREDIT SERVICES AGREEMENT BETWEEN THE VIRGINIA NUTRIENT CREDIT EXCHANGE ASSOCIATION, INCORPORATED, AND THE COUNTY OF FAIRFAX**
(10:54 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize the County Executive to execute the Nutrient Credit Services Agreement to continue the County's membership in the Virginia Credit Exchange Association, Incorporated. Supervisor Foust seconded the motion.

Supervisor Hyland reminded the Board of past significant discussions concerning whether it was advantageous to the County to sell credits and noted that it now appeared that the grant program was conditioned by the State in order to participate. Discussion ensued with input from Jimmie Jenkins, Director, Department of Public Works and Environmental Services (DPWES), concerning the value of the credits and their impact on other jurisdictions which would enable them to delay making critical investments if it was cheaper to buy credits.

Chairman Connolly interjected that he had circulated a letter that he would propose to send, if the Board concurred, to David Paylor, Director, Department of Environmental Quality (DEQ), State of Virginia, respectfully asking the Department to reconsider that policy.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to include sending the letter. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross stated that when the County originally agreed to participate in the credit exchange it was on an exploratory basis and it was her understanding that the County did not anticipate that the State would so quickly revise criteria that would require grant participants to make credits available. Discussion ensued with input from Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES, concerning administrative changes to DEQ's requirements and the cost of both current (about \$8 million) and state-of-the-art (estimated to be \$100 million) upgrades to the Noman M. Cole Pollution Control Plant.

Discussion continued concerning the effect of the change in DEQ's policy on other jurisdictions within the State, with additional input from Mr. Jenkins concerning the State's desire to phase-in the extensive construction that would be necessary to meet the requirements of the Chesapeake Bay program. Mr. Jenkins noted that no jurisdiction would have credits to exchange until they upgraded and met state-of-the-art technology, but several, including the County, had programs underway.

Additional discussion ensued concerning the manner in which the administrative changes were implemented, with input from Mr. Mohsenin who noted that the County was part of the Virginia Association of Municipal Wastewater Agencies (VAMWA) which did raise the issue with DEQ. Mr. Jenkins added that while there had been no formal comment period concerning the administrative changes, the Board's past concerns had been conveyed.

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

15. **A-3 – FAIRFAX CONNECTOR BUS FARE POLICY AND ADJUSTMENT**
(11:07 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Transportation to hold public meetings to receive public comment on adopting the Standing FAIRFAX CONNECTOR Fare Policy and the proposed adjustment of current FAIRFAX CONNECTOR fares as contained in the Board Agenda Item dated October 22, 2008.

16. **A-4 – APPROVAL OF AGREEMENTS BETWEEN THE POLICE DEPARTMENT AND THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) TASK FORCE**
(11:07 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and authorize the Chief of Police to sign agreements between the Police Department and the DEA HIDTA Task Force. Supervisor Bulova and Supervisor Gross jointly seconded the motion.

Chairman Connolly asked Robert Ross, Assistant County Attorney, to comment on the agreements. Mr. Ross introduced Captain Ronald Lance, Organized Crime Division, Police Department, who explained the history of the amendment to the Agreements.

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

17. **A-5 – AUTHORIZATION OF THE COUNTY EXECUTIVE TO IMPLEMENT FURLOUGHS** (11:08 a.m.)

Supervisor Gross moved that the Board authorize the County Executive to implement a furlough of the County workforce on January 2, 2009, but that he must bring before the Board for consideration any additional furlough dates. Supervisor Bulova seconded the motion.

Supervisor Hudgins inquired as to whether the estimated cost savings of \$1.752 million included a facility cost. Anthony H. Griffin, County Executive, informed the Board that facility cost savings were nominal in comparison to personnel savings. She noted that that differed from past discussions in conjunction with holiday schedules.

Supervisor Hyland inquired as to the scope of employees impacted by the furlough and its impact on retirement benefits referenced in a draft handout entitled "Fairfax Furlough FAQs" from the County Executive, with additional input from Mr. Griffin.

Supervisor Smyth inquired as to what options, other than a furlough, including not having certain holidays, were also considered, with further input from Mr. Griffin who noted that the same kind of savings would not be achieved.

Supervisor Herrity stated he had a Board Matter, copies of which were distributed around the dais, and that he intended to submit as a substitute motion. Following a summarization of his Board Matter, Supervisor Herrity moved the following substitute motion:

- Defer action on the furlough until the November 17 Board meeting.
- Amend the Lines of Business (LOB) review schedule and devote the November 14 session to reducing and service cuts that could be made in the near future to impact the Fiscal Year (FY) 2009 Budget.
- Direct the County Executive to prepare a list of potential service reductions based on input from Board Members, agency heads, LOB reviews, and citizen and employee feedback for presentation at that meeting.

Supervisor Frey seconded the motion.

There was a brief inquiry to Edward L. Long, Chief Financial Officer, concerning the agenda for the November 14 meeting.

Supervisor Bulova inquired as to the time frame for completing the review of LOBs and the completion date of community dialogues with input from Susan W. Datta, Director, Department of Management and Budget.

Following an inquiry from Supervisor Herrity as to whether the Board could defer action on the furlough until the meeting on November 17, there was additional input from Mr. Griffin.

Discussion continued concerning the authorization of the withdrawal of approximately \$25 million from the rainy day fund to which Mr. Griffin responded that that would be presented to the Board for action as part of the Third Quarter Review.

Chairman Connolly noted that the Board had received an extensive inquiry from the Employees Advisory Council (EAC) regarding the legality of the action proposed by the County Executive and requested input from David P. Bobzien, County Attorney, who cited that among the County's powers under *The Virginia Code*, was the ability "to establish, alter, amend, or repeal at will any provision adopted pursuant to *The Virginia Code*."

Following comments concerning additional interim savings as well as the fiduciary effect of a furlough on employees, Supervisor Hudgins asked unanimous consent that the Board direct staff to analyze the revenue savings at the low and high end of the pay spectrum. Without objection, it was so ordered.

Discussion ensued concerning the selection of the January 2 furlough date and Mr. Griffin noted that he had been very conservative in his revenue estimates.

Supervisor McKay asked the Board to consider asking the School Board to identify those employees in the school system that were considered "non-essential" for possible inclusion in any future furloughs as well as ask the County Executive to identify those LOBs that could be accelerated.

Following a query from Supervisor Herry regarding service cuts, Mr. Griffin stated that he would be recommending service reductions for FY 2010. Supervisor Herry stated that the situation in the County was severe enough that prioritization needed to begin now and that it was difficult to do so without a formal public process.

Chairman Connolly stated that there was a perception that the Board often exempted itself in tough times and noted that the County Executive's recommendations included the Board. He added that he had a Board Matter that he would be presenting later, jointly with a number of Board Members that extended that even further.

Discussion continued concerning deferring or reconsidering the furlough with continued input from Mr. Griffin, as well as the possible need to develop additional public processes to further involve citizens in LOB reviews.

Following a question from Supervisor Frey, Mr. Griffin confirmed that the salaries of Board Members would be reduced by the same percentage as County employees.

Supervisor Gross submitted to staff a list of cost-cutting recommendations she had received from the EAC and asked unanimous consent that it also be included in the record. Without objection it was so ordered.

The question was called on the substitute motion which the Chairman restated as follows:

- Defer this item until the November 17 Board meeting for further consideration.
- Direct the County Executive to provide the Board with an additional list of possible cuts with input from the LOB process, the Board, staff, the public and others for the Board's consideration at the LOB presentation on November 14.

The substitute motion **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting "AYE."

The question was then called on the main motion, as amended, which Supervisor McKay asked to amend as follows:

- Provide the County Executive further latitude to take advantage of the LOB review data and suggest any additional cuts he finds appropriate.
- In advance of the November 17 meeting with the school system, request that it provide a list and relative savings should it have to undertake a furlough of its non-essential employees.

This was accepted.

Supervisor Gross asked to further amend the motion to correct the date of the meeting with the school system to November 14 and this was accepted.

The question was called on the main motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting "NAY."

(NOTE: Later in the meeting, Chairman Connolly presented a Board Matter pertaining to the furlough. See Clerk's Summary Item #28.)

18. **C-1 – 2008 VIRGINIA ASSOCIATION OF COUNTIES' (VACo) ANNUAL MEETING** (12:05 p.m.)

The Board next considered an item contained in the Board Agenda dated October 20, 2008, requesting Board designation of a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held at the Homestead, Bath County, Virginia, on November 11, 2008.

Supervisor Hyland asked unanimous consent that the Board designate Chairman Connolly as the Voting Delegate. 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 prepare a list of Board Members attending the meeting and that they be designated the Alternate Voting Delegates with Supervisor Hyland heading the list. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

19. **I-1 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE I-66 SOLID WASTE TRANSFER STATION WORKERS’ FACILITY (SPRINGFIELD DISTRICT)** (12:06 p.m.)

The Board next considered an item contained in the Board Agenda dated October 20, 2008, requesting authorization to award a contract to Ritter Architects, PLLC in the amount of \$101,211 for preliminary architectural and engineering services for the I-66 Workers Facility, Project 174007, in Special Revenue Fund 110, Refuse Disposal.

Supervisor Herrity asked unanimous consent that the Board defer consideration of this item until the next meeting to allow staff from the Department of Public Works and Environmental Services to brief him on the project. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

20. **I-2 – CONTRACT AWARD – ALBAN MAINTENANCE FACILITY RENOVATION PROJECT (LEE DISTRICT)** (12:07 p.m.)

The Board next considered an item contained in the Board Agenda dated October 20, 2008, requesting authorization to award a contract to Sumter Contracting Corporation in the amount of \$751,000 for the Alban Maintenance Facility Renovation, Project Number DVSAMF/MISC, in Fund 503, Department of Vehicle Services.

The staff was directed administratively to proceed as proposed.

21. **I-3 – CONTRACT AWARD – POPLAR SPRING COURT STREAM RESTORATION (SPRINGFIELD DISTRICT)** (12:07 p.m.)

The Board next considered an item contained in the Board Agenda dated October 20, 2008, requesting authorization to award a contract to HGS, LLC dba Angler Environmental, in the amount of \$188,730.99 for the construction of the

Poplar Spring Court Stream Restoration, Project PC8000-PC004, Pohick Creek Watershed Projects, in Fund 318, Stormwater Management Program.

The staff was directed administratively to proceed as proposed.

22. **I-4 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON STRAWBRIDGE SQUARE APARTMENTS (MASON DISTRICT)** (12:07 p.m.)

The Board next considered an item contained in the Board Agenda dated October 20, 2008, requesting authorization for the County Executive to sign a letter of support for Strawbridge Square Apartments and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

23. **I-5 – QUARTERLY STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:08 p.m.)

The Board next considered an item contained in the Board Agenda dated October 20, 2008, regarding the quarterly status report on the Board's second four-year Transportation program.

Supervisor Gross stated that handwritten page 21 of the Board Agenda Item included an item about a pedestrian bridge across Route 50 which was 70 percent complete. The superstructure was to have been installed in August but the bridge span and steel truss have cracks and as a result, while the Virginia Department of Transportation (VDOT) has had discussions about how this would be fixed, the problem had not been resolved.

Following additional discussion, Katharine Ichter, Director, Department of Transportation, stated that this was contractual problem between VDOT and the manufacturer and that the Department would work with VDOT to get an expeditious timeline.

NV:nv

ADDITIONAL BOARD MATTERS

24. **UPDATE ON RECENT BOND SALE ON WALL STREET** (12:11 p.m.)

Chairman Connolly reported that despite the market crash seen in recent weeks, the County was able to sell a Fairfax County Redevelopment and Housing Authority bond anticipation note (BAN) on October 1 to refinance a 2007 BAN worth \$105.485 million to Banc of America Securities LLC, the investment banking subsidiary of Bank of America, at an interest rate of 2.594 percent.

Chairman Connolly noted that the credit markets continue to experience unprecedented difficulty through lack of capital available for loans. The County was successful in the midst of this very hostile environment. This BAN sale represents one of the largest municipal bond sales in the US in the last few weeks. Not only was the County successful in selling the BAN, the County actually received a lower interest rate of 2.594 percent than the previous BAN which was 3.318 percent.

Chairman Connolly said that the County was fortunate that staff did not have to use the Line of Credit as authorized by the Board. The Board's quick action in making it available as a back stop is part of the strong financial management exhibited by the Board which is a key component of the triple-AAA bond rating.

This sale is a clear vote of confidence in the financial health of the County from the marketplace. The Board and staff will continue to act in a fiscally responsible manner to protect the County's triple-AAA bond rating, which has saved more than \$360 million during the past 33 years.

Chairman Connolly congratulated staff for their efforts.

25. **BICYCLE HELMETS GRANT** (12:13 p.m.)

Chairman Connolly said that the Virginia Department of Transportation is giving grants worth up to \$1,000 for distributing bicycle helmets to low income children. These grants are part of the Bike Smart Virginia program. Since bicycle helmets can reduce the risk of traumatic brain injury in children by 88 percent, distributing these helmets in the County could help keep children in the community safe. Applying for this grant would complement the ordinance passed by the Board which mandates that children under 14 years of age wear a helmet.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct staff to work with Fairfax Advocates for Better Bicycling to apply for this grant and distribute helmets to low income children in the County, ideally through bike rodeos or other public outreach events, hosted in the Board's respective districts. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

26. **FILIPINO-AMERICAN HISTORY MONTH** (12:14 p.m.)

Chairman Connolly said it is time for the Filipino American History Month. He noted that Filipino-Americans make up an important part of the fabric of the County. He also said that the County is fortunate to have the Filipino American National Historical Society of Northern Virginia, which is compiling histories of local Filipino-American residents.

Accordingly, Chairman Connolly asked unanimous consent that the Board proclaim October as “*Filipino-American History Month*” in Fairfax County and direct the Office of Public Affairs to publicize this proclamation. Without objection, it was so ordered.

27. **PEDESTRIAN SAFETY DAY** (12:14 p.m.)

Chairman Connolly said that over the past six years, the County has worked jointly with other local jurisdictions to increase the public’s awareness of the issue of pedestrian safety, emphasizing the “Three E’s” of pedestrian safety: enforcement, education and engineering. The Board has provided for improved pedestrian safety efforts in the County over the past several years, including the following:

- Funding for the regional “Street Smart” pedestrian safety awareness campaign.
- Approving additional installations of “Yield to Pedestrian - \$100 to \$500 Fine” signs, now totaling nearly 400 locations throughout the County.
- Adding new staff positions for non-motorized transportation programs of a Bus Stop Coordinator and Bicycle Program Coordinator to better implement County goals, in addition to the County’s existing Pedestrian Program Manager position.
- Approving changes in the Public Facilities Manual which will require sidewalks on both sides of roadways in most new developments.
- Providing for increased police enforcement in high-pedestrian crash areas such as Richmond Highway, Lee Highway, and Arlington Boulevard.
- Implementing the recommendations from the Pedestrian Task Force’s Final Report such as identifying \$48 million toward the \$60 million over 10 years funding goal and directing staff in emphasizing pedestrian safety as a County priority in all areas of County business.

Chairman Connolly noted that as the days grow shorter and daylight savings time ends in November, it is most appropriate at this time of year to raise awareness of pedestrian safety to both drivers and pedestrians. Additionally, Halloween, October 31, is the most dangerous day of the year for child pedestrians, as children are four times more likely to be killed while walking on Halloween than any other night of the year. The County has averaged between 10 and 20

pedestrian deaths per year, though in 2008 to date, there have been 2 pedestrian fatalities. Sustained success requires a continued commitment to ongoing efforts to improve pedestrian safety. All County drivers, cyclists, and pedestrians need to work together to prevent future pedestrian and bicycle injuries and fatalities, making the streets safer for all who use them.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim October 31, 2008, as "*Pedestrian Safety Day*" and the month of November 2008 as "*Pedestrian Safety Month*" in Fairfax County and urge the community and all residents to observe this day and month by embracing this major public safety awareness challenge. He further asked to direct staff to publicize these observances on Cable Channel 16. Without objection, it was so ordered.

28. **ADJUSTMENTS TO BOARD MEMBERS' BUDGETS** (12:15 p.m.)

(NOTE: Earlier in the meeting, the Board approved an employee furlough for January 2, 2009. See Clerk's Summary Item #17.)

In a joint Board Matter with Supervisor Bulova, Supervisor Gross, and Supervisor Hudgins, Chairman Connolly said that given the financial difficulties affecting all state and municipal governments, as well as the national budget, the Board needs to ensure that it is taking appropriate actions, including the management of its own offices. In the Fiscal Year (FY) 2008 Carryover package adopted just a month ago, a chart that was included showed that Board Members, as a whole, returned a significant sum of money to the General Fund, \$500,000.

Therefore, jointly with Supervisor Bulova, Supervisor Gross, and Supervisor Hudgins, Chairman Connolly moved that the Board authorize the County Executive to reduce Board Members' remaining office budgets for FY 2009 by seven percent, effective November 1, 2008. Such an action is in line with budget adjustments already mandated by the County Executive and acknowledges the crisis facing the County, as well as other communities in the region, for the current fiscal year. Supervisor Hyland seconded the motion.

Following discussion regarding a goal to achieve even greater savings, the impending furlough, and monthly reports, with input from Anthony H. Griffin, County Executive, Supervisor Gross asked unanimous consent that the Board direct staff to provide an updated monthly statement of the Board's current office expenses. Without objection, it was so ordered.

Following further discussion regarding expenditure reductions and savings, the implementation of the furlough, and the effect on constituent services, Supervisor Hyland asked to amend the motion to defer action until November 17. Supervisor Foust seconded this amendment.

Following discussion regarding the actual dollar figure, the question was called on the amendment to the motion, which **FAILED** by a recorded vote of eight, Supervisor Foust and Supervisor Hyland voting “**AYE.**”

Following further discussion regarding the dollar figure (approximately \$30,000 for each office), with input from Mr. Griffin, the question was called on the main motion, which carried by unanimous vote.

29. **BOARD MEMBERS’ LOG OF ARRIVALS** (12:44 p.m.)

Chairman Connolly asked Board Members to sign the Board meeting Log of Arrivals form themselves rather than delegating this task to staff. This list is used for the presentation order of Board Matters.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

30. **CONSOLIDATION OF SERVICES** (12:45 p.m.)

Supervisor Herrity said that in both 1992 and 1996 there were internal reviews to look at consolidating County and School services. As a result of these reviews the County and Schools have successfully combined several services and provided efficiencies to the benefit of the taxpayer. For example, combining the County and School health insurance programs saved County taxpayers a significant amount of money. He also noted that he was aware that the County Executive and the School System are coordinating the new financial and payroll systems to provide efficiencies and cost saving.

Supervisor Herrity stated his belief that there are more areas where School and County services can be consolidated to gain efficiencies. He said that consolidations do not always result in efficiencies and that consolidation is not the best answer in all cases. He cited two areas that should be reviewed: school security and attorney (legal) services. The Schools outsource much of their legal work. The County currently provides legal services to the Park Authority and the Redevelopment and Housing Authority.

Supervisor Herrity said that as the Board looks to close the \$500 million shortfall for Fiscal Year (FY) 2010, it should not be passing up the opportunity to take an in depth look at the potential efficiencies that could be gained by consolidation between the County government and the School Division. In many cases, including the planned financial and payroll system, consolidation will not provide benefit until after FY 2010. He said that it is important to begin a thorough review of the potential efficiencies as soon as possible.

Because the consolidation of services typically provokes protectionism on both sides of the consolidation, Supervisor Herrity suggested the hiring of an outside consultant to examine potential areas for consolidation based on best practices

and the efficiencies that result. The consultant should also look for County services that could be more efficiently performed by the schools.

Accordingly, Supervisor Herrity moved that the Board direct the County Executive to hire a consultant to conduct a thorough examination of both the County government and the School System and to make recommendations on areas where consolidation would create efficiencies and save tax dollars. The review should look at best practices and for areas where either the School System or the County would be the most efficient provider of the service. He further moved that the review should not be limited to savings that can occur in FY 2010, but include a long term view. Supervisor Frey seconded the motion.

Discussion ensued regarding consultants, internal staff reviews, and School Board involvement.

Supervisor Foust stated that he had planned to present an alternate Board Matter, jointly with Chairman Connolly, that he would offer as a substitute at this time. He said that through the Lines of Business Review (LOB) budget process, County departments and agencies are identifying significant potential cost savings, primarily by proposing to reduce or eliminate programs and services that many County residents need and depend on. Given the current financial crisis, he said that this is not a time for business as usual. Many of the services that have been identified by staff cannot be funded at current levels next year and the information coming out of the LOB process is very helpful as we evaluate potential spending reductions. However, in addition to looking at program and service cuts, the County should also be creative in looking at whether there are administrative cost savings that could be realized without adversely impacting the programs and services provided.

During this Board's discussion of the LOB presentations, several Board Members have noted that the LOB process is an effective tool in evaluating the potential cost savings from cutting services, but it is not providing the Board with the information it needs to determine whether there are administrative costs that could be reduced without directly impacting services to County residents. At a minimum, Supervisor Foust said that the County should be looking at opportunities to reduce administrative costs in at least the following areas:

- Consolidating similar programs that are currently offered in two or more departments into a single department.
- Providing administrative services such as public information officers and budget analysts in a single department rather than each agency and department having these positions.
- Centralizing administrative functions like accounts payable, human resources, and information technology in a single department.

- Consolidating agencies and departments to eliminate management and to achieve cost efficiencies.

Supervisor Foust recognized that the County is consistently recognized as one of the nation's best managed counties, and he stated his belief that the County is very well managed. However, he also believes that all possible administrative cost savings should be considered before determining how deep the service cuts will have to be.

Supervisor Foust said that the LOB process is providing a very helpful analysis on a department by department basis of savings that could be realized from service cuts. However, determining administrative cost savings that might be available can only be done on an inter-departmental basis and that is not part of the LOB process.

Therefore, Supervisor Foust, jointly with Chairman Connolly, moved a substitute motion that the Board direct staff to evaluate and report to the Board on the following:

- What administrative positions and/or functions could be reduced, eliminated, or consolidated.
- What savings would be achieved by these administrative changes.
- What impact would these administrative changes have on the programs and services that are provided to County residents.

Chairman Connolly clarified that included in the substitute motion is the possible consolidation of services with the Schools.

Supervisor Bulova seconded the motion.

Discussion ensued regarding the motion, with input from Anthony H. Griffin, County Executive.

Supervisor Foust clarified that the motion was in regard to Fiscal Year 2010.

Following further discussion of the motion, Supervisor Herrity withdrew the main motion, and the substitute motion became the main motion.

Supervisor Herrity asked to amend the motion (Supervisor Foust's) to expand the review beyond administrative services to include a review of County agencies and services that cross all departments (such as motor pool, printing, and transportation), and this was accepted.

Following further discussion of the motion and the inclusion of line staff on any resulting committee work, Supervisor Hudgins asked unanimous consent that the Board direct staff to provide the results of the last consolidation exercise as to what was accomplished and what was left on the table. Following input from Mr. Griffin, without objection, it was so ordered.

Mr. Griffin stated that he would also forward to the Board a comprehensive list of everything on which staff is presently working collaboratively.

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

31. **PROPOSAL FOR ENHANCED TRANSPARENCY OF GOVERNMENT OPERATIONS** (1:08 p.m.)

Supervisor Herrity said that there is a growing national interest in making the operations of state and local governments more transparent to citizens and businesses alike so that all can see and understand what governments are doing. On January 28, Supervisor Herrity said that he introduced and the Board approved such a motion to create an online budget and expenditure database that will give County taxpayers a simple and easy way to examine how their tax dollars are being spent. Officials from states and local governments across the country have acted likewise — since the beginning of 2007 at least 15 different States and numerous localities have enacted some sort of budget transparency website.

Supervisor Herrity said that the initial response from County staff to his January 28 Board Matter was that the current antiquated financial system is not capable of providing the information on budget and expenditures in a cost effective manner. After further investigation, Supervisor Herrity found that what is possible in a cost effective manner is putting the check register with the basic cost, department, expense category, vendor, date, and description, online. He added that the County should provide such access to the expenditures of government by putting its check register online, but *Virginia Code* § 58.1-3131 strictly limits access to the information on all checks and payments authorized by local governments. For that reason, the Board cannot make that information available without securing a State legislative change. Also, if payment information is to be made available, then there is the question of how much information should be made available to the public. He expressed the opinion that information on citizen tax refunds should be presented in the aggregate only. That *may* involve the consideration of other State laws and various administrative implementation issues.

Therefore, Supervisor Herrity asked unanimous consent that the Board pursue legislation to amend *Virginia Code* § 58.1-3131 and other State laws to relax the present restrictions on the release of payment information so that the County may provide its check register online.

Chairman Connolly clarified this request as a request for referral to the Board's Legislative Committee to pursue legislation to enact this. Without objection, the request, as clarified, was so ordered.

32. **PARKING ALONG ACCESS ROAD ALONG LEE HIGHWAY AT VILLAGE DRIVE (SPRINGFIELD DISTRICT)** (1:10 p.m.)

Supervisor Herrity said that over the past several years, the Springfield District office has received many complaints about the long-time storage of vehicles on the access road that runs parallel to Lee Highway (Route 29) at Village Drive in Fairfax. Though this area is zoned commercial, it is the entrance to a large residential community, Leehigh Village/Birchtree. Recently, the complaints have been expanded to include numerous landscaping trucks and trailers that are being stored overnight by a business not based in any of the commercial buildings at the location.

Therefore, Supervisor Herrity moved that the Board direct the Department of Transportation (DOT) to take the steps necessary to have signs installed restricting overnight parking on the entire length of the Lee Highway access road at Village Drive, from 7 p.m. to 7 a.m.

Following input from David P. Bobzien, County Attorney, and Katharine Ichter, Director, DOT, regarding the authority for this action, Supervisor McKay seconded the motion, which carried by unanimous vote.

33. **BURKE VOLUNTEER FIRE STATION OPEN HOUSE (SPRINGFIELD DISTRICT)** (1:11 p.m.)

Supervisor Herrity commended Burke Volunteer Fire Station for winning Best Open House for the fourth straight year for its battalion.

34. **BROOKE NYREN (HUNTER MILL DISTRICT)** (1:12 p.m.)

Supervisor Hudgins said that on December 28, 2004, when Brooke Nyren was eight years old, she lost her father, Staff Sergeant Nathaniel Nyren, when he was killed while on patrol in Baghdad. Staff Sergeant Nyren was a resident of Reston and a graduate of the South Lakes High School class of 1991.

Supervisor Hudgins said that in 2005, Brooke became involved with Tragedy Assistance Program for Survivors (TAPS), an organization that provides a support network for the surviving families of those who have died in service to America. She decided to run in the Marine Corp Kids Healthy Fun Run, which takes place each year in connection with the Marine Corp Marathon. When she learned that the adults raised money for soldiers during their run, she wondered why she couldn't raise money during her run. She decided to do just that and donate the money to TAPS, the program that helps her and, in her own words, "helps many families of fallen heroes." This will be her fourth year running the race in honor

of her father and she has become a pied piper in the race, each year adding more and more friends, providing both inspiration and comfort.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a certificate for presentation at a community event on November 25 to recognize Miss Nyren for her compassion, dedication, and service to military families. Supervisor McKay seconded the motion, which carried by a vote of seven, Supervisor Gross, Supervisor Herrity, and Chairman Connolly being out of the room.

35. **140TH ANNIVERSARY OF THE OAK GROVE BAPTIST CHURCH (HUNTER MILL DISTRICT)** (1:13 p.m.)

With reference to her written Board Matter on the subject, Supervisor Hudgins said that it is a request for a proclamation to recognize Oak Grove Baptist Church and commemorate its 140 years of service, worship, and outreach. It was established in the County, but the new church is now located just over the line in Sterling. It served the citizens of the County for part of its long history.

Supervisor Hudgins moved that the Board direct staff to prepare a certificate for delivery at the anniversary celebration to recognize the long history and many contributions of Oak Grove Baptist Church. Vice-Chairman Bulova seconded the motion, which carried by a vote of seven, Supervisor Gross, Supervisor Herrity, and Chairman Connolly being out of the room.

36. **RESTON COMMUNITY CENTER ANNUAL PREFERENCE POLL ELECTION FOR ITS BOARD OF GOVERNORS (HUNTER MILL DISTRICT)** (1:14 p.m.)

(APPTS)
(BACs)

Supervisor Hudgins said that on October 18, the Reston Community Center held its annual preference poll election for its Board of Governors. The following individuals were elected to serve three year terms on the Reston Community Center Board of Governors:

- Mr. John Gasson
- Mr. William Penniman
- Ms. Cathy Vivona

Therefore, Supervisor Hudgins moved that the Board appoint the above individuals to serve on the Reston Community Center's Board of Governors so that they can be seated at the next Board of Governor's meeting. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Herrity and Chairman Connolly being out of the room.

37. **METROBUS PUBLIC HEARING (SULLY DISTRICT)** (1:15 p.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to publicize the Metrobus public hearing that will be held November 18 at 7 p.m. at the Chantilly High School Lecture Hall located on Stringfellow Road. The purpose for the public hearing is the recommendation for transferring Metrobus lines 12A, 20S, and 2W to the Connector service. The proposed move would be effective July 1, 2009. Without objection, it was so ordered.

A brief discussion ensued regarding the routes and the date of the hearing.

38. **UTILIZING NON-PROFITS TO PRESERVE ESSENTIAL SERVICES** (1:17 p.m.)

In a joint Board Matter with Chairman Connolly, Supervisor Foust said that through the Lines of Business (LOB) budget process, County departments and agencies are identifying significant potential cost savings. Many of those proposed cost savings would require the County to cut or eliminate programs and services that many County residents need and depend on. Given the current financial crisis, this is not business as usual, and many of the services that have been identified by staff and possibly others, cannot be funded next year. The fact that the County may not be able to afford to provide these services at crept costs does not eliminate the need for those services. In fact, it is very likely that as the economy deteriorates many service needs will actually increase.

Supervisor Foust asserted that the County should be creative in looking for opportunities to mitigate the adverse impact of the inevitable cuts to the County's budget. In that regard, the County should determine whether the nonprofit community could provide some of the services that will be eliminated or reduced by the County at a cost that is less than what it currently costs the County to provide them. This could provide a budget savings while preserving certain services.

Supervisor Foust said that it appears that in many cases, services similar to those that may be cut by the County are already being provided by the non-profit community and that it might be possible for the non-profit community to expand to provide others. He noted that "there is no free lunch" and the non-profit community could not provide these services without additional County funding. Therefore, the issue is whether with some increased County funding to the non-profits could the non-profits provide essential services that otherwise will not be provided at all due to necessary cuts to the County budget.

In presenting the proposed cuts, the staff has prepared lists of specific programs and services that the County would no longer provide if the proposed cuts are accepted. Based on the data submitted by staff, the Board knows what the projected savings are if those cuts are made. What needs to be determined is the cost to the County to have the non-profits provide those services if they are no longer provided directly by the County.

Therefore, jointly with Chairman Connolly, Supervisor Foust moved that the Board direct staff to work with the non-profit community to determine which proposed service cuts might be outsourced to the non-profit community and estimates of the level of savings such outsourcing might achieve. Supervisor Hyland seconded the motion.

Discussion ensued regarding funding for nonprofits and the Community Funding Pool, with input from Anthony H. Griffin, County Executive.

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

39. **MASON DISTRICT TOWN MEETING OCTOBER 22** (1:28 p.m.)

Supervisor Gross announced that the Mason District's fall town meeting will be held Wednesday, October 22, from 7 to 9 p.m. in the George Mason Regional Library. It will feature a discussion with the Budget Committee Chairman and the Director of the Department of Management and Budget on the Lines of Business (LOBs) process and the forecast for the coming year.

40. **RECOGNITION BY THE COUNTY IN 2011 OF THE TWO HUNDREDTH ANNIVERSARY OF PRESIDENT ABRAHAM LINCOLN'S BIRTH** (1:29 p.m.)

Supervisor Gross said that the Baileys Crossroads Revitalization Corporation (BCRC), which is the area revitalization group for Baileys Crossroads in Mason District, has set about organizing a major, national scale reenactment, in the year 2011, of a premier event in the County's history, the Grand Review of the Union Army, which occurred along Leesburg Pike in November 1861. She stated that approximately 70,000 troops took part. The event also provoked a young woman named Julia Ward Howe, who witnessed the Grand Review, to return to her lodgings at the Willard Hotel and write the memorable song, "The Battle Hymn of the Republic." One of the aims of this effort is to remind citizens of the County that they live in a very historic place, which deserves recognition in school classrooms and along public avenues.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive to work with staff to develop a County Sesquicentennial observance in 2011 of the birth of Abraham Lincoln, and the 150th anniversary of the beginning of the War Between the States, or Civil War, to include events and

commemorations of the many important events and activities which took place within the boundaries of the County. Without objection, it was so ordered.

There was a brief discussion regarding the historical event.

PMH:pmh

41. **ABSENTEE VOTING** (1:31 p.m.)

Supervisor McKay said that the day before in-person absentee voting began at the Franconia Governmental Center satellite facility, one of his staff members received an evening phone call from a constituent asking if the recent County budget cuts were the reason that the absentee voting hours had been cut back. The constituent also expressed concern that the County web site did not reflect the changed hours.

A quick check of the two County signs posted on the front door of the Franconia Governmental Center the next morning showed that the hours of absentee voting had been changed from 1-8 p.m. to 4-8 p.m.

Supervisor McKay said that correct absentee in-person voting information is posted on the large message board at the entrance to the building.

Supervisor McKay asked unanimous consent that the Board direct the:

- Office of Elections to monitor all satellite sites very closely and ensure that election chiefs at these locations check signs daily.
- Office of Public Affairs issue a press release that reiterates the days and hours of in-person absentee voting and sends a strong message to the community that the Board of Supervisors will never allow democracy to be limited by budget constraints.

Without objection, it was so ordered.

Chairman Connolly noted that the additional voting machines had been purchased and would be in place for the November 4 election.

42. **SOUND WALLS (LEE DISTRICT)** (1:33 p.m.)

Supervisor McKay expressed concern regarding the status of the sound walls along the Outer Loop of 495 along the Burgundy Village community properties in association with Woodrow Wilson Bridge Telegraph Road Interchange Project.

Supervisor McKay noted that the new sound walls are scheduled to be erected starting mid-to-late November and will take about three months to finish. The original schedule called for most of the work to be done by the end of this year

but due to the heavy rains in September this part of the project is a month to six weeks behind schedule. Some of the homes in the community have no buffer between them and the Beltway and are now enduring total exposure to construction.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Chairman to draft a letter to the Virginia Department of Transportation (VDOT) requesting that VDOT investigate any and all ways to expedite the installation of the new sound walls and report to the County with a response. 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 the Chairman with a draft letter. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

43. **INDUCTION OF FORMER LEE DISTRICT SUPERVISOR JOE ALEXANDER INTO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION (APTA) HALL OF FAME** (1:35 p.m.)

Jointly with Supervisor Hudgins, Supervisor McKay announced that Joe Alexander, former Lee District Supervisor and longtime Metro board member, was inducted into the APTA hall of fame on October 7 at the organization's annual meeting in San Diego.

Supervisor McKay referred to his written Board Matter and outlined Mr. Alexander's accomplishments and asked unanimous consent that the Board direct staff to invite Mr. Alexander to appear before the Board at a future board meeting for formal recognition of his service and that a proclamation be prepared. Without objection, it was ordered.

44. **IMPROVING PEDESTRIAN ACCESS TO BELTWAY RAMPS** (1:35 p.m.)

Supervisor Bulova said that according to the proposed designs, the new bridges over the Beltway to support the High Occupancy Toll (HOT) lanes will include expanded pedestrian and bicycle paths. The current two-foot-wide sidewalks will be replaced by five to ten-foot-wide sidewalks. This expanded walking space will certainly make the areas on these new bridges more pedestrian friendly, but it leaves a challenge to pedestrian travel unaddressed - connectivity to existing County trails and sidewalks. To allow pedestrians and cyclists to take full advantage of these new pathways, there needs to be easier and safer connectivity to trails and sidewalks around these bridges.

Therefore, Supervisor Bulova moved that the Board direct the Department of Transportation to make improving connectivity between existing County trails

and the new pedestrian paths on the bridges over the HOT lanes a priority and look for funding from new and existing sources to support this goal. Supervisor Smyth seconded the motion and it carried by unanimous vote.

45. **INTENT TO DEFER PUBLIC HEARINGS (PROVIDENCE DISTRICT)**
(1:37 p.m.)

Supervisor Smyth announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Rezoning Application RZ 2006-PR-013 and Special Exception Application SE 2006-PR-005.

46. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (1:37 p.m.)

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

47. **REQUEST TO WAIVE THE FILING FEE FOR THE AMERICAN HORTICULTURAL SOCIETY (AHS) (MOUNT VERNON DISTRICT)**
(1:38 p.m.)

Supervisor Hyland said that the AHS, a 501 (c) (3) organization, owns the historic property of River Farm on the Potomac River. This organization's mission is to open the eyes of all Americans to the vital connection between people and plants, to inspire all Americans to become responsible caretakers of the Earth, to celebrate America's diversity through the art and science of horticulture and to lead this effort by sharing the Society's unique national resources with all Americans.

Supervisor Hyland said that the AHS plans to file a special exception amendment application to continue the present use of the facility. The previous application, approved by the Board, expired. Given its non-profit status, the executive director asks that the Board waive the associated fees, which the Board has previously done. The County Attorney indicated that this action was permissible.

Therefore, Supervisor Hyland moved a waiver of the filing fee for the AHS's special exception amendment application and all other subsequent fees relating to permits and reviews of this particular project. This motion should not be construed as a favorable recommendation on this application, nor does this motion relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or standards. Supervisor McKay seconded the motion and it carried by unanimous vote.

48. **INTENT TO DEFER A PUBLIC HEARING (SULLY DISTRICT)**
(1:39 p.m.)

Supervisor Frey announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Spot Blight Abatement Ordinance for 13430 Lee Highway.

(NOTE: Later in the meeting, this public hearing was withdrawn. See Clerk's Summary Item #72.)

49. **RECESS/CLOSED SESSION** (1:39 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. *BearingPoint, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0015670 (Fx. Co. Cir. Ct.) (Providence and Lee Districts)
 2. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
 3. *County of Fairfax, Virginia, on Behalf of Richard J. Curro v. Robert W. Barfield, Jr.*, Case No. CL-2008-0004639 (Fx. Co. Cir. Ct.)
 4. *John Alexander v. Kelvin Catron*, Case No. CL-2008-0007057 (Fx. Co. Cir. Ct.)

5. *Eugenia B. White v. Fairfax County Government*, Case No. 1:07cv696 (E.D. Va.)
6. *Jameela Taraky, by GEICO, Subrogee v. Vito Luangkhot*, Case No. 08-0026689 (Fx. Co. Gen. Dist. Ct.)
7. *In re Grievance of Yuri A. Cole*, Case No. 0808 (Fx. Co. Civ. Serv. Comm'n)
8. *In re Grievance of Juan A. Rodriguez*, Case No. 0809 (Fx. Co. Civil Serv. Comm'n)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2006-0000793 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Zelaya*, Case No. CL-2008-0007334 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward Martinez Miranda*, Case No. CL-2008-0008037 (Fx. Co. Cir. Ct.) (Lee District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara Lynn Mulhall and Lawrence E. Mulhall*, Case No. CL-2008-0008941 (Fx. Co. Cir. Ct.) (Providence District)
13. *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)

14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph L. Williams*, Case No. CL-2007-0012566 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carl W. Gaston and Virginia D. Gaston*, Case No. CL-2007-0006523 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova*, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta, a/k/a Maria D'Angeles Argueta*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne S. Kreiser*, Case No. CL-2008-0001585 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Calderon, Celestina Calderon, and Milton Calderon*, Case No. CL-2008-0006783 (Fx. Co. Cir. Ct.) (Providence District)

22. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Aradhana L. Luthra, Trustee, and Virinder Luthra, Trustee*, Case No. CL-2007-0013061 (Fx. Co. Cir. Ct.) (Dranesville District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Dang and Lily Dang*, Case No. CL-2008-0007390 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz*, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)
25. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hester E. Marshall*, Case No. CL-2008-0005399 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William F. Flores*, Case No. CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Garcia, Rosa Garcia, and Virgilio Martinez*, Case No. CL-2008-0008359 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aleida O. Torres*, Case No. CL-2008-0010049 (Fx. Co. Cir. Ct.) (Braddock District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Efrain Abreu Jurado*, Case No. CL-2008-0009341 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Corinne B. Boals*, Case No. CL-2008-0011677 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus Livia Castillo Ullauri and Neri K. Solis*, Case No. CL-2008-0011678 (Fx. Co. Cir. Ct.) (Providence District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel C. Miranda and Irma Dalila Miranda*, Case No. CL-2008-0011751 (Fx. Co. Cir. Ct.) (Mason District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald L. Bonaddio and Sharon L. Bonaddio*, Case No. CL-2008-0012058 (Fx. Co. Cir. Ct.) (Dranesville District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Barnes and Dale A. Barnes*, Case No. CL-2008-0012057 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Federal, Inc.*, Case No. CL-2008-0012444 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rose Mary King*, Case No. CL-2008-0012699 (Fx. Co. Cir. Ct.) (Mason District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael D. Colton*, Case No. CL-2008-0012867 (Fx. Co. Cir. Ct.) (Mount Vernon District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elias Serrano and Teresa Serrano*, Case No. CL-2008-0012889 (Fx. Co. Cir. Ct.) (Mount Vernon District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Freddie Tesalona and Eva Tesalona*, Case No. CL-2008-0012993 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emma Portillo and Juan Pablo Guzman*, Case No. CL-2008-0013109 (Fx. Co. Cir. Ct.) (Sully District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Boyd Strother*, Case No. 08-0026798 (Fx. Co. Gen. Dist. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 08-0024757 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. 08-0026797 (Fx. Co. Gen. Dist. Ct.) (Providence District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sortiris P. Ioannou*, Case No. 08-0027339 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. 08-0027439 (Fx. Co. Gen. Dist. Ct.) (Providence District)

48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ephriam J. Present and Shirley M Present*, Case No. 08-0027984 (Fx. Co. Gen. Dist. Ct.) (Lee District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter Paul Mitrano*, Case No. 08-0029359 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fatima Saine*, Case No. 08-0019343 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- Operation and Management Services-Public Transportation Bus System BID NUMBER: RFPO9-99721 3-10
- Rezoning Application RZ 2007-PR-01, Haistead Mixed Use Development

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

DMS:dms

At 3:14 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTION FROM CLOSED SESSION

50. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:14 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."

AGENDA ITEMS

51. **3 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), INCLUDING THOSE PERTAINING TO TAXICAB RATES, TAXICAB FUEL EFFICIENCY, AND OTHER REGULATORY REQUIREMENTS** (3:15 p.m.)

- (O) (NOTE: On September 22, 2008, the Board held a public hearing on this item and deferred decision until October 20, 2008.)

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), including those pertaining to taxicab rates, taxicab fuel efficiency, and other regulatory requirements. Supervisor Gross seconded the motion.

Discussion ensued, with input from Steve Sinclair, Chief, Utilities Branch, Department of Cable Communications and Consumer Protection (DCCCP), regarding the:

- Consensus process.
- Differences in fuel efficiency and rate proposal.
- Duration and expiration of the fuel surcharges.
- Application of a fuel surcharge in addition to the taxicab rates.

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

52. **3 P.M. - PH ON REZONING APPLICATION RZ 2006-PR-013 (WASHINGTON PROPERTY COMPANY, LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2006-PR-005 (WASHINGTON PROPERTY COMPANY, LLC) (PROVIDENCE DISTRICT) (3:22 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2006-PR-013 and Special Exception Application SE 2006-PR-005 until **November 17, 2008, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

53. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-001 (JAI HOTELS, LLC) (SULLY DISTRICT)** (3:22 p.m.)

The application property is located at 14530 Lee Road, Tax Map 34-3 ((1)) 22.

Ms. Elizabeth A. McKeeby reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed that Ms. McKeeby worked in her office a number of years ago.

Ms. McKeeby 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, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2008-SU-001, subject to the development conditions dated October 20, 2008.
- Waiver of Section 9-512 of the Zoning Ordinance to allow the development as currently proposed.

Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

54. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-DR-018 (WILLIAM P. SLOAN) (DRANESVILLE DISTRICT)** (3:28 p.m.)

The application property is located at 1942 Virginia Avenue, Tax Map 41-1 ((9)) 1A.

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

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

Discussion ensued, with input from Ms. Kelsey, regarding the applicant's acceptance to the proposed development conditions.

Discussion ensued, with input from Cathy Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, regarding lot 1B.

Following the public hearing, Ms. Lewis presented the staff and Planning Commission recommendations.

Supervisor Foust submitted items for the record.

Supervisor Foust moved approval of Special Exception Application SE 2007-DR-018, subject to the development conditions dated August 27, 2008. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

55. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L-127-03 (NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INCORPORATED/FRANCONIA VOLUNTEER FIRE DEPARTMENT INCORPORATED) (LEE DISTRICT)** (3:39 p.m.)

The application property is located at 6304 Beulah Street, Tax Map 81-3 ((5)) 20 and 20A.

Mr. Edward L. Donohue reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McKay moved:

- Approval of Special Exception Amendment Application SEA 80-L-127-03, subject to the development conditions dated August 26, 2008.
- Waiver of the transitional screening requirements along the northern and eastern property lines.
- Waiver of the barrier requirement along the eastern property line.

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

(NOTE: On July 31, 2008, the Planning Commission approved Public Facilities Application 2232-L07-02, Nextel Communications and Franconia Volunteer Fire Department, for the installation of a 107-foot tall tree monopole on the site of the

Franconia Volunteer Fire Department at 6304 Beulah Street. The Commission determined that the application satisfied the criteria of location, character and extent, as set forth in Section 15.2-2232 of the *Code of Virginia* and was in substantial accordance with the provisions of the Comprehensive Plan.)

56. **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 83-S-007-03 (MARY E. HAMPSHIRE, VICTORIA ANNA HAMPSHIRE, GIFFORD RAY HAMPSHIRE) (SPRINGFIELD DISTRICT)** (3:46 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 October 2 and October 9, 2008.

The application property is located at 6301 and 6295 Newman Road, Tax Map 76-1 ((1)) 1Z and 26Z.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural and Forestal District Renewal Application AR 83-S-007-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Hampshire Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 10, 2008. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Hyland, Supervisor McKay, and Chairman Connolly being out of the room.

57. **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 83-S-008-03 (CAROL C. MATTUSCH AND RICHARD S. MASON) (SPRINGFIELD DISTRICT)** (3:50 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 October 2 and October 9, 2008.

The application property is located at 12301 Fairfax Station Road, Tax Map 76-3 ((1)) 4Z and 24Z.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural and Forestal District Renewal Application 83-S-008-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Popes Head Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 10, 2008. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Chairman Connolly being out of the room.

58. **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 83-D-006-03 (CAJOLL COMPANY AND JOHN W. HANES III TRUST) (DRANESVILLE DISTRICT) (3:53 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 October 2 and October 9, 2008.

The application property is located at 9809 Arnon Chapel Road, Tax Map 8-3 ((1)) 45Z, 47, 50Z and 51Z.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Foust moved approval of Agricultural and Forestal District Renewal Application AR 83-D-006-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Cajoll Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 10, 2008. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Chairman Connolly being out of the room.

59. **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 91-D-008-02 (HELEN R. HILL TRUST) (DRANESVILLE DISTRICT)** (3:56 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 October 2 and October 9, 2008.

The application property is located at 10500 Leesburg Pike, Tax Map 12-4 ((1)) 46Z.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Foust submitted items for the record.

Supervisor Foust moved approval of Agricultural and Forestal District Renewal Application AR 91-D-008-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Hills Plant Nursery Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 10, 2008. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Hudgins, Supervisor Hyland, and Chairman Connolly being out of the room.

60. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-M-038 (PAOLOZZI INVESTMENTS, INCORPORATED) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-019 (PAOLOZZI INVESTMENTS, INCORPORATED) (MASON DISTRICT)
(4 p.m.)

Supervisor Gross moved to defer the public hearing on Proffered Condition Amendment Application PCA 92-M-038 and Special Exception Application SE 2008-MA-019 until **November 17, 2008, at 3:30 p.m.** Vice-Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Chairman Connolly being out of the room.

61. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-LE-013
(CHEVY CHASE BANK, F.S.B.) (LEE DISTRICT)** (4:01 p.m.)

The application property is located at 5511 and 5515 Franconia Road, Tax Map 81-4 ((4)) 6 and 7.

Mr. Robert F. Flinn reaffirmed the validity of the affidavit for the record.

Mr. Flinn 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, Kellie Mae Goodard-Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Special Exception Application SE 2008-LE-013, subject to the development conditions dated October 16, 2008.
- Modification of the transitional screening requirements along the southern property line to that shown on the SE Plat.
- Waiver of the barrier requirements on Gum Street.
- Waiver of the loading space requirement.
- Modification of the trail requirement along Franconia Road to permit a five-foot wide concrete sidewalk.

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

62. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SP-014
(LITTLE ACORN PATCH, LIMITED) (SPRINGFIELD DISTRICT)**
(4:09 p.m.)

The application property is located at 6226 Rolling Road, Tax Map 79-3 ((4)) 42 and 43.

Mr. Arif H. Hodzic reaffirmed the validity of the affidavit for the record.

Mr. Hodzic 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, Chris Demanche, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2008-SP-014, subject to the development conditions dated August 28, 2008.
- Modification of the barrier requirement in favor of the existing barriers onsite.

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

63. **4 P.M. - PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX RELATED TO THE CONSERVATION OF TREES DURING THE LAND DEVELOPMENT PROCESS** (4:14 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 October 2 and October 9, 2008.

Michael Knapp, Urban Forester, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued, with input from Mr. Knapp and James W. Patteson, Director, LDS, DPWES, regarding the:

- Onsite tree canopies.
- Enforcement and the ability to enforce tree easements.
- Necessity of State legislation and the transferring of the title of the land.

Vice-Chairman Bulova relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to:

- Track the problems with tree easement enforcement starting in January 2009.
- Refer this item to the Legislative Committee.

- Possibly include the results from the tracking in the Board's legislative program.

Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Vice-Chairman Bulova. Discussion ensued, with input from Mr. Patteson, regarding the:

- Location of the land easement in the land records.
- Utility easements.
- Role of tree easements in the transfer of properties.

Following the public hearing, which included testimony by six speakers, Supervisor Gross moved:

- Adoption of the proposed amendments to the PFM and the Code of the County of Fairfax, including the new Chapter 122 (Tree Conservation Ordinance) as well as the revisions to Chapter 101 (Subdivision Ordinance), Chapter 104 (Erosion and Sedimentation Control), Chapter 112 (Zoning Ordinance), and Chapter 120 (Tree Conservation Ordinance to be renamed), as set forth in the staff report, and including the staff recommended changes to Sections 12-0701.4 and 12-0506.2C of the PFM, as set forth in the handout dated September 24, 2008, and contained in the Board Agenda Item dated October 20, 2008.
- That the effective date and time of the proposed amendments shall be 12:01 a.m. on January 1, 2009, and that the following shall be grandfathered:
 - Proffered conditions, approved development plans, special exception plats, and special permit plats approved prior to 12:01 a.m. January 1, 2009.
 - Site plans, public improvement plans, grading plans, and subdivision plans (excluding preliminary plats), which are submitted prior to 12:01 a.m. on January 1, 2009, provided that any such plan obtains final approval no later than close of business on July 1, 2009.

Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Herrity and Chairman Connolly being out of the room.

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64. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-SU-028 (PENSKE AUTOMOTIVE GROUP, INCORPORATED) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2004-SU-027 (PENSKE AUTOMOTIVE GROUP, INCORPORATED) (SULLY DISTRICT) (4:53 p.m.)

The application property is located in the southwest quadrant of the intersection of Stonecroft Boulevard and Stonecroft Center Court, Tax Map 33-4 ((1)) 3B.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

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

- Rosenthal Companies, which is not a party to this application

Ms. Mariska 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 testimony of Ms. Abby Denham (Speaker One), discussion ensued regarding an easement.

Following the public hearing, which included testimony by two speakers, Ms. Mariska presented rebuttal.

William O'Donnell, 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 2004-SU-028, subject to the proffers dated October 14, 2008. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Herrity and Chairman Connolly being out of the room.

Supervisor Frey further moved:

- Approval of Special Exception Amendment Application SEA 2004-SU-027, subject to the development conditions dated October 20, 2008.
- Modification of the peripheral parking lot landscaping requirements in favor of the landscaping shown on the GDP/SEA Plat.

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

65. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A (RESIDENTIAL PERMIT PARKING DISTRICTS) (RPPD), TO CONSIDER AMENDING PARKING REGULATIONS** (5:16 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 October 2 and October 9, 2008.

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

Following the public hearing, which included testimony by five speakers, Vice-Chairman Bulova read an item for the record and then relinquished the Chair to Acting-Chairman Hyland and moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), amending Section 82-5A, RPPDs, to allow public colleges and universities to be included in the criteria to establish an RPPD, and to exclude vehicles with temporary tags and non-motorized vehicles from parking in RPPDs. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Frey, Supervisor Herrity, and Chairman Connolly being out of the room.

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

66. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE SPRINGDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 33 (MASON DISTRICT)** (5:37 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 2 and October 9, 2008.

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

Following the public hearing, which included testimony by two speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Springdale RPPD, District 33. The proposed District expansion includes Courtland Drive (Route 7556) from Hoffmans Lane (Route 7555) to the end, excluding the reverse frontage of commercially zoned 61-2((01)) parcel 117. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Herrity and Chairman Connolly being out of the room.

67. **4:30 P.M. – PH FOR THE CONTINUED LEASING OF COUNTY-OWNED PROPERTY TO THE CHANTILLY YOUTH ASSOCIATION (SULLY DISTRICT)** (5:45 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 October 2 and October 9, 2008.

Marguerite Verville Guarino, Assistant Director, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved that the Board authorize staff to execute a new lease agreement substantially for the continued leasing of County-owned property at 12504 Bennett Road, previously the Navy Vale Fire Station [Tax Map Number 35-4 ((1)) 37A], to Chantilly Youth Association. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Herrity and Chairman Connolly being out of the room.

ADDITIONAL BOARD MATTER

68. **ABSENCE OF SPRINGFIELD DISTRICT SUPERVISOR HERRITY**
(5:50 p.m.)

Vice-Chairman Bulova announced that Supervisor Herrity was absent from the afternoon portion of the meeting because he was attending the funeral of the mother of the Springfield District School Board Member. Therefore, Supervisor Frey would be handling the public hearing cases for the Springfield District.

AGENDA ITEMS

69. **5 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9534 BURNING BRANCH ROAD (SPRINGFIELD DISTRICT)** (5:50 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 October 2 and October 9, 2008.

Christina Sadar, Spot Blight Abatement Coordinator, Department of Housing and Community Development, presented the staff report.

Discussion ensued, with input from Ms. Sadar, regarding a building permit for the property which has expired.

Following the testimony of Mr. William Holden (Speaker Three), discussion ensued regarding whether the County has the authority to force a homeowner, who has a building permit, to do repairs and/or improvements within a reasonable time period.

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct the County Executive to provide information and a status report so that this issue can be brought before the General Assembly. Without objection, it was so ordered.

Supervisor Gross noted that the General Assembly needs to take action and give more authority to the County.

Vice-Chairman Bulova asked the Clerk to ensure that the County Executive receives the request to put this item on the Board's agenda.

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

Following the testimony of Ms. Nina Fiore (Speaker Four), discussion ensued, with input from David P. Bobzien, County Attorney, who noted that he will report with information regarding the length of duration of a building permit and the steps that have to be taken.

Following the public hearing, which included testimony by six speakers, discussion ensued, with input from Ms. Sadar, regarding adoption of the Spot Blight Abatement Ordinance.

Supervisor Frey, on behalf of Supervisor Herrity, moved:

- Adoption of the Ordinance declaring 9534 Burning Branch Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 9534 Burning Branch Road.

Supervisor Smyth seconded the motion and discussion ensued regarding the time period between adoption and implementation of the Spot Blight Abatement Ordinance.

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

70. **5 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5397 SUMMIT DRIVE (SPRINGFIELD DISTRICT)** (6:22 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 October 2 and October 9, 2008.

Christina Sadar, Spot Blight Abatement Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by four speakers, discussion ensued, with input from Ms. Sadar, regarding concerns raised by the homeowner and his timeline for completion of repairs, the time period between adoption and implementation of the Spot Blight Abatement Ordinance, and the percentage of homes that have been demolished by the County versus the number of homes that have been rehabilitated.

Supervisor Frey, on behalf of Supervisor Herrity, moved:

- Adoption of the Ordinance declaring 5397 Summit Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 5397 Summit Drive.

- That the Board direct staff to work with the property owner to resolve the situation.

Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Herrity, Supervisor Hyland, Supervisor McKay, and Chairman Connolly being out of the room.

71. **5 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5399 SUMMIT DRIVE (SPRINGFIELD DISTRICT)** (6:42 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 October 2 and October 9, 2008.

Christina Sadar, Spot Blight Abatement Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey, on behalf of Supervisor Herrity, moved:

- Adoption of the Ordinance declaring 5399 Summit Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 5399 Summit Drive.

Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Gross, Supervisor Herrity, Supervisor McKay, and Chairman Connolly being out of the room.

72. **5:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 13430 LEE HIGHWAY (SULLY DISTRICT)** (6:48 p.m.)

Supervisor Frey asked unanimous consent that the Board withdraw the Spot Blight Abatement Ordinance for 13430 Lee Highway as the conditions have been removed. Without objection, it was so ordered.

73. **5 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7131 ALGER ROAD (MASON DISTRICT)** (6:50 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 October 2 and October 9, 2008.

Christina Sadar, Spot Blight Abatement Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved:

- Adoption of the Ordinance declaring 7131 Alger Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7131 Alger Road.

Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Gross, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Frey, Supervisor Herry, Supervisor Hudgins, and Chairman Connolly being out of the room.

74. **5 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6834 BEULAH STREET (LEE DISTRICT)** (6:55 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 October 2 and October 9, 2008.

Christina Sadar, Spot Blight Abatement Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by two speakers, discussion ensued, with input from the Reverend Edward Young, Laurel Grove Baptist Church (Speaker One), regarding whether the existing foundation can be used in the rebuilding process.

Further discussion ensued, with input from Ms. Sadar, regarding the rebuilding process.

Supervisor McKay noted that the property is not located in Springfield, Virginia, 22150, as listed in the Board Agenda Item dated October 20, 2008, but is located in Alexandria, Virginia, 22310.

Supervisor McKay moved:

- Adoption of the Ordinance declaring 6834 Beulah Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6834 Beulah Street.

- To amend the time period for abatement from 30 days to **90** days to allow the church adequate time to evaluate the foundation and determine whether it should remain on the site.

Supervisor Hyland seconded the motion, as amended, and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Foust, Supervisor Herrity, and Chairman Connolly being out of the room.

75. **5:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 13430 LEE HIGHWAY (SULLY DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, this public hearing was withdrawn. See Clerk’s Summary Item #72.)

76. **5:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5505 CLIFTON ROAD (SPRINGFIELD DISTRICT)** (7:10 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 October 2 and October 9, 2008.

Christina Sadar, Spot Blight Abatement Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued regarding the assessed value of the property.

Supervisor Frey, on behalf of Supervisor Herrity, moved:

- Adoption of the Ordinance declaring 5505 Clifton Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 5505 Clifton Road.

Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Foust, Supervisor Herrity, Supervisor McKay, and Chairman Connolly being out of the room.

Supervisor Frey informed the owner that there are Tax Abatement Programs and that she should contact the Department of Tax Administration to see if she meets the criteria.

77. **5:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CARE AND CONTROL)** (7:19 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 October 2 and October 9, 2008.

Michael Lucas, Director, Animal Control, Police Department, 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 41.1 (Animal Care and Control), as recommended by staff. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and discussion ensued regarding the fee differential for animals spayed or neutered versus those that are not.

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

78. **5:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-P-045 (AIRCELL, LLC) (PROVIDENCE DISTRICT)** (7:23 p.m.)

The application property is located at 1753 Pinnacle Drive, Tax Map 29-4 ((1)) 2.

Mr. Edward L. Donohue reaffirmed the validity of the affidavit for the record.

Mr. Donohue 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, Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Special Exception Amendment Application SEA 95-P-045, subject to the development conditions dated October 1, 2008. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Herrity and Chairman Connolly being out of the room.

(NOTE: On October 16, 2008, the Planning Commission approved Public Facilities Application 2232-P-0753-1, finding that it satisfied the criteria of location, character, and extent as specified in Section 15.2-2232 of the *Code of Virginia*.)

79. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2008-DR-006 (VISIONONLINE, INCORPORATED) (DRANESVILLE DISTRICT)**
(7:28 p.m.)

- (O) The application property is located in the southeast quadrant of the intersection of Jordan Lane and Seneca Road, Tax Map 6-4 ((12)) 8.

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.

Discussion ensued, with input from Mr. Martin, regarding which homeowners association will assume responsibility for the maintenance of the cemetery.

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 Foust moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-DR-006, be amended from the R-1 District to the C-8 and R-1 Districts, subject to the proffers dated September 19, 2008. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Herrity and Chairman Connolly being out of the room.

80. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2008-PR-011 (THE MITRE CORPORATION) (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-05 (THE MITRE CORPORATION) (PROVIDENCE DISTRICT) (7:32 p.m.)

- (O) (NOTE: On September 22, 2008, the Board deferred the public hearing on this item until October 20, 2008.)

The application property is located at the south terminus of Colshire Drive, south of Dolley Madison Boulevard and west of Anderson Road, Tax Map 30-3 ((28)) 3A1 and 4A3.

Mr. Antonio J. Calabrese reaffirmed the validity of the affidavit for the record.

Mr. Calabrese 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 Mr. Calabrese and Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding the proffers.

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

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-PR-011, from the C-3 and HC Districts to the C-3 and HC Districts, and approval of Proffered Condition Amendment Application PCA 92-P-001-05, subject to the proffers dated October 2, 2008.
- Modification of the transitional screening yard requirements and the barrier requirements along the southern boundary, as shown on the proffered Generalized Development Plan.
- Modification of the number of loading spaces, pursuant to the provisions of Section 11-201.
- Reaffirmation of the previously-approved reduction in the minimum yard requirement for Mitre 3, pursuant to the provisions of Section 2-418.

Supervisor Foust seconded the motion.

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

81. **6 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-696-07 (DULLES DEVELOPMENT, LLC) (HUNTER MILL DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-HM-018 (DULLES DEVELOPMENT, LLC) (HUNTER MILL DISTRICT)
(7:49 p.m.)

(NOTE: On September 22, 2008, the Board deferred the public hearing on this item until October 20, 2008.)

The application property is located south of Sunrise Valley Drive on both sides of Dulles Station Boulevard and Sayward Boulevard at 2320, 2323, 2330 and 2333 Dulles Station Boulevard, Tax Map 15-4 ((5)) 2A, 2B, 3A, 5A, 7A1, 7A2 and 8A; 16-1 ((25)) 1A, 1B and 6A.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker 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, William O'Donnell, 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 C-696-07, and the associated Conceptual Development Plan Amendment, subject to the proffers dated August 26, 2008.
- Special Exception Application SE 2008-HM-018, subject to the development conditions dated September 3, 2008.
- Reaffirmation of the following previously-approved waivers and modifications:
 - Modification of the loading space requirement in favor of the loading spaces shown on the CDPA/FDPA.

- Modification of the transitional screening yard and barrier requirements along a portion of the southern boundary of the site where it abuts the existing multifamily development in favor of the landscaping shown on the CDPA/FDPA.
- Waiver of the 600 foot maximum length for a private street.
- Modification of the construction materials for sidewalks, per Section 8-0100 of the Public Facilities Manual (PFM).
- Modification of the construction materials for trail requirements, per Section 8-0200 of the PFM.
- Modification of the use limitation for the PDC District to permit the gross floor area of residential uses (secondary use) to exceed 50 percent of the principal uses to allow residential uses up to 81 percent of the principal uses.

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

82. **6 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:58 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 October 2 and October 9, 2008.

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

The public hearing was held and there were no speakers.

83. **BOARD ADJOURNMENT** (7:58 p.m.)

The Board adjourned.

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