



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 22, 2008**

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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, September 22, 2008, at 9:43 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.

BOARD MATTER1. **MOMENT OF SILENCE** (9:43 a.m.)

Chairman Connolly asked everyone to keep in thoughts the family of Ms. Sally B. Ormsby, who died recently. Ms. Ormsby was an unbelievable citizen activist, from Federation, to League of Women Voters, to transportation planning, to land use, to the green breakfast, to tending the gardens in her neighborhood. Ms. Ormsby was a pioneer when it came to building the community. Supervisor Gross also noted that Ms. Ormsby was an elected official who served on the Northern Virginia Soil and Water Conservation District Board.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING OCTOBER 5–11, 2008, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (9:46 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate October 5–11, 2008, as "*Fire Prevention Week*" in Fairfax County. Supervisor Bulova and Supervisor Gross jointly seconded the motion.

Supervisor Hyland noted that he has a Board Matter, which he will present later in the meeting at the appropriate time, regarding the efforts of the Fire Department in responding to a hotel fire in the Mount Vernon District.

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

Chairman Connolly congratulated Daryl Louder, Assistant Fire Chief, on his recent marriage.

(NOTE: Later in the meeting, Supervisor Hyland presented his Board Matter. See Clerk's Summary Item #75.)

3. **PROCLAMATION DESIGNATING OCTOBER 2008 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate October 2008 as "*Domestic Violence Awareness Month*" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Michele Jones, founder and president of Time to Fly Foundation, announced that there is a collaborative calendar of events for the month of October on the website at http://www.fairfaxcounty.gov/dsm/dviolence/dvam_calendar_2008.htm. She encouraged individuals to view the site and come out and show support.

4. **PROCLAMATION DESIGNATING OCTOBER 5–11, 2008, AS "MENTAL ILLNESS AWARENESS WEEK" IN FAIRFAX COUNTY** (10:08 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 5 - 11, 2008, as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

5. **PROCLAMATION DESIGNATING OCTOBER 2008 AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY** (10:16 a.m.)

Supervisor Foust moved approval of the Proclamation to designate October as "*Disability Employment Awareness Month*" in Fairfax County. Supervisor Bulova seconded the motion.

Supervisor Bulova noted that later in the meeting the Board will consider changes to the Comprehensive Plan which acknowledges and promotes universal housing so that individuals with disabilities are able to live fully within the community.

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

(NOTE: Later in the meeting, the Board took action regarding the Comprehensive Plan. See Clerk's Summary Item #45.)

6. **RESOLUTION OF RECOGNITION PRESENTED TO BISHOP FLOYD B. BROWN, JR.** (10:28 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Bishop Floyd B. Brown, Jr. for his 50th anniversary with the Church of the Blessed Trinity. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

7. **PROCLAMATION DESIGNATING OCTOBER 2008 AS "AFRICAN AMERICAN ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:36 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2008 as "*African American Adoption Awareness Month*" in Fairfax County. Supervisor Bulova, Supervisor Foust, and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

8. **10 A.M. – TRANSFORMING TYSONS: VISION AND AREA WIDE RECOMMENDATIONS** (10:47 a.m.)

(BACs) Chairman Connolly acknowledged all of the members who served on the Tysons Land Use Task Force.

M. L. Clark Tyler, Chairman, Tysons Land Use Task Force, presented the report on Transforming Tysons: Vision and Area Wide Recommendations.

Mr. Tyler outlined a summary of the Task Force recommendations as follows:

- People-Focused Urban Setting
- Redesigning the Transportation Network with a Strong Focus on Transit
- Placing a Strong Focus on the Environment
- Creating an Authority for Implementation that Provides the Flexibility, Accountability, and Resources Necessary to Achieve the Vision

Discussion ensued regarding the report.

Chairman Connolly stated that he had items for the record.

Supervisor Smyth moved that the Board accept the report and refer it to the Planning Commission and planning staff for the development of detailed Comprehensive Plan text. This Plan text should be guided by the area wide recommendations and Plan text elements and/or specifications developed by the Tysons Task Force, the population and employment forecasts for Tysons developed by George Mason University's Center for Regional Analysis; and the transportation and other public facility impact studies that are underway. She stated that the very important next steps in the development of a new plan for Tysons should be done in coordination with the Task Force and its Draft Review Subcommittee and should be accomplished expeditiously and in a manner that continues the open public process as provided by the Tysons Land Use Task Force and the Board of Supervisors. Supervisor Hudgins seconded the motion.

Discussion ensued regarding the report.

Supervisor Hyland, noting that he had to leave the meeting, asked unanimous consent to be recorded as voting "AYE" when the question was called on the motion. Without objection, it was so ordered.

Further discussion ensued regarding the report.

Supervisor Herrity asked to amend the motion to direct staff to review the economic impact, in addition to the transportation and other public facility impact studies that are underway. This was accepted.

Following additional discussion regarding the report, the question was called on the motion, as amended, and it carried by unanimous vote.

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9. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (1:02 p.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

Chairman Connolly moved the reappointment of Mr. Marcus B. Simon as the At-Large Chairman's Representative. Supervisor Hudgins seconded the motion, which carried by vote of nine, Supervisor Hyland being out of the room.

Supervisor Frey moved the reappointment of Mr. Sosthenes Klu as the Sully District Representative. This motion was multiply seconded, and it carried by a vote of nine, Supervisor Hyland being out of the room.

The Board deferred the appointment of the Springfield District Representative.

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)

CONFIRMATIONS:

Supervisor Hudgins moved confirmation of the following appointments:

- Mr. James F. Davis as the Fairfax Bar Association Representative

- Mr. Dylan Gallagher as the Commonwealth Attorney's Representative
- Mr. James D. Miller as the Fairfax-Falls Church Community Services Board Alternate Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

ARCHITECTURAL REVIEW BOARD

Chairman Connolly moved the reappointment of Mr. Peter A. Juanpere as the Related Professional Group #5 Representative. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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

ATHLETIC COUNCIL

Supervisor Herrity moved the reappointment of Mr. William J. Stephens as the At-Large Women's Principal Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Smyth moved the reappointment of Mr. Clarke Gray as the Providence District Alternate Representative. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

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

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Supervisor McKay moved the appointment of Mr. Steve Sherman as the At-Large #1 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Hudgins moved the appointment of Ms. Kathy M. Hannon as the At-Large #2 Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Chairman Connolly and Supervisor Herrity jointly moved the reappointment of Mr. Peter F. Murphy as the At-Large #4 Representative. This motion was multiply seconded, and it carried by a vote of nine, Supervisor Hyland being out of the room.

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 Bulova moved the reappointment of Ms. Janet M. Reimer as the Braddock District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Hudgins moved the reappointment of Ms. Bernice A. Mayfield as the Hunter Mill District Representative. This motion was multiply seconded, and it carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Gross moved the reappointment of Ms. Judith Falkenrath as the Mason District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Herrity moved the reappointment of Mr. Robert Berman as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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

CITIZENS CORPS COUNCIL

Supervisor Gross moved the appointment of Ms. Irene McDonnell as the Mason District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Herrity moved the appointment of Mr. James Kirkpatrick as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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

COMMISSION ON AGING

Supervisor Frey moved the appointment of Mr. Shak Hill as the Sully District Representative. Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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.

CONSUMER PROTECTION COMMISSION

Chairman Connolly moved the appointment of Ms. Jacqueline Rosier as the Fairfax County Resident #1 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

The Board deferred the appointment of the Fairfax County Resident #2, #3 #5, and #8 Representatives.

ENGINEERING STANDARDS REVIEW COMMITTEE**CONFIRMATIONS:**

Supervisor Bulova moved confirmation of the following appointments:

- Mr. Steve Aitcheson as a Department of Public Works and Environmental Services (DPWES) Representative
- Mr. Bijan Sistani as a DPWES Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Gross moved the appointment of Ms. Jacqueline Browne as the Mason District Representative. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Hudgins moved confirmation of the following appointments:

- Ms. Norine McGraw Swaminatha as the Alzheimer's Association Representative
- Ms. Cynthia L. Lott as the Business/Corporation #1 Representative
- Mr. Stephen A. Morrison as the Business/Corporation #2 Representative
- Ms. Patricia Dunn Williams as the Business/Corporation #4 Representative
- Mr. Timothy Brown as the Business/Corporation #5 Representative
- Mr. Gerald Hopkins as the Business/Corporation #6 Representative
- Ms. Carleen June Piepoli Basik as the Business/Corporation #7 Representative
- Ms. Judy Seiff as the Business/Corporation #8 Representative
- Ms. Linda Stiles Shively as the Business/Corporation #10 Representative
- Ms. Barbara Pope as the Business/Corporation #12 Representative

- Mr. Steve Yaffe as the Business/Corporation #13 Representative
- Ms. Barbara Watts as the Community Leader Representative #1
- Ms. Jean Shine Baldwin as the Community Leader Representative #2
- Mr. David Broder as the Community Leader Representative #3
- Ms. Lin Wagener as the Community Representative #1
- Ms. Nancy Mercer as the Community Representative #2
- Ms. Judith H. Ratliff as the Community Representative #3
- Ms. Jackie Mills-Fernald as the Community Representative #4
- Mr. Verdia Haywood as the Deputy County Executive Representative
- Mr. Tapan Banerjee as the Disability Services Board Representative
- Ms. Martha Armstrong as the Fairfax City Representative
- Mr. Michael Behrmann as the George Mason University Representative
- Mrs. Rosanne Lammers Rodilosso as the Health Care Advisory Board Representative
- Mr. Philip Reeves as the Health Systems Agency Board Representative
- Mr. Robert Hager as the Inova Health Systems Alternate Representative
- Ms. Karen Brown as the Long Term Care Task Force #1 Representative
- Mr. Michael Creedon as the Long Term Care Task Force #2 Representative

- Ms. Sally S. Hottle as the Long Term Care Task Force #4 Representative
- Ms. Heisung Lee as the Long Term Care Task Force #5 Representative
- Ms. Doris Ray as the Long Term Care Task Force #6 Representative
- Ms. Jessica S. Burmester as the Long Term Care Task Force #7 Representative
- Mr. Joseph Potosnak as the Long Term Care Task Force #8 Representative

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Supervisor Smyth moved the appointment of Mr. Timothy J. Steffan as the Providence District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)

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

CONFIRMATIONS:

Supervisor Bulova moved confirmation of the following appointments:

- Mr. Ellwood H. Witt, Jr. as the City of Fairfax Representative
- Captain Mark Sites as the Sheriff's Office Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN RIGHTS COMMISSION

Supervisor Hudgins moved the appointment of Ms. Gloria Crawford as the At-Large #2 Representative. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Jon David Strother to appear before the Board to be recognized for his contributions. Without objection, it was so ordered.

Supervisor Gross moved the reappointment of Mr. Daoud Khairallah as the At-Large #8 Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Chairman Connolly moved the reappointment of Mr. Joon Cho as the At-Large #11 Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Hudgins moved the reappointment of Ms. Heather D. Lawson as the At-Large #12 Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

The Board deferred the appointment of the At-Large #9 Representative.

HUMAN SERVICES COUNCIL

Supervisor Hudgins moved the reappointment of Mr. Henry Latimer as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Herrity moved the reappointment of Mr. William Kogler as the Springfield District #1 Representative. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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

Supervisor Smyth moved confirmation of the following appointment:

- Mr. John J. Harold as the Fairfax City Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

LIBRARY BOARD**CONFIRMATION:**

Supervisor Bulova moved confirmation of the following appointment:

- Ms. Susan C. Thorniley as the School Board Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the Providence District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**CONFIRMATION:**

Supervisor Hudgins moved confirmation of the following appointment:

- Mr. Robert Haley as the Reston Association #4 Representative

Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Landlord Member #3 and Tenant Member #1 Representatives.

TRANSPORTATION ADVISORY COMMISSION**CONFIRMATION:**

Supervisor Hudgins moved confirmation of the following appointment:

- Ms. Georgia Rangel as the Fairfax Area Disability Services Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

TRESPASS TOWING ADVISORY BOARD

Supervisor Bulova moved the reappointment of Mr. Fred Scheler as the Towing #1 Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES**CONFIRMATION:**

Supervisor Foust moved confirmation of the following appointment:

- Mr. Richard Merrell as the Fire and Rescue Department #2 Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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.

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

(NOTE: Earlier in the meeting, this committee presented its report. See Clerk's Summary Item #8.)

Chairman Connolly asked unanimous consent that the Board direct staff to remove the Tysons Corner Transportation and Urban Design Coordinating Committee from the list of active committees and invite appointees of the Tysons Corner Transportation and Urban Design Coordinating Committees, including former Chairman Katherine Hanley, to appear before the Board to be recognized. Without objection, it was so ordered.

10. **ADMINISTRATIVE ITEMS** (1:14 p.m.)

Supervisor Gross moved approval of the Administrative Items. The second to this motion was indistinguishable.

Supervisor Bulova called the Board's attention to Admin 9 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Maintaining Neighborhood Character and moved to defer action on this item for six months. Supervisor Frey seconded the motion.

Discussion ensued regarding the motion, and Supervisor Frey asked to amend the motion to defer action on Admin 9 for approximately six weeks. This was accepted, with the understanding that it return to the Board no later than the December meeting for advertisement.

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

Chairman Connolly called the Board's attention to Admin 2 - Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care). Discussion ensued with input from Michael Lucas, Director of Animal Control, Animal Shelter, regarding the proposed fees and reviewing comparable data in other jurisdictions.

Supervisor McKay asked to amend the motion that the Board direct staff to provide, prior to the public hearing, an analysis of how the City of Alexandria can have price differentials for spayed/neutered versus non-spayed/non-neutered animals. This was accepted.

Supervisor Bulova called the Board's attention to Admin 3 – Additional Time to Commence Construction for Special Exception Application SE 2004-MV-011, Colchester Land Company LLC (Mount Vernon District), and, on behalf of Supervisor Hyland, asked to amend the motion to approve only **12** months of additional time to **June 5, 2009**. This was accepted.

Supervisor Bulova called the Board's attention to Admin 4 – Authorization for the Department of Transportation (DOT) to Apply for Fiscal Year (FY) 2010 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program Funds and asked unanimous consent that the Board direct staff to provide the status of the feasibility study and whether additional funding is being considered.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation, regarding the status of the ongoing feasibility study and signage around Burke's Virginia Railway Express (VRE) Station.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to ensure that the Burke VRE Station has proper signage. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (LEE, MASON, MOUNT VERNON, PROVIDENCE, 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>
FS-V08-38	New Cingular Wireless PCS LLC Antenna colocation on existing monopole (tree pole) 8616 Pohick Road (Mount Vernon District)	December 5, 2008

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-M08-52	Cricket Communications Antenna colocation on existing monopole 6800 Versar Center Court (Mason District)	December 14, 2008
FS-P08-53	Cricket Communications Rooftop antennas 3211 Jermantown Road (Providence District)	December 14, 2008
FS-Y08-54	Cricket Communications Rooftop antennas 4050 Westfax Drive (Sully District)	December 14, 2008
FS-L08-56	Cricket Communications Antenna colocation on existing monopole 7936 Telegraph Road (Lee District)	December 14, 2008
FS-V08-61	Cricket Communications Antenna colocation on existing monopole 7400 Lockport Place (Mount Vernon District)	December 14, 2008
2232-L08-9	New Cingular Wireless PCS LLC, T-Mobile Northeast LLC, and Cricket Communications 155 foot monopole (tree pole) 6500 Byron Avenue (Byron Avenue Park) (Lee District)	December 15, 2008

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE)

- (A) (NOTE: Earlier in the meeting, the Board took additional action on this item. See page 15.)

Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care).

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2004-MV-011, COLCHESTER LAND COMPANY LLC (MOUNT VERNON DISTRICT)

- (AT) (NOTE: Earlier in the meeting, the Board took additional action on this item. See page 15.)

Approved **12** months of additional time, instead of the requested 24 months, to commence construction for Special Exception Application SE 2004-MV-011 to June 5, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2010 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS

- (NOTE: Earlier in the meeting, the Board took additional action on this item. See page 16.)

Authorized DOT to apply for FY 2010 RSTP and CMAQ program funds to advance the projects listed in the Board Agenda Item dated September 22, 2008. No local cash match is required.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-MV-022, TRUSTEES OF ENGLSIDE BAPTIST CHURCH (MOUNT VERNON DISTRICT)

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 2002-MV-022 to November 18, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE SPRINGDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 33 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Springdale RPPD, District 33. The proposed District expansion includes the following street: Courtland Drive (Route 7556) from Hoffmans Lane (Route 7555) to the end, excluding the reverse frontage of commercially zoned property identified as Tax Map Number 61-2 ((01)) parcel 117.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), AMENDING PARKING REGULATIONS IN RESIDENTIAL PERMIT PARKING DISTRICTS (RPPDs)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A, to allow public colleges and universities to be specifically included in the criteria to establish a RPPD and to exclude vehicles with temporary tags and non-motorized vehicles from parking in RPPDs.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CONTINUED LEASING OF COUNTY-OWNED PROPERTY TO THE CHANTILLY YOUTH ASSOCIATION (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 4:30 p.m.** regarding the continued leasing of County-owned property at 12504 Bennett Road, previously the Navy Vale Fire Station, Tax Map Number 35-4 ((11)) 37A, to Chantilly Youth Association.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MAINTAINING NEIGHBORHOOD CHARACTER

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 15.)

11. **A-1 – AUTHORIZATION TO FILE COMMENTS IN APPLICATION OF VIRGINIA TELECOMMUNICATIONS INDUSTRY ASSOCIATION FOR AUTHORITY TO ELIMINATE THE CURRENT REQUIREMENT FOR A THREE-FREE CALL ALLOWANCE FOR LOCAL DIRECTORY ASSISTANCE SERVICE, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUC-2008-00046** (1:32 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Smyth, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and authorized the Department of Cable Communications and Consumer Protection to file comments in response to the application of the Virginia Telecommunications Industry Association for authority to eliminate the current requirement to provide a three-free monthly call allowance for local directory assistance, SCC Case Number PUC-2008-00046.

12. **A-2 – ENDORSEMENT OF GUIDELINES FOR TEMPORARY TRAFFIC MANAGEMENT DURING CONSTRUCTION** (1:33 p.m.)

Supervisor Herrity moved that the Board endorse the proposed guidelines for Temporary Traffic Management during construction. Supervisor Bulova seconded the motion.

Discussion ensued, with input from William P. Harrell, Senior Transportation Planner, Traffic Operations Division, Department of Transportation (DOT), and Ellen Gallagher, Chief, Capital Projects and Operations Division, DOT, regarding enforcement and compliance of the existing noise ordinance.

Supervisor Bulova called the Board's attention to handwritten page two, item number seven, of the Board Agenda Item, and asked unanimous consent to add the following at the beginning of the sentence: "**In coordination with the District Supervisor**, project staff..." Without objection, it was so ordered.

Further discussion ensued, with input from Mr. Harrell, regarding the procedures for installation and removal of the temporary devices.

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

13. **A-3 – ENDORSEMENT OF FISCAL YEAR (FY) 2010 VIRGINIA DEPARTMENT OF TRANSPORTATION'S ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (1:37 p.m.)

(Rs) Supervisor Smyth moved that the Board:

- Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match.

- Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board.

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Carl Winstead, Transportation Planner, Department of Transportation, regarding the Pedestrian Improvement project.

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

14. **A-4 – ADJUSTMENT TO FAIRFAX CENTER ROAD FUND CONTRIBUTION RATE AND AUTHORIZATION OF CORRESPONDING RATE ADJUSTMENTS IN THE CENTREVILLE AND TYSONS CORNER FUND AREAS (PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (1:39 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Frey, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and:

- Adopted the revised Procedural Guidelines for the Annual Review Process, including a 3.6 percent adjustment of the existing contribution rate in the Fairfax Center area from \$5.07 to \$5.25 per gross square foot on non-residential building structures and from \$1,124 to \$1,164 per residential unit, with the new rate effective October 1, 2008.
- Authorized the rate increase in other areas of the County for similar purposes (e.g. Centreville and Tysons) by 3.6 percent, also to become effective October 1, 2008.

15. **A-5 – APPROVAL OF THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) STATE PERFORMANCE CONTRACT FOR FISCAL YEAR (FY) 2009** (1:40 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved the FY 2009 State Performance Contract between the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services and the associated acceptance of funds.

16. **I-1 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORTS (CAFR) AND THE ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA); PERFORMANCE MEASUREMENT PROGRAM BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; AND INVESTMENT POLICY BY THE ASSOCIATION OF PUBLIC TREASURERS** (1:40 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2008, announcing that the County's CAFR, Integrated Sewer System's CAFR, and the County's Annual Budget were recognized with GFOA's highest forms of recognition.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite Edward L. Long, Chief Financial Officer; Susan Datta, Director, Department of Management and Budget (DMB); Joseph Mondoro, Deputy Director, DMB; Victor Garcia, Acting Director, Department of Finance; and all those involved in the budget reporting process, to appear before the Board to be recognized. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board referenced this item. See Clerk's Summary Item CL #30.)

17. **I-2 – REPORT ON IMPLEMENTATION OF THE FIRST LARGE AREA COMMUNITY PARKING DISTRICT (CPD)** (1:41 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2008, reporting on the implementation of the first large area CPD.

Discussion ensued, with input from Ellen Gallagher, Chief, Capital Projects and Operations Division, Department of Transportation, regarding an updated report on the proposed Reston Large Area CPD.

With reference to bulleted item number one of the Board Agenda Item, regarding vehicles that are excluded from the restriction, Supervisor Bulova asked unanimous consent that the Board direct staff to refer this to the Legislative Committee for review. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Gallagher, regarding the process for requesting CPDs and how public outreach is progressing.

Supervisor McKay asked unanimous consent that Board direct staff to give a presentation regarding CPDs at the January 2009 Lee District Association of Civic Organizations meeting. Without objection, it was so ordered.

18. **I-3 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON CARLYN HILL APARTMENTS (MASON DISTRICT)** (1:45 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2008, requesting authorization for the County Executive to sign a letter of support for Carlyn Hill Apartments and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

19. **I-4 – CONTRACT AWARD – COLUMBIA PIKE WALKWAY (MASON DISTRICT)** (1:45 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2008, requesting authorization for staff to award a contract to Ashburn Contracting Corporation in the amount of \$326,145 for the construction of the Columbia Pike Walkway, Project Number 4YP201, Pedestrian Task Force Recommendations, in Fund 304, Transportation Improvements.

The staff was directed administratively to proceed as proposed.

20. **I-5 – PLANNING COMMISSION ACTION ON APPLICATION 2232-D08-8, NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC BY AT&T MOBILITY CORPORATION ITS: MANAGER (DRANESVILLE DISTRICT)** (1:45 p.m.)

The Board next considered an item contained in the Board Agenda dated September 22, 2008, announcing that the Planning Commission approved Application 2232-D08-8. The application sought approval to construct two additional nodes for the already approved Distributed Antenna System in the 8700 and 8800 blocks of Georgetown Pike (nodes 21 and 22, respectively) to provide in-building and in-vehicle coverage for motorists and residents within reach of the AT&T signals in the subject portion of Great Falls. The additional nodes will be located on portions of public rights-of-way on Tax Maps 13-4 and 14-3.

21. **ORDERS OF THE DAY** (1:45 p.m.)

Chairman Connolly announced that Board Matters will be presented later in the meeting, following closed session.

22. **RECESS/CLOSED SESSION AND ANNOUNCEMENTS OF INTENT TO DEFER PUBLIC HEARINGS** (1:45 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. *Henry Penn v. Fairfax County*, Case No. 08-1405 (U. S. Ct. App. 4th Cir.)
 - 2. *Louise Root v. County of Fairfax, et al.*, Case No. CL-2008-0005303 (Fx. Co. Cir. Ct.)
 - 3. *Eugenia B. White v. Fairfax County Government*, Court No. 1:07cv696 (E.D. Va.)
 - 4. *Jameela Taraky, by GEICO, Subrogee v. Vito Luangkhhot and Fairfax County Housing and Community Development Corp.*, Court No. GV-08-020308 (Fx. Co. Gen. Dist. Ct.)
 - 5. *John Alexander v. John Catron, Fairfax County, Fairfax County Police Department, and Mendota Insurance Co.*, Case No. CL-2008-0007057 (Fx. Co. Cir. Ct.)
 - 6. *County of Fairfax, Virginia, on Behalf of Richard J. Curro v. Robert W. Barfield, Jr.*, Case No. CL-2008-0004639 (Fx. Co. Cir. Ct.)

7. *Michael L. Orem v. Richard Perl and Masoud Azadfroz*, Case No. CL-2008-0010186 (Fx. Co. Cir. Ct.)
8. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
9. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008198 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)
10. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008198 (Fx. Co. Cir. Ct.) (Countywide)
11. *Fairfax County Redevelopment and Housing Authority v. Zareen Hudson, Juan Zayas, and Cristian Hernandez, et al.*, Case No. CL-2007-0005458 (Fx. Co. Cir. Ct.) (Lee District)
12. *ARPA Enterprises, Inc. v. Fairfax County Zoning Administrator, et al.*, Case No. CL-2008-0002106 (Fx. Co. Cir. Ct.) (Providence District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu and M. Linnea Chiu*, Case No. CL-2008-0006051 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu*, Case No. CL-2008-0006278 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Micaela Valencia*, Case No. CL-2007-0000211 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)

17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yongping Hu and Qin Wan*, Case No. CL-2008-0009033 (Fx. Co. Cir. Ct.) (Braddock District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Brasher and Larnell Brasher*, Case No. CL-2008-0004427 (Fx. Co. Cir. Ct.) (Lee District)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Issmail Alchaleh, Mazen I. Alchaleh, and M & I Auto Sales, Inc.*, Case No. CL-2008-0009928 (Fx. Co. Cir. Ct.) (Providence District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sylvia Brookover*, Case No. CL-2008-0004633 (Fx. Co. Cir. Ct.) (Hunter Mill District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Velasquez and Halley Ruis Falcone*, Case No. CL-2008-0008038 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Otero and Blanca Rose Otero*, Case No. CL-2008-0010922 (Fx. Co. Cir. Ct.) (Dranesville District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Dodge Sims*, Case No. CL-2008-0011405 (Fx. Co. Cir. Ct.) (Lee District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shirley A. Guernsey*, Case No. CL-2008-0011520 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Osmin Alvarado and Edgardo Osmin Alvarado*, Case No. CL-2008-0011676 (Fx. Co. Cir. Ct.) (Lee District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Seville Homes, LLC*, Case No. CL-2008-0011675 (Fx. Co. Cir. Ct.) (Providence District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Huntington National Bank*, Case No. CL-2008-0011750 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Green Door Investments, LLC, Little Count, LLC, Little Eye, LLC, and A.K. Foods, Inc.*, Case No. CL-2008-0011749 (Fx. Co. Cir. Ct.) (Providence District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 08-24757 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *Board of Zoning Appeals of Fairfax County v. Board of Supervisors of Fairfax County, Virginia Supreme Court Record Number 071395*
- Rezoning Application RZ 2007-PR-01, Halstead Mixed Use Development
- Operation and Management Services-Public Transportation Bus System Bid Number: RFP09-997213-10

Supervisor Bulova seconded the motion.

Supervisor Smyth announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Proffered Condition Amendment Application PCA 92-P-001-5 and Rezoning Application RZ 2008-PR-011.

Supervisor Hudgins announced her intent to defer, later in the meeting at the appropriate time, public hearing on Proffered Condition Amendment Application PCA-C-696-07 and Special Exception Application SE 2008-HM-046.

Following a brief inquiry, with input from David P. Bobzien, County Attorney, regarding the agenda for closed session, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

DET:det

At 4:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Frey and Supervisor McKay, and with Chairman Connolly presiding.

23. **ORDERS OF THE DAY** (4:48 p.m.)

Chairman Connolly stated that the Board had a very extensive series of discussions during closed session and that the Board was waiting for the remaining Board Members before resuming.

Chairman Connolly announced that the Board would:

- Be moving to defer the public hearings on:
 - Proffered Condition Amendment Application PCA C-696-07 and Special Exception Application SE 2008-HM-018
 - Rezoning Application RZ 2008-PR-011 and Proffered Condition Amendment Application PCA 92-P-001-05
- Proceed with Board Matters upon the arrival of:
 - Supervisor McKay
 - A draft motion from the County Attorney

NV:nv

ADDITIONAL BOARD MATTERS24. **SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION** (4:50 p.m.)

(BACs) Chairman Connolly noted that next year, the County and the rest of the Commonwealth will commemorate the 150th anniversary of Virginia's participation in the American Civil War. Activities throughout the Commonwealth will begin next year and run through 2015.

Chairman Connolly indicated that the Virginia General Assembly has created the Virginia Sesquicentennial Commission and has asked each locality to create its own sesquicentennial committee to coordinate with the State efforts. Heritage tourism is a main attraction for Virginia and a strong economic driver. The State commission will create travel experiences throughout the Commonwealth for those wanting to visit these historical locations. The County is rich with Civil War-related history.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board:

- Approve the formation of the County's Sesquicentennial of the American Civil War Committee.
- Direct the County Executive to return with a proposal for the committee's composition with membership to include, but not limited to:
 - Fairfax County Convention and Visitors Corporation
 - Fairfax County Chamber of Commerce
 - Fairfax County Public Schools
 - Park Authority
 - Local Civil War groups
 - History Commission
 - Any other relevant organizations

- Direct the County Executive to appoint a staff coordinator to work with the committee and the State commission on the County's behalf throughout the six-year commemoration.

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

25. **PUBLIC PRIVATE EDUCATION ACT (PPEA) CRITERIA** (4:51 p.m.)

In a joint Board Matter with Supervisor Hyland, Chairman Connolly said that the State of Virginia has selection and evaluation criteria for PPEA proposals that specifically address certain community benefits, including tax revenue that would be generated, job and job training opportunities created, and the number and value of subcontracts that would result from a proposed project that can be viewed at <http://www.dgs.state.va.us/LinkClick.aspx?fileticket=H9WdcbwMscY%3d&tabid=62>.

Although the current County PPEA Guidelines require that expected positive and negative social, economic, and environmental impacts of a project be identified, they do not specifically describe the particular community benefits mentioned in the Commonwealth's criteria. Similar language, focused on how a proposed project would provide such community benefits to the County, would be a desirable addition to the County's Guidelines, so that individuals and companies making unsolicited PPEA proposals are aware that such considerations are important to the Board.

On behalf of Supervisor Hyland and himself, Chairman Connolly moved that the Board direct staff to add the following sentence to section IV(E)(2)(e) of the County PPEA Guidelines, after the existing language requiring identification of positive social, economic, and environmental impacts of the proposed project:

“Such social and economic impacts should include but are not limited to community benefits, including the economic impact the project will have on the local community in terms of the amount of additional tax revenue to be generated for the County, the number of jobs generated for County residents and level of pay and fringe benefits of such jobs, the training opportunities for apprenticeships and other training programs for County subcontracts generated for County subcontractors.”

Vice-Chairman Bulova seconded the motion.

Following a brief discussion about the pros and cons, the question was called on the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

26. **MASON NECK TRAIL (MOUNT VERNON DISTRICT)** (4:53 p.m.)

In a joint Board Matter with Supervisor Hyland, Chairman Connolly stated that he was simply informing everyone regarding an action. He said that the citizens from Mason Neck have invested countless hours of labor to complete the Mason Neck Trail, a mixed use trail that would connect Gunston Hall, Pohick Bay Wildlife Refuge, and Mason Neck Wildlife Refuge. The federal government makes grant money available, at a four to one match, for transportation enhancement projects, such as this. These grants allow local governments and citizens to quintuple local investments as a result. Therefore, he noted that he and Supervisor Hyland directed staff to allocate \$10,000 from each of their respective Trails and Sidewalks funds to the Mason Neck Trail, for a total of \$20,000.

27. **CONGRATULATIONS TO THE VIRGINIA OPERA'S ARTISTIC DIRECTOR ON PERFORMANCE MILESTONES** (4:54 p.m.)

Chairman Connolly announced that Peter Mark, artistic director of the Virginia Opera, will celebrate his one hundredth production and seven hundredth performance as conductor with a performance of "Il Trovatore" on Friday, October 17, at George Mason University's (GMU) Center for the Arts as the opera company opens its Northern Virginia season.

The Virginia Opera is one of the finest regional opera companies in the nation and is the only company to perform regularly in three separate main stage venues – in Fairfax at GMU and also in Richmond and Norfolk. The Opera reaches more than 200,000 students and community members each year through its impressive variety of innovative outreach programs. Maestro Mark's name has been synonymous with the Virginia Opera for nearly 35 years, and he has been named one of the Greatest 20th Century Virginians for the Arts.

Chairman Connolly moved that the Board commend Maestro Mark for his work with the Virginia Opera and direct staff to prepare a proclamation for presentation to him at the company's October 17 performance at GMU. Vice-Chairman Bulova seconded the motion which carried by a vote of nine, Supervisor Hyland.

28. **VOLUNTEERFEST 2008** (4:55 p.m.)

Chairman Connolly announced that on Saturday, October 25, Volunteer Fairfax will sponsor its fourteenth annual VolunteerFest. The community-wide day of service features hands-on projects including internet tutoring, landscaping, cleaning, helping the homeless, and much more. It is held in conjunction with National Make a Difference Day and encourages the improvement in quality of life for all citizens by helping one another. Individuals, corporations, and groups can begin registering for projects today, September 22, by calling 703-246-3460 or by sending an email to VolsRUs@volunteerfairfax.org.

Chairman Connolly asked unanimous consent that the Board proclaim October 25, 2008, as “*VolunteerFest Day 2008*” in Fairfax County and direct staff to invite the appropriate representatives from Volunteer Fairfax to appear before the Board to be presented with the proclamation at the October 20 Board meeting. Without objection, it was so ordered.

29. **PANCREATIC CANCER AWARENESS MONTH** (4:55 p.m.)

Chairman Connolly said that November is recognized as National Pancreatic Cancer Awareness Month. Pancreatic cancer is the deadliest cancer and the fourth leading cause of cancer death in the US. More than 37,680 people will be diagnosed with pancreatic cancer this year in the US, and approximately 87 people in the County will die as a result of pancreatic cancer in 2008.

Accordingly, Chairman Connolly moved that the Board proclaim November as “*Pancreatic Cancer Awareness Month*” in Fairfax County and direct staff to prepare a proclamation to be presented to the Health Department. He further moved that the Board direct the Health Department to work with the Office of Public Affairs to promote any corresponding educational activities that may be planned in conjunction with that observance. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

30. **FAIRFAX COUNTY BUDGET AND FINANCIAL REPORTS RECEIVE AWARDS AGAIN** (4:56 p.m.)

(NOTE: Earlier in the meeting, the Board acknowledged these awards. See Clerk’s Summary Item #16.)

With reference to his written Board Matters, Chairman Connolly noted that the Board already discussed the budget and financial reporting awards won by the County.

31. **MERRIFIELD POST OFFICE HOURS (PROVIDENCE DISTRICT)** (4:56 p.m.)

Chairman Connolly noted that it has come to his attention that the US Postal Service District Manager for the Northern Virginia Region is planning to adjust the hours of operation at the Merrifield Post Office and other locations throughout the County. While these changes may be necessary or justified, the Merrifield location currently offers the latest postmark in Northern Virginia at midnight. Many members of the business and legal communities utilize and rely upon these extended hours of operation. Given levels of roadway congestion experienced in the area, the flexibility that this location affords to residents and businesses is vital. A similar idea was previously discussed in the early 1990s, but was dismissed as not a good option for the community. He stated his understanding that the new changes would mean that no post office in the County would provide a same-day postmark later than 8 p.m.

Chairman Connolly noted that the Board only became aware of these changes after they had been announced to County residents and without being afforded any opportunity to provide input to the decision-makers. While the US Postal Service (USPS) is a federal agency, the services that it provides are invaluable at a local level and it is crucial that those services efficiently serve the needs of customers in the community. In light of the limited information provided to the Board, he suggested that the Board contact Mike Furey, District Manager for the Northern Virginia Region, to express the Board's concerns regarding these changes and the Board's desire to ensure that adequate information is provided to the public.

Therefore, Chairman Connolly asked unanimous consent that he send a letter, on behalf of the Board, highlighting its concern regarding a change in the operating hours of USPS facilities throughout the County to Mike Furey, District Manager for Northern Virginia Region, and send copies of the letter to the federal delegation. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

DET:det

ACTIONS FROM CLOSED SESSION

32. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:59 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 Hudgins seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland being out of the room.

33. **APPOINTMENT OF MS. PATRICIA STEVENS TO THE POSITION OF DIRECTOR, OFFICE OF PUBLIC AND PRIVATE PARTNERSHIPS** (4:59 p.m.)

Supervisor Gross moved the appointment of Ms. Patricia Stevens to the position of Director, Office of Public and Private Partnerships, at Grade E-8, which represents a salary of \$123,000, effective October 20, 2008. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Chairman Connolly asked Ms. Stevens, who was in the auditorium, to stand and be recognized.

34. **APPOINTMENT OF MS. SUSAN WOODRUFF TO THE POSITION OF DIRECTOR, HUMAN RESOURCES** (4:59 p.m.)

Supervisor Gross moved the appointment of Ms. Susan Woodruff to the position of Director, Human Resources, at Grade E-12, which represents a salary of \$152,297, effective October 29, 2008. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Chairman Connolly asked Ms. Woodruff, who was in the auditorium, to stand and be recognized.

(Note: Later in the meeting the effective date was corrected to **September 29**, 2008. See Clerk's Summary Item #39.)

35. **PURCHASE AND IMPROVEMENT OF 8111 GATEHOUSE ROAD (PROVIDENCE DISTRICT)** (5 p.m.)

Supervisor Bulova moved that regarding the request by the School Board that the Board authorize the use of the County's Master Credit Agreement to provide interim financing, and the Fairfax County Economic Development Authority (the "EDA") Master Trust agreement to provide permanent financing, for the purchase and improvement by the Fairfax County School Board (the "School Board") of 8111 Gatehouse Road, Providence District, for use as Gatehouse Administration II, the Board declines to take action and that the Board direct the County Executive to convey to the Superintendent the substance of the Board's discussion in closed session. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

DMS:dms

AGENDA ITEMS

36. **3 P.M. – PH ON A PROPOSAL TO ABANDON A SEGMENT OF NEWBROOK DRIVE (SULLY DISTRICT)** (5:01 p.m.)

(O) (NOTE: On September 8, 2008, the Board deferred the public hearing on this item until September 22, 2008.)

Donald E. Stephens, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the Order abandoning a segment of Newbrook Drive. Supervisor Hudgins 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 Chairman Connolly voting "AYE," Supervisor Bulova and Supervisor Hyland being out of the room.

37. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SP-015 (SUNTRUST BANK, INCORPORATED) (SPRINGFIELD DISTRICT) (5:03 p.m.)**

The application property is located at 13035 B Lee Jackson Memorial Highway, Tax Map 45-1 ((1)) 10C pt.

Mr. Jonathan D. Bondi reaffirmed the validity of the affidavit for the record.

Mr. Bondi 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.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning, introduced Chris Demanche, a new staff coordinator. On behalf of the Board, Chairman Connolly warmly welcomed him to the Board Auditorium.

Following the public hearing, Chris Demanche presented the staff and Planning Commission recommendations.

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2008-SP-015, subject to the development conditions dated August 27, 2008.
- Waiver of the loading space requirement.
- Waiver of the on-road bike lane requirement on Route 50.
- Modification of the trail requirement on Route 50.
- Waiver of the barrier requirement, in favor of that shown on the SE Plat.
- Modification of the transitional screening requirement, in favor of that shown on the SE Plat.

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

38. **3:30 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)
(5:08 p.m.)

Supervisor Hudgins moved to defer the public hearing on Proffered Condition Amendment Application PCA-C-696-07 and Special Exception Application SE 2008-HM-018 until **October 20, 2008, at 6 p.m.** Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor Hyland being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

39. **CORRECTION TO THE EFFECTIVE START DATE FOR MS. SUSAN WOODRUFF TO THE POSITION OF DIRECTOR, HUMAN RESOURCES** (5:09 p.m.)

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #34.)

Supervisor Gross asked unanimous consent to amend the effective start date for Ms. Susan Woodruff to the position of Director, Human Resources, from October 29, 2008, to **September 29, 2008.** Without objection, it was so ordered.

AGENDA ITEMS

40. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-HM-046 (CTD, ARROWBROOK CENTRE, LLC) (HUNTER MILL DISTRICT)** (5:10 p.m.)

The application property is located in the southwest quadrant of the intersection of the Dulles Airport Access Road and Centreville Road, Tax Map 16-3 ((1)) 39A2.

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.

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

- Mr. Douglas N. Carter, Davis, Carter, Scott, Limited

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 Special Exception Amendment Application SEA 2002-HM-046, subject to the development conditions dated September 18, 2008. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor Hyland being out of the room.

Supervisor Hudgins further moved:

- Waiver of the service drive requirement along the Dulles Airport Access Road.
- Waiver of the 600 foot maximum length for a private street.
- Modification of the loading space requirement in favor of the loading spaces shown on the SEA Plat.
- Modification of the major paved trail requirement along Centreville Road to permit the trail location depicted on the SEA Plat.
- Waiver of the transitional screening yard and barrier requirements between multi-family residential and office/commercial.
- Waiver of the on-road bike lane on Centreville Road.
- Modification of the minimum eight foot wide planting width requirement to permit the use of tree pits and six foot wide planting strips along streets and within courtyards shown on the SEA Plat.

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

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE MAP OF CHESAPEAKE BAY PRESERVATION AREAS, AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING RESOURCE PROTECTION AREA BOUNDARIES ON MAP PAGES NUMBER 47-2 (PROVIDENCE DISTRICT) AND 110-1 (MOUNT VERNON DISTRICT)**
(5:17 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 September 4 and September 11, 2008.

John Freidman, Director, Code Analysis, Land Development Services, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the testimony of Chuck Dunlap (Speaker 1), discussion ensued with input from Danielle Wynne, Ecologist, Stormwater Planning Division, DPWES, regarding the:

- Contesting of the determination that it is a perennial stream.
- Previous conversations with the property owners.
- Access to the stream.
- Dates on the letters sent to the property owners.
- Date the Planning Commission heard this item.

Following the testimony of Ms. Paula Kenney (Speaker 3), discussion ensued with input from Mr. Freidman, regarding Hurricane Hannah and the subsequent filing of a Grading Plan.

Following the testimony of Mr. Eric Kenney (Speaker 8), discussion ensued with input from Mr. Friedman and Ms. Wynne regarding the:

- Timeline of the interaction between staff and the property owners.
- Requirement for notification through advertisements.
- Letters and maps covering all impacted properties.
- Renotification to property owners through certified mail.
- Availability of the staff report.

- Availability of contact information within the letters.
- Perennial research.
- Drought condition.
- Other types of research that was conducted.
- Examination of the Geographic Information Systems (GIS) maps.
- Existence of a stream prior to the formation of a pond.
- Subdivision plats and deeds.
- Acknowledgement of drainage.

Supervisor Smyth submitted items for the record.

Discussion ensued, with input from Mr. Friedman and Ms. Wynne, concerning whether the:

- Planning Commission took action regarding this item.
- Claims were supported by any evidence.
- Property owners allowed staff on their properties.
- Staff is convinced that it is a perennial stream.

Following the public hearing, which included testimony by eight speakers, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance). Supervisor Gross seconded the motion.

Discussion ensued, with input from Mr. Friedman, regarding the:

- Flooding not being related to perennial status.
- Existence of a grading plan.
- Timeframe for a possible deferral.
- Possible evidence that would refute the evidence obtained by staff.
- Contact between the engineers and staff with any preliminary results.

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

42. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE SOUTH KINGS HIGHWAY/HARRISON LANE INTERSECTION IMPROVEMENTS PROJECT (LEE DISTRICT)** (6:06 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 4 and September 11, 2008.

Dianne Barnes, Right-of-Way Agent, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 4YP012, South Kings Highway/Harrison Lane Intersection Improvements, Fund 304, Transportation Improvements. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Hyland, and Supervisor Smyth being out of the room.

43. **4 P.M. – PH 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** (6:13 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 4 and September 11, 2008.

Steve Sinclair, Chief, Utilities Branch, Department of Cable Communications and Consumer Protection, presented the staff report.

Discussion ensued, with input from Mr. Sinclair, regarding the:

- Base rate without the surcharge.
- Potential loss of taxicab drivers.

- Consumer Protection Commission.
- Increase in the rates.
- Exclusion of alternative fuel vehicles.
- Role alternative fuel vehicles play in the recommendation.
- Potential benefits and emission levels.
- Recommendation of cleaner fuels.
- Better development of fuels that burn cleaner.
- Meetings staff had with taxicab drivers.
- Consensus with the recommendations.
- The authority the Board has regarding the hours a taxicab driver works and any potential benefits for them.

Following the testimony of Mr. Charles King (Speaker 8), discussion ensued with input from Mr. Sinclair, regarding the:

- Average by car versus fleet vehicle.
- Impact on specialty vehicles.
- Standard of living for taxicab drivers.
- Off-hour charge for riding in a taxi.

Supervisor McKay called the Board's attention to bulleted item two of the Board Agenda Item, handwritten page 54, and discussion ensued, with input from Mr. Sinclair, regarding the:

- Ability to refuse passengers.
- Travel outside of the County.
- Limitations on distance and jurisdictions.
- Way taxicab drivers are paid typically.
- Increase in surcharge and in wages.

- Possibility to phase-in fuel efficient vehicles.
- Mileage standards.
- Averages for the fleet vehicles versus the average vehicles.
- Need for the larger vehicles.
- Incentive to move from the larger vehicles.

Supervisor Bulova moved to defer the decision on 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, until October 20, 2008, to allow staff, the industry, and the Consumer Protection Commission to further examine and research this item. Supervisor Herrity and Chairman Connolly jointly seconded the motion.

Discussion ensued, with input from Mr. Sinclair, David Bobzien, County Attorney, and Cynthia Bailey, Assistant County Attorney, regarding the:

- Expiration of the surcharges.
- Extension of the surcharges.

Chairman Connolly stated that the record for this item would be left open to allow Ms. Bailey to conduct research into the legal ramifications concerning the expiration and extension of the surcharges.

Discussion ensued regarding the:

- Advertised rate and the surcharge rate.
- Discrepancy of money for longer trips.

Chairman Connolly announced that the Board will take action on this item later in the meeting.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary #50.)

44. **4 P.M. – PH TO GRANT A PERPETUAL STREET EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE WILLARD ROAD INTERCHANGE PROJECT (SULLY DISTRICT)** (7:27 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 4 and September 11, 2008.

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

Following the public hearing, Supervisor Frey moved adoption of the Resolution to grant a Perpetual Street Easement and a Temporary Construction to VDOT for the Willard Road Interchange Project. 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 Chairman Connolly voting “AYE,” Supervisor Bulova, Supervisor Hudgins, and Supervisor Hyland being out of the room.

45. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT S07-CW-6CP TO ADD GUIDANCE ENCOURAGING UNIVERSAL DESIGN IN THE DEVELOPMENT OF HOUSING AND COMMUNITIES** (7:31 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 4 and September 11, 2008.

Heidi T. Merkel, Senior Planner, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Herrity moved approval of Plan Amendment S07-CW-6CP, as recommended by the Planning Commission, with one minor change to the proposed definition. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

46. **4:30 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) (7:34 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2008-PR-011 and Proffered Condition Amendment Application PCA 92-P-001-05 until **October 20, 2008, at 5:30 p.m.** The motion, the second to which was inaudible, carried by a vote of nine, Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTERS

47. **140th ANNIVERSARY OF SAINT JOHN'S COMMUNITY SERVICES (SJCS) (BRADDOCK DISTRICT) (7:35 p.m.)**

Supervisor Bulova said that starting in 1991 SJCS has provided support to adults with disabilities in the County and throughout Northern Virginia. The mission of SJCS is "advancing community support and opportunities for people living with disabilities" and SJCS strives to help individuals acquire job and social skills, to choose their own homes, and to become involved in their communities. As a result of the work of SJCS, many adults with disabilities now have meaningful jobs that are suited to their interests and abilities. These opportunities enrich their lives through improved self-reliance and benefit their families, friends, and co-workers.

In light of the contributions that SJCS has made to the individuals they help and to the community as a whole, Supervisor Bulova asked unanimous consent that the Board direct staff to invite representatives from SJCS to appear before the Board on October 20 to be recognized for its 140th anniversary.

Following an inquiry to Merni Fitzgerald, Director, Office of Public Affairs, who indicated this was the seventh presentation that day, Chairman Connolly noted that the meeting would begin at 9 a.m. on October 20.

Without objection, the request was so ordered.

48. **WHITE CANE DAY (7:37 p.m.)**

Supervisor Bulova said that in 1964 the US Congress passed joint resolution HR 753, which declares October 15 of each year as White Cane Day. This annual day celebrates the many achievements of people who are blind and visually impaired and encourages greater awareness of this disability.

Supervisor Bulova asked unanimous consent that the Board direct staff to invite representatives of the Columbia Lighthouse for the Blind to appear before the Board at its next meeting on October 20 to be presented with a resolution acknowledging “*White Cane Day*” on October 15 in the County.

Supervisor Gross asked to amend the request to direct staff to prepare the proclamation for presentation at an appropriate event and publicize the information relating to the day. Without objection, the request, as amended, was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to review the schedule of upcoming presentations to determine whether some could be rescheduled. Without objection, it was so ordered.

49. **WEDGEWOOD APARTMENT COMPLEX FINANCING** (7:39 p.m.)

(R) Supervisor Bulova announced that the County’s Housing Authority scheduled the sale of its \$105.5 million bond anticipation note on September 23, backed and approved by the County on August 4. The proceeds of this note will be used to refinance a note sold earlier this year to purchase the Wedgewood Apartment Complex to preserve 672 units of affordable housing.

Supervisor Bulova explained that the County’s financial advisors canvassed likely bidders and found some interested prospects despite the recent market turmoil. This means that the County, as one of 22 triple, triple-A rated counties in the nation remains a well sought after credit, highly regarded by the market. However, the County’s advisors, bond counsel, and staff have also advised that it would be prudent for the County to protect itself in this uncertain market by implementing a back-up contingency plan in case unexpected problems are encountered.

Supervisor Bulova distributed a proposed Resolution prepared by staff that gives the County Executive, or Chief Financial Officer, the authority to use the County’s existing line of credit to obtain the funds needed to refinance the previous note when it comes due on October 9, *but only in the event that the County is unable to sell the note in the next two weeks*. The Resolution also provides for the necessary increase in the credit limit to implement this transaction should it become necessary.

Accordingly, Supervisor Bulova moved:

- Adoption of the Resolution authorizing the use of the line of credit and necessary increase to the credit limit, with the understanding that it is to be used only if staff is unable to sell the previously approved refinancing note in time to meet the County’s obligation.

- Direction to staff to reassess the County's options and return with a recommended course of action regarding the interim and permanent financing plans for the Wedgewood project, should the credit line be used.

Supervisor Foust seconded the motion.

Discussion ensued regarding the process and urgency, with input from Edward L. Long, Jr., Deputy County Executive; Anthony H. Griffin, County Executive; and Len Wales, Debt Manager, Department of Management and Budget.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide a complete projection of when and how it will acquire the financing, the projected rents, and how much would be paid out of the affordable housing fund and how much by rent. Following discussion, without objection, it was so ordered.

Following further discussion of the motion, the question was called on the motion, and it **CARRIED** by a recorded vote of seven, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Herrity voting "NAY," Supervisor Hyland being out of the room.

AGENDA ITEM

50. **4 P.M. – PH 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** (8:05 p.m.)

- (O) (NOTE: Earlier in the meeting, the Board held a public hearing on this item. See Clerk's Summary Item #43.)

Cynthia Bailey, Assistant County Attorney, informed the Board that there were two surcharges in effect. Ms. Bailey stated that the first surcharge is codified and does not expire until October 31, 2008, and that the second surcharge, which expires on October 14, 2008, could be repealed.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved to amend the main motion that the emergency one dollar surcharge, currently in effect, which expires October 14, 2008, be repealed and that another one dollar emergency surcharge be implemented today and will expire in 60 days. Supervisor Hudgins seconded the motion.

The question was called on the amended motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross,

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

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

NV:nv

ADDITIONAL BOARD MATTERS

51. **INOVA FAIRFAX HOSPITAL CAMPUS (PROVIDENCE DISTRICT)**
(8:07 p.m.)

Supervisor Smyth said that Inova Health Care Services has filed Rezoning Application RZ 2008-PR-009 and Special Exception Amendment Application SEA 80-P-078-15 for the Inova Fairfax Hospital Campus. While these applications are under review, Inova wishes to proceed at its risk with site plan review of a limited portion of the proposed new development located within the core of the Inova Fairfax Hospital Campus.

To that end, Supervisor Smyth moved that the Board authorize the concurrent processing of the site plans for that portion of the core Hospital Campus identified as Tax Map 59-2((1)) 1A pt., 1B, 1C, 1D, and 1E while the rezoning and special exception amendment applications are pending. This motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards nor does it prejudice in any way the Board's consideration of the pending Inova Fairfax Hospital zoning applications. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

52. **AIRCELL LLC - SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-P-045 (PROVIDENCE DISTRICT)** (8:08 p.m.)

(A) Supervisor Smyth said that Aircell LLC has submitted Special Exception Amendment Application SEA 95-P-045 to accommodate 12 flush mount antennas on the penthouse of the building located at 1751 Pinnacle Drive in Tysons Corner. These proposed antennas would provide wireless and broadband service to aircraft within a 140 mile radius. Aircell LLC has requested expedited scheduling of its Board public hearing.

To that end, Supervisors Smyth moved that the Board direct staff to schedule a public hearing to be held before the Board on **October 20, 2008, at 5:30 p.m.** regarding Special Exception Amendment Application SEA 95-P-045. This motion should not be construed as a favorable recommendation by the Board on the pending applications and does not relieve the applicant from compliance with

the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

53. **CLARIFICATION OF BOARD'S OWN MOTION FOR SEVILLE HOMES DEVELOPMENT ON EVERGREEN LANE (MASON DISTRICT)**
(8:09 p.m.)

Supervisor Gross said that on August 4 she made a motion to initiate two related Board's Own Motions for six lots located on Evergreen Lane in the Mason District. While the context of the motion was correct, staff inadvertently transposed the lot number for the one lot which will require a special permit for an error in building location; therefore, she indicated that she would correct the record on this matter. The correct motion should read as follows:

Therefore, Supervisor Gross moved that the Board direct staff to initiate a special permit application for an error in building location for the existing house located on **Lot 29**, which does not meet the front yard setback along Alpine Drive.

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

54. **TWENTY-NINTH ANNUAL MASON DISTRICT PARK FESTIVAL**
(8:10 p.m.)

Supervisor Gross announced that the Twenty-Ninth Annual Mason District Park Festival will be held on Saturday September 27 (raindate: Sunday, September 28) from 10 a.m. until 4 p.m.

55. **RECENT COMMUNITY DIALOG MEETING AT GEORGE MASON REGIONAL LIBRARY (MASON DISTRICT)** (8:11 p.m.)

Supervisor Gross said that she attended the recent community dialog on the lines of business (LOBs) held at George Mason Regional Library and that it was well attended. She noted that handouts from the School Division were all black with white lettering and a constituent said that wastes copier toner. Accordingly, she asked unanimous consent that the County Executive direct staff to always print PowerPoint slides with black lettering and a white background. Without objection, it was so ordered.

DET:det

56. **MOTION TO ADOPT THE QUARTERLY STATUS REPORT ON OPERATIONS AS OF SEPTEMBER 16, 2008** (8:13 p.m.)

Supervisor Foust announced that the Board had been presented with the Quarterly Status Report on Operations as of September 16, 2008, by the Office of Financial and Programs Auditor and moved that the Board adopt the report. Supervisor Bulova seconded the motion. Following a brief discussion, the question was called on the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

57. **MPA ARTFEST (DRANESVILLE DISTRICT)** (8:13 p.m.)

Supervisor Foust announced that on Saturday, October 5, 2008, from 10 a.m. to 5 p.m., the McLean Project for the Arts would present its second annual community artfest, an outstanding event that connected art and the community. Supervisor Foust invited the Board to attend this special event. He extended his thanks to the McLean Project for the Arts, its many volunteers, corporate and community sponsors, supporting partners, and volunteers.

Supervisor Foust moved that the Board direct the Office of Public Affairs to distribute information publicizing this event. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

58. **FIRST SPRINGFIELD DISTRICT NIGHT** (8:14 p.m.)

Supervisor Herrity announced that this past Saturday, the first Springfield District Night had been held at Burke Lake Park with over 300 people in attendance. He said it was a fabulous event and extended his thanks to the Park Authority and his staff for their efforts.

59. **DESIGNATION OF POPES HEAD ROAD AS A VIRGINIA BYWAY (SPRINGFIELD DISTRICT)** (8:15 p.m.)

Supervisor Herrity stated that in the interest of the late hour, he would not read this entire Board Matter: to designate Popes Head Road as a Virginia Byway. He noted that it had community support and met all of the State's criteria.

Based on the support demonstrated for the designation of Popes Head Road as a Virginia Byway, Supervisor Herrity moved that the Board direct staff to transmit to Delegate Tim Hugo and the appropriate State agencies its endorsement of a General Assembly bill to designate the entire length of Popes Head Road as a Virginia Byway. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

60. **HIRING FREEZE MEMORANDUM** (8:15 p.m.)

Supervisor Herrity stated that in response to a motion made at the September 8, 2008, Board meeting concerning a modified hiring freeze, he had received a memorandum from the County Executive concerning an additional one percent across-the-board reduction in departmental personnel budgets. He noted that his concern about a freeze was that it did not allow for the hiring of staff when the need existed and that the memorandum did not address that issue.

PMH:pmh

61. **VIRGINIA LIVABLE TAX CREDIT** (8:17 p.m.)

(BACs) Supervisor Hudgins said that in a letter dated August 6, Tena Bluhm, Chair, Fairfax Area Commission on Aging, requested that the County include, as part of its 2009 Legislative Program, an endorsement of an increase of the Livable Homes Tax Credit from \$500 up to \$1,000 per capita.

Supervisor Hudgins asked unanimous consent that the Board forward this request to the Legislative Committee for consideration. Without objection, it was so ordered.

62. **MR. JEFFREY WATKINS (HUNTER MILL DISTRICT)** (8:17 p.m.)

Supervisor Hudgins announced that Mr. Jeffrey Watkins died suddenly after two weeks of being ill. Mr. Watkins was only 35 years old, blind, and physically disabled.

Supervisor Hudgins referred to her written Board Matter outlining Mr. Watkins' accomplishments and asked unanimous consent that the Board direct staff to invite the family of Mr. Watkins, representatives from the Therapeutic Recreation Advisory Council, and the SPARC program to appear before the Board so that it may posthumously honor Mr. Watkins for his remarkable life and his dedication to the residents of the County and to those with disabilities everywhere. Without objection, it was so ordered.

63. **KAT AND CLARE LANIGAN (HUNTER MILL DISTRICT)** (8:19 p.m.)

Supervisor Hudgins said that Hunter Mill District is proud to recognize Kat and Clare Lanigan for their work with *A Thousand Thanks for Military Children*. The organization delivers letters from popular cartoon characters and athletes to children of deployed service members whose parents register them for the program.

Supervisor Hudgins explained that the program was founded by the young ladies as a result of their own experience being the daughters of a deployed service

member. Their father, Army Reserve Major Kevin Lanigan, was deployed to Bosnia, Afghanistan, and Iraq throughout their childhood (he is now home). The two translated the stress of that experience into helping other children in the same situation. They derived much of their inspiration from their mother, Tricia Johnson, who founded *Salute our Soldiers*, a program that assists families with deployed parents.

Kat and Clare were recognized at the White House on September 11 and have received numerous awards for their efforts. Given the number of military families in the community and children in the County with parents who are deployed, it is important that the Board recognize their efforts on behalf of County residents.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Kat and Clare Lanigan to appear before the Board to be recognized for the tremendous comfort they have provided to children across the County and the country. Without objection, it was so ordered.

64. **SPECIAL EXCEPTION APPLICATION SE 2008-SU-001 - JAI HOTELS, LLC (SULLY DISTRICT)** (8:20 p.m.)

Supervisor Frey said that JAI Hotels LLC has filed a special exception application to establish a hotel use in the I-5 District on Lee Road in Chantilly. The application has the endorsement of the Western Fairfax County Citizens' Association, the Department of Planning and Zoning, and a recommendation of approval from the Planning Commission. Unfortunately, this application was one of those which needed to be deferred as a result of the notice issue from the last Board meeting. The applicant has expended significant time to garner the support of the community and the public hearing before the Board has been scheduled for October 20.

Supervisor Frey moved that the Board authorize the Department of Public Works and Environmental Services to accept the site plan(s) associated with Special Exception Application SE 2008-SU-001 for processing concurrent with the final stages of the zoning review. The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor McKay, and Chairman Connolly being out of the room.

65. **DIAMOND DREAM FOUNDATION** (8:21 p.m.)

Supervisor Frey said that last year Department of Community and Recreation Services (CRS) announced a partnership with the Diamond Dream Foundation, created by Bob Duff, the Chief Executive Officer of a local software company. The Foundation's goal is to build values essential to the balance and growth of today's youth by promoting a passion for baseball and providing opportunities to learn to play and appreciate the game.

Accordingly, Supervisor Frey moved that the Board direct staff to invite Mr. Duff and Marjorie Castro, founder and the Diamond Dream Foundation's Chief Operating Officer, as well as representatives of CRS to appear before the Board at a future date to be recognized for their generosity and commitment to the youth of the County. Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Connolly being out of the room.

66. **SMOKING BAN** (8:22 p.m.)

(P) Supervisor McKay said that at its September 8 meeting, the Chairman mentioned that employees are smoking in and around government garages.

Supervisor McKay moved that the Board direct the County:

- Executive to implement the Policy to restrict smoking in the government center garages and County vehicles.
- Attorney to review the County's existing tools to restrict smoking in public places and recommend language be added to the 2009 legislative package that would allow the County to enact such restrictions.

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Hyland being out of the room.

67. **WALKING TO SCHOOL** (8:23 p.m.)

Supervisor McKay referred to the September 15 *NEWSWEEK* article on *Waving Goodbye to the Bus* which covers school districts that are updating an old method of getting children to school—walking. One school district in Columbia, Missouri, has redrawn its school bus route and instituted a 'walking school bus' where children are supervised by adults as they walk to school.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the County Executive to share this suggestion with the School Board for consideration during the joint budget review. Without objection, it was so ordered.

Following discussion of the motion, Supervisor Bulova asked unanimous consent that the Board direct staff to provide the Board with the recent televised program on Channels 16 and 22 regarding this idea. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to provide a status report on areas where rights-of-way were purchased many years ago and no sidewalks were built to the school. Without objection, it was so ordered.

Supervisor McKay also cited obesity and air quality issues.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to ask the Schools about its policies that might hinder walking to school where it seems practical. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

68. **APPEAL PERIODS – CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE)** (8:27 p.m.)

Supervisor McKay referred to the issue of appeal periods for zoning violations and he moved to amend the proposed amendment to Article 18, of the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Part 3, Appeal, Section 18-303, entitled “Time Limit on Filing,” that came before the Planning Commission on Thursday, September 18 as follows:

- That the Board authorize the re-advertisement of a public hearing to be held before the Planning Commission on October 16 and a public hearing to be held before the Board on November 17 to consider the proposed amendment to Section 18-303 of the Zoning Ordinance, with the change to the proposed amendment as follows:
 - To add a paragraph “G” to part 2 of Section 18-303 to read: “G. Other short-term, recurring violations similar to those listed in (A) through (F) above.”

Supervisor McKay noted that his intent in making this motion was to allow the citizens of the County the full advantage of the legislative authority granted by the General Assembly in the recent amendment of the Enabling Legislation to allow the shortened time period of ten days to appeal certain types of zoning violations specified in Virginia Code Section 15.2-2286(A)(4), rather than the 30-day appeal period that currently exists. By adding the proposed language, the Strike Team and Zoning Enforcement will not only be able to issue notices that have a ten day appeal period for the specified violations, but will also be able to issue notices for violations that are similar in nature to those specified, and therefore, the County will be able to have the shortened ten day appeal period for all of those violations that are short-term and recurring like those specified in the proposed amendment. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

69. **CODE OF THE COUNTY OF FAIRFAX, CHAPTER 108 (NOISE ORDINANCE)** (8:30 p.m.)

Supervisor McKay said that he has been working with members of the Hawthorne community in Lee District who are concerned about the noise coming from an

adjacent industrial park. The Noise Ordinance (Chapter 108) of the County Code was first adopted in the early 1960s and has been amended a number of times through the years.

Supervisor McKay noted that Section 108-4-4 of Chapter 108 includes the maximum permissible sound levels in the County and also establishes the method of measurement. Currently, regulations are based on a combination of decibel level and octave band limit. Although this combination was considered state of the art in the 1960s, it has long been replaced by other jurisdictions around the country with readings based solely on decibel levels. Secondly, this section currently establishes limits for measurement of noise in residential, commercial and industrial areas but does not recognize different noise limits for day time and night time, as many communities such as Arlington County and Prince William County have adopted. Day and night noise level distinctions would help restore the peace between residential and industrial neighbors.

Therefore, Supervisor McKay moved that the Board direct staff to schedule a review of Section 108-4-4 of Chapter 108 on the Priority One Zoning Ordinance Work Program to consider revised regulations regarding the method of noise measurement as well as establishment of day time and night time noise levels designed to protect the community. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

70. **GRAFFITI REMOVAL** (8:31 p.m.)

Supervisor McKay said that he hears concerns from neighbors all the time about graffiti – on both private and public property. While there has been much improvement on the County side to address graffiti, Supervisor McKay expressed concern about the Virginia Department of Transportation's (VDOT) timely response to the same.

Therefore, Supervisor McKay moved that the Board direct the Chairman to send a letter to VDOT and ask that it “step up to the plate” on efficient graffiti removal. Chairman Connolly seconded the motion.

Following discussion of the motion, Supervisor Gross asked unanimous consent that the Board direct staff to advise VDOT that spraying the graffiti with white paint is not appropriate removal of the graffiti. Without objection, it was so ordered.

Supervisor McKay asked to amend the motion to include in the letter that the Sheriff's office remains willing to work with VDOT about appropriate means to remove graffiti, and this was accepted.

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

71. **FAMILY CAREGIVERS MONTH** (8:34 p.m.)

Supervisor McKay said that the County's family caregivers provide countless hours of unpaid care to people with age-related or other disabilities, often at great cost to their physical, financial, and emotional health. Additionally, approximately 4,572 grandparents and other relatives in the County raise their relatives' children under difficult circumstances.

The Federal Older Americans Act amendments of 2000 authorized the creation of the National Family Caregiver Support Program and the Board's 50+ Action Plan commits the County to 'support family caregivers so they can keep giving.'

Therefore, Supervisor McKay moved that the Board declare November 2008 as "*Family Caregivers' Month*" in Fairfax County and direct the Office of Public Affairs to prepare a proclamation to be received by representatives of the Commission on Aging at the October 20 Board meeting. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

72. **ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR HYLAND** (8:35 p.m.)

Chairman Connolly announced that Supervisor Hyland left the Board meeting early due to a family situation and that Supervisor Foust would be presenting his Board Matters.

73. **STORM WATER REGULATIONS AS THEY RELATE TO INFILL DEVELOPMENT** (8:35 p.m.)

On behalf of Supervisor Hyland, Supervisor Foust said that recently, a concerned resident brought to Supervisor Hyland's attention a suspiciously tall new home in the Hybla Valley Farms subdivision. After a review of the site plan and a meeting on site, he learned that the site plan permitted an inordinate amount of fill to elevate the home to allow for more living space while meeting the 35 foot height requirement. At its highest point, there is 5 to 7 feet of fill. The site plan shows a 22 percent increase in storm water runoff. To accommodate this increase, the plan provides for overland relief and sheet flow towards the front and back yards.

On behalf of Supervisor Hyland, Supervisor Foust referred to the written Board Matter regarding this issue and moved that the Board direct the Department of Public Works and Environmental Services to examine the current storm water regulations as they relate to infill development, and report with recommendations to improve them. Chairman Connolly seconded the motion.

Following discussion of the motion, Supervisor Gross asked unanimous consent that the staff recommendations be vetted before the Environmental Committee and the Development Process Committee before it comes to the Board. Without objection, it was so ordered.

Discussion ensued regarding grading issues.

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

74. **FAIRFAX COUNTY PARKWAY PHASING** (8:41 p.m.)

Jointly with Chairman Connolly, Supervisor Herrity, and Supervisor McKay, and on behalf of Supervisor Hyland, Supervisor Foust said that recently, the State delegation held a meeting with representatives from the Virginia Department of Transportation (VDOT), the Federal Highway Administration (FHWA), and Department of Transportation (DOT) to address the local communities concerns about the phased construction of the Fairfax County Parkway. The concerns are legitimate and valid and need to be considered before VDOT's approval of the final design. Full funding and construction of the Parkway would be ideal, but because of financing problems, particularly in the General Assembly and Federal level, the roadway will be constructed in phases, namely I through IV. The timeline for phasing is unclear, since only phases I and II are currently funded.

Supervisor Foust referred to the written Board Matter regarding the phasing of the project and suggested that VDOT determine how the potentially long term incomplete status of the Parkway will impact traffic flows throughout the life of the project.

Therefore, jointly with Chairman Connolly, Supervisor Herrity and Supervisor McKay, and on behalf of Supervisor Hyland, Supervisor Foust asked unanimous consent that the Board direct staff to:

- Send a letter on behalf of the Board, to Secretary of Transportation Pierce Homer expressing the Board's request to swap phases III and IV before final approval of the Fairfax County Parkway project.
- Request VDOT to consider the impacts the phased construction will have on traffic flow in the area.

Without objection, it was so ordered.

Supervisor Herrity expressed his support for the request.

75. **HOTEL FIRE ON RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (8:44 p.m.)

(NOTE: Earlier in the meeting, Supervisor Hyland made a reference to this item. See Clerk's Summary Item #2.)

On behalf of Supervisor Hyland, Supervisor Foust said that Supervisor Hyland received a letter from Stephen Gallagher, President of the Belle Haven Civic Association. On the night of Thursday, September 11, the Spring Hill Marriott Suites, under construction on Richmond Highway, caught fire. The Fire Department found the four story structure engulfed in flames when firefighters arrived. The incident commander struck three alarms, bringing over 100 emergency personnel to help combat the inferno. The intensity of the flames forced the firefighters to take a defensive posture to contain the fire and stop it from spreading to an adjacent hotel, Belle Haven Park, and nearby residential communities.

Supervisor Foust said that Mr. Gallagher expresses his appreciation to the community and all emergency responders.

76. **BOARD ADJOURNMENT** (8:46 p.m.)

The Board adjourned.

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