



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 9, 2009**

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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, February 9, 2009, at 9:36 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, 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** (9:36 a.m.)

Following a moment of silence, the Sheriff's Office Honor Guard presented the colors.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SHERIFF'S OFFICE HONOR GUARD** (9:39 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to the Sheriff's Office Honor Guard for its accomplishments in the competition sponsored by the Metropolitan Washington Council of Governments at the National Law Enforcement Officers Memorial during Correctional Officers/Employees Week, May 3-10, 2008. Supervisor Gross seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MR. BILL RENNER (SPRINGFIELD DISTRICT)** (9:46 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. Bill Renner for 20 years of dedicated service and outstanding commitment to the County, its students, and the community. Supervisor Gross seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO STAFF OF SPRINGFIELD MALL (LEE DISTRICT)** (9:50 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to staff of Springfield Mall for its civic-minded response that enabled many residents and visitors to participate in the inauguration event and ease the effects of the traffic in the vicinity of the Metro station. Supervisor Foust seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. PETER BRAHAM** (9:57 a.m.)

Supervisor Smyth stated that the Resolution was originally presented to Mr. Braham at his retirement reception on Friday, January 16, 2009.

Supervisor Smyth moved approval of the Resolution of Recognition presented to Mr. Peter Braham for his 23 years of dedicated service and outstanding commitment to the County, its residents, and the community. Supervisor Hyland, Supervisor McKay, and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING FEBRUARY 15 – 21, 2009, AS "ENGINEERS WEEK" IN FAIRFAX COUNTY** (10:11 a.m.)

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of the Proclamation to designate February 15 – 21, 2009, as "*Engineers Week*" in Fairfax County and urged all residents to join in recognition and tribute to this diverse and talented group of professionals and the many ongoing contributions they make in the County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

7. **10 A.M. PRESENTATION ON THE WORLD POLICE AND FIRE GAMES, TEAM FAIRFAX** (10:18 a.m.)

Bruce Blechl, Police Department, gave a presentation on the World Police and Fire Games, Team Fairfax. He announced that the County was a finalist, along with Toronto, Ontario, Canada; and possibly Kuala Lumpur, Malaysia, to host the 2015 World Police and Fire Games.

Barry H. Biggar, President and Chief Executive Officer, Fairfax County Convention and Visitors Corporation, also made remarks.

Supervisor Gross clarified the nature of the events and noted that they include job-specific competitions in addition to regular athletic events. Chairman Bulova added that the Games were the second largest sporting event in the world.

Supervisor Gross moved that the Board maintain its commitment to host the World Police and Fire Games in the County in 2015. Chairman Bulova seconded the motion.

Chairman Bulova stated that the County Convention and Visitors Corporation has taken the lead in making this happen with a budget from hotel and motel taxes to promote the County.

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

8. **10 A.M. REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:36 a.m.)

Chairman Bulova stated that the Board did not hold a Legislative Committee meeting the previous Friday because several Board Members were in Richmond, Virginia, for the Virginia Association of Counties (VACo) and Virginia Municipal League (VML) day and for additional meetings regarding transportation with various Northern Virginia entities. She noted that there was discussion on the federal economic stimulus package.

Supervisor McKay, Chairman, Legislative Committee, presented the report. He noted that two of the County's initiatives were still alive:

- House Bill 2150, which would designate a point of contact for vacant residential properties, has been reported from Committee with amendments.
- Senate Bill 1227, which would make cell phone use while driving a primary offense for teen drivers, is on the Senate floor.

He added that the House Appropriations and Senate Finance Committees' State budgets were released yesterday afternoon and staff was analyzing effects on the County which would be available at Friday's regularly scheduled Legislative Committee meeting. At that time, the committee would also discuss the federal economic stimulus legislation.

Supervisor McKay stated that much of the funding will flow through the states and in many cases will use current federal funding formulas, so the County must look forward to a dialogue and strong effort at the State level with the Governor and members of the General Assembly to fulfill the congressional delegation's intent to assist the many mutual constituents, in particular, regional transportation needs.

Supervisor McKay moved that the Board:

- Direct Legislative staff to communicate that position to the County delegation at the General Assembly.
- Adopt Legislative Report Number 2 dated February 9, 2009.

Supervisor Hyland seconded the motion.

Discussion ensued concerning transportation funding and what qualifies under the stimulus package and maintenance of effort, with input from Katie Boyle, Legislative Assistant, Office of the County Executive, and Jay Guy, Transportation Planner III, Coordinating and Funding Division, Department of Transportation.

Supervisor McKay noted that efforts need to be focused on the national level but that funds will flow through the State and so a dialogue must be maintained with the Governor and General Assembly members.

Supervisor Gross stated that a presentation by Congressman Moran's staff on Thursday noted that once the stimulus package was approved, the Governor would have seven days to make allocations or the money would go back to the federal government for reallocation to another state and she asked for additional information. Ms. Boyle stated that her office was still reviewing this and hoped to

present more information at Friday's meeting. Discussion continued concerning police funding with additional input from Ms. Boyle who noted that the Senate was not able to restore the cuts, but did preserve the current level of funding.

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

9. **10:15 A.M. APPOINTMENTS TO THE ECONOMIC ADVISORY COMMISSION** (10:51 a.m.)

(APPTS)
(BACs)

Chairman Bulova moved the appointment of Mr. Peter Hartman as the At-Large Chairman's Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Chairman Bulova announced that she would defer the appointment of At-Large Chairman's Representative #2 and At-Large Chairman's Representative #3 to a later date, but, if the individuals she intended to nominate accepted, she would ask them to attend the meeting prior to their appointment.

Supervisor Hyland moved the appointment of Mr. John Byers as the Mount Vernon District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth announced that she would defer the appointment of the Providence District Representative, but, once identified, would ask them to attend the meeting, on February 20, as well.

CONFIRMATIONS:

Supervisor Hyland moved confirmation of the following appointments:

- Mr. Anthony H. Griffin as the County Executive Representative
- Dr. Gerald Gordon as the Economic Development Authority Representative
- Mr. William B. Rucker as the NAIOP Northern Virginia Representative
- Mr. William Lecos as the President of the Fairfax County Chamber of Commerce Representative
- Mr. Barry H. Biggar as the President of the Fairfax Convention and Visitors Corporation Representative

- Dr. Jack Dale as the Superintendent of Fairfax County Public Schools Representative
- Mr. Ronald Christian as the Fairfax County Redevelopment and Housing Authority Representative
- Ms. Carol Welti as the Washington Airports Task Force (WATF) Representative
- The Honorable Dennis D. Husch as the Herndon Council Representative
- Mr. Gary Nakamoto as the Northern Virginia Technology Council (NVTC) Representative

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

(NOTE: Later in the meeting, the Board took additional action regarding this commission. See Clerk's Summary Items #25 and #45.)

ADDITIONAL BOARD MATTER

10. **ELECTION OF THE VICE-CHAIRMAN** (10:54 a.m.)

(NOTE: On February 3, the County held a special election for Chairman of the Board. Former Vice-Chairman Bulova won that election which created the opening for Vice-Chairman.)

Chairman Bulova announced that the Board would now vote on the election of the Vice-Chairman to the Board.

Supervisor McKay moved the appointment of Supervisor Penny Gross as the Vice-Chairman of the Board. Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

DMS:dms

11. **ADMINISTRATIVE ITEMS** (10:57 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 2 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance), Regarding Adjustment of the Fees

Charged for Plan Review and Inspection and Permit Services and Admin 6 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Zoning Fee Schedule. Discussion ensued, with input from James Patteson, Director, Land Development Services, Department of Public Works and Environmental Services, and Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning, regarding:

- Handwritten page 17 of the attachment to the Board Agenda Item, and the additional fee that will be assessed when a permit is not acquired prior to beginning work.
- Amount of the fee.
- Handwritten page 13 of the Board Agenda Item, and the time-frame behind the increase in fees.
- The correlation between the review times and the fee increase.
- The regulation behind the fees.
- Revenue increases due to the adjustment of the fees.
- Other items considered and their placement in the fee schedule.
- Re-feeing when not ready for inspection.
- Comparisons of fees with other jurisdictions.
- The 90 percent cost recovery rate.

Discussion further ensued, with input from Anthony H. Griffin, County Executive, and Ms. Coyle, regarding the following:

- Disparity of the cost recovery rate.
- Fee charged in deferrals when requested by the applicant.
- Recovery of the fees from deferrals.

Supervisor Hudgins called the Board's attention to Admin 8 – Authorization for the Juvenile and Domestic Relations District Court Services Unit to Apply for and Accept Safe Havens: Supervised Visitation and Safe Exchange Grant Funding from the Office on Violence Against Women (OVW) of the US Department of Justice (DOJ) and commented on this prevention plan being well-planned, well-implemented, and having a great strategy for funding.

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

(NOTE: Later in the meeting, additional action was taken regarding the zoning fee schedule. See Clerk's Summary Item #38.)

ADMIN 1 – ACCEPTANCE OF A PORTION OF ALLEN STREET INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS (PROVIDENCE DISTRICT)

- (R) Adopted a Resolution approving a portion of Allen Street be accepted into the Secondary System of State Highways from the centerline of Arlington Boulevard (Route 50) 360 linear feet (LF) east of the centerline of Fenwick Drive (Route 1781), to a point approximately 781 LF (0.15 miles) north to section line at existing Route 2470.

ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTERS 2 (PROPERTY UNDER COUNTY CONTROL), 61 (BUILDING PROVISIONS), 101 (SUBDIVISION ORDINANCE), 104 (EROSION AND SEDIMENTATION CONTROL), AND 112 (ZONING ORDINANCE), REGARDING ADJUSTMENT OF THE FEES CHARGED FOR PLAN REVIEW AND INSPECTION AND PERMIT SERVICES

- (A) (R) (NOTE: Earlier in the meeting, the Board discussed this item. See pages 6–7.)

Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Board on **March 30, 2009, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance), regarding adjustment of the fees charged for plan review and inspection and permit services.

(NOTE: Later in the meeting, additional action was taken regarding the zoning fee schedule. See Clerk's Summary Item #38.)

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2005-PR-009, SUNRISE ASSISTED LIVING LIMITED PARTNERSHIP (PROVIDENCE DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 2005-PR-009 to June 26, 2011, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MINI-WAREHOUSING ESTABLISHMENTS IN THE PDC DISTRICT

- (A) (R) Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 26, 2009, at 8:15 p.m., and before the Board on **March 30, 2009, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding mini-warehousing establishments in the PDC District.

ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-P01-24-1	Verizon Wireless Antenna replacements 3050 Chain Bridge Road (Providence District)	April 13, 2009
FSA-V03-22-1	Sprint-Nextel Communications Replacement of equipment compound with new shelter building 3200 Mount Vernon Memorial Highway (Mount Vernon District)	April 13, 2009
FS-S08-123	Cricket Communications Antenna colocation on existing transmission pole Chapel Oak Road (Springfield District)	April 16, 2009

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ZONING FEE SCHEDULE

- (A) (R) (NOTE: Earlier in the meeting, the Board discussed this item. See pages 6–7.)

Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 12, 2009, at 8:15 p.m., and before the

Board on March 30, 2009, at 3 p.m. to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the zoning fee schedule.

ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2004-SU-025, STANFORD HOTELS CORPORATION (SULLY DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2004-SU-025 to January 24, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 8 – AUTHORIZATION FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT SERVICES UNIT TO APPLY FOR AND ACCEPT SAFE HAVENS: SUPERVISED VISITATION AND SAFE EXCHANGE GRANT FUNDING FROM THE OFFICE ON VIOLENCE AGAINST WOMEN (OVW) OF THE US DEPARTMENT OF JUSTICE (DOJ)

(NOTE: Earlier in the meeting, the Board discussed this item. See page 7.)

Authorized the Juvenile and Domestic Relations District Court Services Unit to apply for and accept Safe Havens: Supervised Visitation and Safe Exchange grant funding, if received, from OVW of the DOJ in the amount of \$400,000. Funding will be used to expand the services of the existing Stronger Together Supervised Visitation and Supervised Exchange Program to include families involved in domestic violence cases. No local cash match is required.

12. **A-1 – APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE FEDERAL BUREAU OF INVESTIGATION (FBI)** (11:18 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between the FCPD and the FBI High Intensity Drug Trafficking Area, Major Offenders Initiative Task Force.

13. **A-2 – APPROVAL OF THE FISCAL YEAR (FY) 2009 FOREST PEST MANAGEMENT SUPPRESSION PROGRAM** (11:18 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to take the actions concerning the County's FY 2009 Forest Pest Management Suppression Program, as outlined in the Board Agenda Item dated February 9, 2009.

14. **A-3 – APPROVAL OF DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ POLICY REGARDING MEMORANDA OF UNDERSTANDING FOR SYNTHETIC TURF FIELDS** (11:19 a.m.)

Chairman Bulova relinquished the gavel to Vice-Chairman Gross and moved that the Board defer the approval of Department of Community and Recreation Services’ Policy regarding a Memoranda of Understanding for synthetic turf fields until February 23, 2009. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **A-4 – APPROVAL OF PARKING REDUCTION FOR GREAT FALLS VILLAGE CENTER (DRANESVILLE DISTRICT)** (11:20 a.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 8.3 percent for Great Falls Village Center, pursuant to paragraph 4(B), Section 11-102 of Chapter 112 of the Code of the County of Fairfax, Virginia (Zoning Ordinance). The approval is based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions outlined in the Board Agenda Item dated February 9, 2009.

16. **C-1 – APPROVAL OF THE PROPOSED BYLAWS FOR THE COUNTY’S COMMISSION FOR WOMEN (CFW)** (11:20 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated February 9, 2009, regarding the proposed bylaws for the County’s CFW.

Supervisor Gross moved approval of the proposed bylaws for the CFW. Supervisor Foust seconded the motion.

Discussion ensued, with input from Ina Fernández, Director, Office for Women and Domestic and Sexual Violence Services, David P. Bobzien, County Attorney, and Nancy Vehrs, Clerk to the Board, regarding the bylaws for the County’s Boards, Authorities, and Commissions.

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

17. **I-1 – FAIRFAX COUNTY CHANNEL 16 NAMED BEST GOVERNMENT CABLE TV STATION FOR FIFTH TIME** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated February 9, 2009, announcing that Channel 16 was recently honored by the Alliance for Community Media as the best government access cable television station in the country in 2008. This is the fifth time that the County has received

the award for Overall Excellence of Government Access channels in its division, with previous awards given in 1996, 1999, 2005 and 2006. The award covers the entire spectrum of Channel 16 programming including government meetings, public service announcements, and informational programs about government services.

18. **I-2 – CONTRACT AWARD – ATHLETIC FIELD LIGHTING AND RELATED ELECTRICAL WORK AT LEE DISTRICT PARK (LEE DISTRICT)** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated February 9, 2009, requesting authorization for staff to award a contract to Dalton Electric Service, Incorporated, in the amount of \$139,200 for the Athletic Field Lighting and Related Electrical Work at Lee District Park in Project 474106, Athletic Fields, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

19. **I-3 – CONTRACT AWARD – STORMWATER MANAGEMENT FACILITIES MAINTENANCE ASSESSMENT PROJECT BASIC ORDERING AGREEMENT** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated February 9, 2009, requesting authorization for staff to award Basic Ordering Agreement contracts to both GKY and Associates and PBS&J with a first-year amount of \$750,000 each and with the option to extend each contract via amendments on an annual basis for up to two additional years.

Supervisor Gross called the Board's attention to page 60 and 61 of the Board Agenda Item, and noted the accomplishments obtained with the Municipal Separate Storm Sewer System (MS4) Discharge Permit.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

20. **NATIONAL CONSUMER PROTECTION WEEK** (11:24 a.m.)

Chairman Bulova said that next month the County's Consumer Affairs Branch will join a group of federal, state, and local government agencies, as well as national consumer advocacy organizations, in recognizing the week of March 1-7, 2009, as the eleventh annual National Consumer Protection Week. The theme for Consumer Protection Week this year is "Nuts and Bolts: Tools for Today's Economy" because consumers who are armed with education and an awareness of the resources available to them are better equipped to wisely manage their money,

especially in these challenging times. The Consumer Affairs Branch offers education and information to help citizens make the right decisions in today's marketplace.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board support these efforts and direct staff to invite representatives of the Consumer Affairs Branch to appear before the Board on February 23 to receive a Proclamation declaring the week of March 1-7, 2009, as "*National Consumer Protection Week*" in Fairfax County. Without objection, it was so ordered.

21. **CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH**
(11:25 a.m.)

Chairman Bulova said that the Northern Virginia Chapter of the Association of Government Accountants is part of a nationwide professional organization committed to promoting ethical practices and facilitating continuing education for the government accountability profession. Nationally, the Association of Government Accountants consists of 15,000 members and 97 chapters. The Northern Virginia chapter is committed to meeting the association's goal of advancing government accountability by emphasizing high standards of conduct and providing opportunities for professional improvement for its members through such programs as Certified Government Financial Manager training. This commitment to excellence benefits the citizens of the County and all of Northern Virginia.

Chairman Bulova asked unanimous consent that the Board direct staff to prepare and deliver a proclamation to the Northern Virginia Chapter of the Association of Government Accountants, declaring March 2009 as "*Certified Government Financial Manager Month*" in Fairfax County. Without objection, it was so ordered.

22. **ALTERNATIVE DISPUTE RESOLUTION MONTH** (11:27 a.m.)

Chairman Bulova said that numerous community groups and County agencies have been finding collaborative ways to proactively resolve disputes and conflicts for the past several years. Mediation, joint problem-solving, and other forms of alternative dispute resolution promote mutually agreeable outcomes as well as preserving relationships and enhancing cooperation in the workplace. The County's Employee Alternative Dispute Resolution Program provides this service to County employees. In addition, the School Division is a regional leader in dispute resolution and is the sponsor of the Northern Virginia Regional Student Mediation Conference.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to prepare a proclamation recognizing the benefits of the programs to be delivered March 2, 2009, to the Alternative Dispute Resolution and Appeal Division,

declaring March 2009 as “*Alternative Dispute Resolution Month*” in Fairfax County. Without objection, it was so ordered.

23. **APPOINTMENTS TO THE SMART SAVINGS TASK FORCE** (11:28 a.m.)

(APPTS) Chairman Bulova reminded the Board that on January 12, on her initiative, the Board created a joint task force with the School Board to work in partnership to identify joint savings opportunities that could reduce the cost of administrative overhead and pursue savings and efficiencies. She reported that the School Board named the following members to serve on this task force:

- Daniel D. Storck, Chairman and Mount Vernon District Representative
- Brad Center, Lee District Representative
- Jane K. Strauss, Dranesville District Representative

Chairman Bulova said that in addition to herself, Supervisor Gross and Supervisor McKay also agreed to serve on this joint task force.

Chairman Bulova asked unanimous consent that the Board direct the County Executive to work with County staff and School Division staff to identify a meeting date preferably prior to the February 23 Board meeting. She noted that this is a task force of Board Members, not of County staff. She expected that action from the task force would involve County staff to proceed with identified opportunities and candidates for savings. Without objection, it was so ordered.

Chairman Bulova noted that the meetings of the task force would be public meetings.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

24. **DULLES RAIL AND I-495 HIGH OCCUPANCY TOLL (HOT) LANES PROJECTS AND THE OFFICE OF PUBLIC AFFAIRS (OPA)** (11:30 a.m.)

In a joint Board Matter with Supervisor Smyth, Supervisor Foust said that the Dulles Rail and I-495 HOT Lanes projects are currently underway. While these projects may provide long term transportation improvements, over the next several years they will have a dramatic adverse impact on traffic in the communities around their construction. He said that communities in and around Tysons Corner will be especially hard hit by congestion caused directly by the construction of both projects as well as the inevitable traffic that will cut through those communities to avoid the construction.

Supervisor Foust asserted that County residents are entitled to accurate and reliable information about road closings and other construction activity that will

impact traffic. To keep residents informed and to have a productive role in formulating plans for traffic mitigation, the Board must be kept informed about project plans and changes to those plans when they occur. This is especially true because these are design-build projects and, at least with the HOT Lanes project, there seem to be dramatic changes on a regular basis. Despite efforts to work with the HOT Lanes project team, Board Members are not receiving necessary information. For example, he recently learned that one lane of Route 123 will be closed in each direction at the Beltway for at least most of the next two years and possibly longer depending on the as yet undefined needs of the Dulles Rail project in that location. This was very different from what the Board had previously been told and, quite understandably, caused significant consternation among the residents who will be affected.

Supervisor Foust said that he has worked with the HOT Lanes project team for almost a year now. Its members are competent, but very busy folks with a massive, complex, and evolving construction project to build. They attempt to be responsive when questioned, but they are not proactive in keeping the Board informed. With everything else they have to do, keeping the Board adequately informed does not seem to be a high priority. Even if they met with the Board on a quarterly basis as they have committed to do, that would not be sufficient. He asserted that the Board needs real time data about these projects and these needs for timely and reliable information about the projects are not being met. Meanwhile, the County has an outstanding OPA, and the Board knows that providing timely and reliable information to the Board and its constituents is its number one priority.

Accordingly, Supervisor Foust, jointly with Supervisor Smyth, moved that the Board direct the County's OPA, with assistance from the County's Department of Transportation (DOT), on an as needed basis, to do the following:

- Actively monitor the HOT Lanes and Dulles Rail projects and report to the Board on plans and developments for those projects that could impact County residents, including the Virginia Department of Transportation's (VDOT) traffic mitigation plans and its plans for providing sound walls.
- Assist Board Members in making information available to the public about those plans and developments including, if and to the extent feasible, providing links from the Supervisors' websites to the project and County websites that contain that information.
- Report to the Board as soon as practical on how they will carry out these responsibilities.

Supervisor Smyth seconded the motion.

Discussion ensued regarding traffic mitigation efforts for the Camelot community, the process of identifying and communicating with impacted individual property owners who are not part of homeowners associations, general communications and mitigation plan mechanisms, a Transportation Committee meeting, and the responsibility of the VDOT Megaprojects Office.

Supervisor McKay, Chair, Board's Transportation Committee, said that this item would be an agenda item for the committee's next meeting.

Following further discussion regarding the communication difficulties of a design-build project that is changing frequently, Supervisor McKay asked to amend the motion to direct OPA and DOT to convene a meeting or coordinate closely with the Megaprojects Office to determine where the difficulties in communications exist, that office's responsibilities, and current policies for disseminating information. This was accepted.

Following further discussion regarding the need for a central office for the coordination of information on this project and the scheduling of a Transportation Committee meeting no later than the second week of March, the question was called on the motion, as amended, and it carried by unanimous vote.

Regarding the scheduling of committee meetings, Supervisor Gross asked unanimous consent that the Board direct staff to the extent possible to try to arrange committee meetings for the non-Board meeting Mondays. Without objection, it was so ordered.

Board Members acknowledged that it is sometimes acceptable to piggyback the scheduling with other meetings such as the Board's Friday afternoon Legislative Committee meetings.

25. **ADDING NORTHERN VIRGINIA ASSOCIATION OF REALTORS (NVAR) TO THE LIST OF ORGANIZATIONS REQUESTED TO DESIGNATE A MEMBER OF THE ECONOMIC ADVISORY COMMISSION (EAC) AND ELIMINATION OF DISTRICT RESIDENCY REQUIREMENT** (11:50 a.m.)

(BACs) (NOTE: Earlier in the meeting, the Board made appointments to the EAC. See Clerk's Summary Item #9.)

Supervisor Foust said that when the Board approved his previous Board Matter that reconstituted the EAC, it named several organizations that were invited to designate a member to serve on the Commission. Through an oversight, he said that he failed to include the NVAR in the list of such organizations. He expressed his belief the NVAR should be represented on the Commission.

Supervisor Foust moved that the Board amend the list of organizations that are requested to designate a member of the EAC to include the NVAR. Supervisor

Gross and Supervisor Smyth jointly seconded the motion.

Following discussion regarding residency requirements for District Representatives, Supervisor Smyth asked to amend the motion to eliminate the residency requirement for District Representatives, and this was accepted.

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

(NOTE: Later in the meeting, the Board confirmed the appointment of a representative of NVAR. See Clerk's Summary Item #45.)

26. **ALTERNATIVE SANITARY SEWER INSTALLATION METHODS FOR TURKEY RUN SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT, X00826/E1-5 (DRANESVILLE DISTRICT)** (11:54 a.m.)

Supervisor Foust said that in 1985, the Public Facilities Manual (PFM) went through a major revision and new language was added to encourage the use of gravity flow sanitary sewer systems whenever possible. Alternative methods such as forced main grinder pump systems may be constructed when "sewer service is not available by gravity flow." (PFM Section 10-0102.9A) The use of other technology is permissible when properties "are not able to be sewered by gravity flow." (PFM Section 10-0102.9B)

Supervisor Foust said that clearing for construction of gravity flow systems within existing communities can have a significant adverse effect on established tree growth. This is especially true in older, established neighborhoods with failing septic systems, extensive large trees, narrow roads, and landscaped yards such as the Langley Hill community to be served by the proposed Turkey Run Sanitary Sewer Extension and Improvement Project (the "Turkey Run Project"). Residents are often opposed to proposals to expand sewer service when they realize the impact that the uncompromising design requirements of installing gravity sewer systems will have on their property and neighborhood.

Supervisor Foust explained that the proposed Turkey Run Project will serve up to 18 existing dwelling units. The impact of expanding sewer service in the Langley Hill community could potentially be mitigated by using an alternative to gravity flow, such as grinder pumps. These alternative systems provide much greater flexibility in terms of sewer line location. Grinder pumps installed are maintained by the individual property owners.

Supervisor Foust said that since 1985 when the current PFM language was adopted, the Board has made huge strides toward recognizing the importance of tree preservation and has adopted policies and objectives to preserve and expand the County's tree cover. He cited several examples in his written Board Matter that was distributed around the dais.

Supervisor Foust said that staff has been reluctant to implement an alternative sewer system for the Turkey Run Project even when the consequence of constructing a gravity system impacts the Board's tree conservation goals and the character of the existing neighborhood. He noted that staff reviewed this Board Matter prior to its presentation.

Accordingly, Supervisor Foust moved that the Board direct staff:

- To protect private property, preserve the character of the portions of the Langley Hill community to be served by the proposed Turkey Run Project, and to minimize the loss of tree canopy, evaluate the engineering feasibility of installing an alternative sewer system such as grinder pumps for the Turkey Run Project.
- If it is determined that the use of an alternative sewer system such as grinder pumps will reduce the negative impact to the community and help preserve existing tree canopy as anticipated, incorporate the use of the alternative sewer system into the Turkey Run Project.

Supervisor Hyland seconded the motion.

Supervisor Gross asked to amend the motion to include in the evaluation the cost of grinder pump maintenance by the individual property owners, and this was accepted.

Further discussion ensued regarding previous uses of grinder pumps and the absence of a fiscal impact to the County, with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services.

Additional discussion ensued with input from David P. Bobzien, County Attorney, and Mr. Jenkins, regarding disclosure or possible covenants or recordation of the grinder pump maintenance requirement with the land records so future owners are notified.

Following clarification that the motion's purpose was an evaluation of the grinder pumps to minimize the loss of tree canopy within a small community, the question was called on the motion, as amended, and it carried by unanimous vote.

27. **PUBLIC SAFETY TELECOMMUNICATIONS WEEK** (12:05 p.m.)

Supervisor Gross said that in 1994 the US Congress proclaimed the second full week in April as "Public Safety Telecommunications Week." This week serves to recognize at the national, state, and local levels the exceptional service provided by 9-1-1 call takers and dispatchers in their role as the first of the first responders.

The County's 9-1-1 Center, known as the Department of Public Safety

Communications or DPSC, is a nationally recognized public safety communications center, one of the 50 largest in the US and the largest in Virginia. The DPSC receives and handles approximately two million calls per year.

Supervisor Gross moved that the Board proclaim April 13-7, 2009, as "*Public Safety Telecommunications Week*" in Fairfax County, and direct staff to invite representatives from the DPSC to be recognized with the proclamation at the March 30 Board meeting. Without objection, it was so ordered.

28. **COUNTY RECEIVES A GOVERNOR'S FIRE SERVICE AWARD**
(12:07 p.m.)

Supervisor Gross said that the Governor's Fire Service Awards were established in 2002 as a formal recognition of excellence in Virginia's Fire Services. Nominees are carefully reviewed and selected by the Virginia Fire Services Board Executive Committee and forwarded to the Governor through the Secretary of Public Safety for final approval. The awards are presented annually to recipients in eight categories.

Supervisor Gross announced that the Department of Fire and Rescue recently received the Governor's Fire Service Award for the County's Fire Alarm and Sprinkler System Training Laboratory (FASST). The FASST was developed to provide firefighters and fire inspectors with hands-on training opportunities on various types of sprinkler systems used throughout the County and the region. The training laboratory is a public-private partnership, completed at no cost to residents.

Supervisor Gross asked unanimous consent that the Board direct staff to invite representatives from the FASST and Fire Chief Ronald L. Mastin to appear before the Board on February 23 to be presented with a Certificate of Recognition for their efforts. Without objection, it was so ordered.

DAL:dal

29. **CORRECTIVE WORK ORDERS** (12:08 p.m.)

Supervisor McKay said the County has made significant strides in streamlining code enforcement in neighborhoods. The Strike Team, through its coordinated efforts across multiple agencies, has made enforcement more efficient. The General Assembly has supported the County's streamlining efforts by passing legislation during the last session that reduced appeal periods on zoning violations, saved time by posting violations on the property, and made inspection warrants easier to obtain. The County needs to continue to find efficiencies to make enforcement of the code effective.

Violations of the building code are one area where additional possible efficiencies could be found. Currently, for violations of building without a permit, a

Corrective Work Order (CWO) is issued with time allowed to comply before a Notice of Violation (NOV) is issued. This practice results in a multiple step enforcement process and is not consistent with other code enforcement processes in the County that issue NOVs as soon as the violation is found. Supervisor McKay stated that it is his understanding that CWOs are part of the Department of Public Works and Environmental Services' standard operating procedure but are not required by code.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to report with information regarding the following:

- Budget Question: How much would be saved (in enforcement time and dollars spent) if CWOs were removed from the process and all building code violations went straight to an NOV?
- Legal Question: Is there any legal impediment to removing CWOs from the building enforcement process?

Supervisor McKay noted that the appeal process would still be in full force and effect for NOVs. All NOVs already provide an opportunity to comply within a certain period of time – routinely 30 days – before litigation is pursued. CWOs are time and resource consuming. Removing this one unnecessary step could save the County money and make enforcement consistent and more effective in our neighborhoods. Without objection, it was so ordered.

30. **REQUEST FOR RECOGNITION OF THE EDISON HIGH SCHOOL VARSITY FOOTBALL TEAM (LEE DISTRICT)** (12:10 p.m.)

Supervisor McKay said the Edison High School varsity football team made history last October 31 when the Eagles scored a touchdown against Chantilly High School in the last ten seconds of play to seal their first undefeated regular season in school history.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite members of the Edison High School varsity football team and its coaches to appear before the Board for recognition. Without objection, it was so ordered.

31. **REQUEST FOR RECOGNITION OF MS. ROSEMARY BYRNE** (12:11 p.m.)

Supervisor McKay said that Rosemary C. Byrne, longtime executive director of Clean Fairfax Council, retired from the Council last month. Clean Fairfax Council was established in 1978 by the Board to implement an anti-litter campaign, and in 1985 the group became a private nonprofit. Funding for the program comes from statewide taxes provided by manufacturers, wholesaler, and distributors of certain products. Clean Fairfax Council educates the citizens of the

County on litter prevention and control, supports the County recycling program, discourages graffiti, and provides environmental education to students and adults.

Supervisor McKay stated that under her leadership, thousands of volunteers worked together to make the County a cleaner place to live. The Council runs spring and fall litter clean up programs and participates in town meetings and countywide events where it educates citizens about litter prevention and control and recycling. It manages an Adopt-A-Spot program and is a member of the Virginia Council for Litter Prevention and Recycling, the Community Appearance Alliance of Northern Virginia, the Virginia Recycling Association, and produces the County's Earth Day/Arbor Day celebration at the Annandale campus of the Northern Virginia Community College. Clean Fairfax Council has received awards from the Board, the Adopt-A-Highway program, Hands of Healing, Keep America Beautiful, Keep Virginia Beautiful, Take Pride in America, Renew America, Operation Spruce Up, and the Virginia Department of Waste Management.

Therefore, Supervisor McKay moved that the Board direct staff to invite Ms. Byrne to appear before the Board for recognition. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Foust being out of the room.

32. **TYSONS PLAN TEXT** (12:13 p.m.)

Supervisor Smyth announced that the first draft of the Comprehensive Plan text for the Tysons Plan has been posted on the County website at <http://www.fairfaxcounty.gov/dpz/tysonscorner/>. She noted that it is a work in progress and there is still a lot of information to be added.

33. **COMMONWEALTH CENTRE – REQUEST FOR DATE CERTAIN PUBLIC HEARING AND CONCURRENT PROCESSING (SULLY DISTRICT)** (12:14 p.m.)

Supervisor Frey said that Commonwealth Centre Investors, LLC and Commonwealth Centre Investors II, LLC have filed a proffered condition amendment and related applications to modify its 100-acre development within Westfields. Specifically, the applicants propose to construct two parking garages in place of surface parking, and to permit the inclusion of a child care facility within the development. The applications are currently under review by staff. The public hearing before the Planning Commission is likely to be this spring.

Supervisor Frey said the applicants have requested that the Board authorize concurrent processing of the zoning applications and site and subdivision plans, as well as establish a date certain for the Board public hearing. Because the scope of the request is relatively narrow, staff has no objection to either request.

Therefore, Supervisor Frey moved that the Board authorize:

- A date for the public hearing to be held before the Board for Proffered Condition Amendment Application PCA 2006-SU-025, and related applications, to occur as soon as practicable after the Planning Commission hearing.
- Concurrent processing of the engineering plats and plans associated with the Commonwealth Centre zoning applications.

The applicants understand that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards.

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

34. **LIGHT GLOBAL MISSION CHURCH PROPERTY (SULLY DISTRICT)**
(12:16 p.m.)

Supervisor Frey said that Light Global Mission Church is the owner of the former Dominion Power property at the intersection of Route 50 and Fair Ridge Drive. Last April, the Board authorized an out-of-turn plan amendment to run concurrently with the 2008 Annual Plan Review (APR) cycle to permit the church to exchange 90,000 square feet of approved but not constructed office space for 90,000 square feet of affordable senior housing. The out-of-turn plan amendment was required because the application property had been the subject of a 2004 plan nomination.

Because the Zoning Ordinance limits allowable intensity on property encumbered by major utility easements, it appears that approximately 67,000 square feet of floor area is available. To be viable, the project must contain at least 100 units, which equates to 90,000 square feet. Given the nature of the proposed use, and the fact that the floor area ratio (FAR) cap resulted from a technical reduction based upon the co-location with the Dominion Power facility, Supervisor Frey stated his belief that permitting up to 90,000 square feet of FAR for this use may be appropriate. It should be noted that Department of Planning and Zoning staff and the Sully APR Task Force endorsed the switch from office to 100 senior affordable housing units, recognizing the benefits of senior housing in that location.

Therefore, Supervisor Frey moved that the Board authorize staff to expand the scope of APR Item 08-III-3UP to evaluate the feasibility of allowing 90,000 square feet of affordable senior housing on Tax Map Parcel 46-3((1))15A-1 in place of the approved office building. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room.

PMH:pmh

35. **I-66 ENVIRONMENTAL IMPACT STUDY (EIS)** (12:18 p.m.)

Supervisor Herrity said that this item is to follow-up on his comments concerning the Environmental Phase of the I-66 Multimodal Study during the discussion of Information Item 1, the Annual Report on the Board's Four-Year Transportation Program, at the January 26, 2009, meeting. It is extremely important that the environmental phase be undertaken and completed as soon as possible, since without the environmental work completed, potential Public Private Transportation Act (PPTA) proposals or other efforts to secure funding cannot realistically be initiated. In a meeting with him last summer, Secretary Pierce Homer had indicated that work on this critical next step toward improving the movement of people and goods in the I-66 corridor would be reinitiated around the first of this year.

After the Board's last meeting Supervisor Herrity said that he followed up with the Virginia Department of Transportation (VDOT) and was advised that the study has not been restarted due to the poor financial situation at the State level and resulting uncertainty as to whether funding would remain available for this study with the revision of the State Six-Year Improvement Program now underway. He added that he learned on Thursday of last week that funding for the Study remains in VDOT's Preliminary Final Revised Fiscal Year (FY) 2009-2014 Six-Year Improvement Program. VDOT Northern Virginia staff have indicated that if the Commonwealth Transportation Board (CTB) approves this draft on February 19, it will be able to restart its efforts and get the study back underway by this coming summer. The consultant team is already on board so additional procurement will not be needed; however, the need to put some partnership agreements in place between VDOT, Department of Rail and Public Transportation (DRPT), Federal Transit Administration (FTA), and Federal Highway Administration (FHWA) will delay the re-initiation of the study.

In light of the foregoing schedule delay, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a letter to VDOT for the Chairman's signature, reminding it of the high priority that the Board places on this transportation corridor and the environmental study and requesting that it reinitiate the study as expeditiously as possible, preferably even before this coming summer. Without objection, it was so ordered.

A brief discussion ensued regarding the EIS.

36. **E-ZPASS-ONLY LANES ON THE DULLES TOLL ROAD** (12:23 p.m.)

Supervisor Herrity said that during the last several months, an issue that routinely came up when discussing the Dulles Toll Road was the lack of E-ZPass-only lanes at exit ramps. Currently, the main line plaza, Route 28, and Spring Hill west are the only plazas with E-ZPass-only lanes. At the current E-ZPass/exact

change lanes, the drivers with E-ZPass end up paying a time tax as well as the toll as they wait behind drivers slowing to pay the toll with change.

Supervisor Herrity noted that at the main line plaza, drivers with E-ZPass must squeeze into two lanes. Up and down the East Coast and in other parts of the country, transportation departments have converted to overhead toll collection at-speed and have given financial incentives for using the electronic pass. The New Jersey Turnpike, for example, offers E-ZPass users a 25 percent discount during off-peak hours. In Virginia, additional E-ZPass-only lanes would allow more drivers to pass through the plazas at-speed as well as save on operations costs by not having toll collectors at each booth.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to work with the Metropolitan Washington Airports Authority (MWAA) to investigate the feasibility of E-ZPass-only lanes at each exit of the Dulles Toll Road, increasing the number of E-ZPass-only lanes at main toll plazas, and fare differentials as incentives for E-ZPass use and report its findings. Without objection, it was so ordered.

37. **ALTERNATIVE MEMORANDUM OF UNDERSTANDING (MOU) WITH IMMIGRATIONS AND CUSTOM ENFORCEMENT (ICE)** (12:25 p.m.)

Supervisor Herrity said that at his request, Sheriff Barry addressed the Board about where the County stood on the replacement 287 (g) program with ICE. He noted that Sheriff Barry said the equipment was being installed and the timeline for its implementation would be around January – February.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the County Executive at the next Board meeting to provide an update on the progress that has been made since November, the status of the MOU, and when the program is to be implemented. Without objection, it was so ordered.

38. **EVALUATING THE REGULATORY PROCESS** (12:26 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding this issue. See Clerk's Summary Item #11.)

Supervisor Herrity noted that in approving Admin 2, the Board decided to hold a public hearing to increase Land Development Service fees because, in part, new regulations and even implementation of long-standing regulations impose a greater fiscal impact than the revenues collected for those services.

Supervisor Herrity referred to his written Board Matter which outlined questions regarding the fees and regulations.

Supervisor Herrity moved that the Development Process Committee consider formation of a Development Process Regulatory Commission to evaluate the

County's regulatory process, including analysis of fiscal and regulatory impacts, and make recommendations on process improvements that will allow the Board a better understanding of fiscal and regulatory impacts.

Following discussion regarding the proposal, Supervisor Frey asked to amend the motion to refer this issue to the Development Process Committee for review, and this was accepted.

Supervisor McKay seconded the motion.

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

39. **MOUNT VERNON'S TWENTY-SECOND ANNUAL TOWN MEETING**
(12:40 p.m.)

Supervisor Hyland announced that on January 31, he hosted Mount Vernon's Twenty-Second Annual Town meeting. He expressed his appreciation to:

- Anthony H. Griffin, County Executive, for attending and providing a perspective of the challenges currently facing the County.
- Chairman Bulova and Supervisor Herrity for participating and sharing their ideas and stance on the issues that the County must address.
- Kathryn Falk of Cox Communications, the moderator for preparing and executing the debate.
- County staff for setting up their exhibits and sharing with the Mount Vernon residents.
- Channel 16 for giving up another Saturday and Sunday to capture the meeting on tape.

40. **ONE HUNDREDTH ANNIVERSARY FOR THE NAACP** (12:42 p.m.)

Supervisor Hudgins said that the NAACP will celebrate its one hundredth anniversary on February 12, 2009, by a diverse multi-racial group of activists of varying political and religious backgrounds, all committed to the common cause of equality.

Supervisor Hudgins noted that for 100 years, the NAACP has worked to eliminate racism and discrimination, and to tear down the barriers to education, economic, and political advancement in this country. The sustained efforts of the NAACP led to desegregation of America's public schools, military, election to public office, and public places of accommodation; as well as ended the horrific practice

of routine lynching of African Americans. The NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, laws that ensured legislative protection for all Americans.

Supervisor Hudgins said that the work of the NAACP has improved the quality of life of African Americans and benefited all Americans well into the future and fosters a lasting progressive spirit in this nation. Its mission of ensuring the political, educational, social, and economic equality of rights of all persons remains relevant today due to the continuing disparities in housing, health care, the workplace, and elsewhere.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a proclamation for presentation outside of the Board meeting to recognize the one hundredth anniversary of the NAACP, honor its steadfastness in the struggle for justice and equality, and show its commitment to working with the NAACP locally and nationally to achieve its mission for the betterment of citizens. Supervisor Gross seconded the motion.

Supervisor Gross asked to amend the motion to direct the Office of Public Affairs to assist with publicizing this milestone, and this was accepted.

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

41. **DESIGNING VISITABILITY** (12:45 p.m.)

Supervisor Hudgins said that on September 22, 2008, the Board adopted new language to the Comprehensive Plan and the Policy Plan for the County regarding Universal Design. Universal Design is the design of products and environments to be usable by people of all ages and abilities, to the greatest extent possible.

Supervisor Hudgins noted that recently she met with representatives of the Reston Accessibility Committee, a subcommittee formed by the Reston Citizens Association (RCA) that advocates for barrier-free access for persons with physical disabilities, with emphasis in securing safe and comfortable access for individuals with mobility impairments. The Reston Accessibility Committee has requested that the County consider the possibility of implementing an amendment to the Universal Design recommendations to establish a subset of specific standards that would promote visitability in single family dwellings. Visitability design focuses on three major components, as follows:

- At least one zero step entrance into the dwelling
- Doorways with 32 inches of clear passage space

- A minimum of a half bathroom on the first floor

Therefore, Supervisor Hudgins asked unanimous consent that the Board request the Development Process Committee to consider adding Designing for Visitability on the agenda for discussion at the March 16, 2009, meeting. Without objection, it was so ordered.

42. **FAIRFAX CARES** (12:47 p.m.)

Supervisor Hudgins said that given the economic downturn, those safety net organizations that provide basic needs assistance have been experiencing an unprecedented demand in requests for emergency food, rental, or housing assistance. The County's support system starts with a person calling the Coordinated Services Planning team (703-222-0880), who in turn works with nonprofits and faith based organizations to put resources together to assist individuals and families. At the end of calendar year 2008, requests for such assistance were twice as high as they were the same time two years ago. Nonprofits and faith based organizations on the front lines trying to meet these requests are struggling themselves with limited resources.

Supervisor Hudgins noted that around the County, all sectors have come together – leaders from the business community, nonprofits, faith-based, school, and government and have launched “Fairfax Cares.”

Fairfax Cares is an initiative and campaign intended to raise community awareness of the challenges facing neighbors in the community and provide a mechanism for them to help – either through a monetary donation to Fairfax Cares (that would in turn be allocated to nonprofits and faith groups currently providing basic needs assistance) or directly to a nonprofit of their choice or donations of needed items such as food or volunteering their time and talents.

Supervisor Hudgins encouraged all to visit the website at www.fairfaxcares.org, as it plans to go live this week, to learn more and see how to become a part of helping neighbors in need.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite those members of the Fairfax Cares Advisory Board to appear before the Board in March to be recognized for their leadership and initiative in organizing a way to allow everyone in the community to get involved. Chairman Bulova seconded the motion.

Following discussion regarding nonprofits that “turn no one away,” the question was called on the motion and it carried by unanimous vote.

43. **REQUEST FOR MORNING RUSH HOUR SHOULDER USE ON THE DULLES TOLL ROAD (HUNTER MILL DISTRICT)** (12:52 p.m.)

Supervisor Hudgins said that in 1998 the County requested that the Virginia Department of Transportation (VDOT) review using the shoulder lane on the Dulles Access Road Extension during rush hour to permit more efficient bus access to the West Falls Church Metrorail Station in anticipation of the expansion of bus service in the Dulles Corridor. Service was requested and initiated during the 5 p.m. to 7 p.m. rush hour and has greatly increased the popularity and efficiency of express bus service as predicted.

Supervisor Hudgins noted that there is now “standing-room-only” bus rapid transit use during both morning and evening rush hours to the West Falls Church Metrorail Station and this corridor has come under the jurisdiction of the Metropolitan Washington Airports Authority (MWAA).

Therefore, Supervisor Hudgins moved that the Board formally request MWAA to review expanding shoulder use on the Dulles Toll Road to include the morning rush hour between 7 a.m. and 9 a.m. Permitting use of the shoulder for the morning commute could save riders up to 30 valuable minutes of commute time. Supervisor McKay seconded the motion and it carried by unanimous vote.

44. **ELECTION ISSUES** (12:54 p.m.)

Supervisor Hudgins asked unanimous consent that the Board direct the Registrar to review the training procedures for elections and the usage of auditory assistance and report his findings. Without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct the Registrar to review the issue of signage and easy access to voting places. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct the Registrar to review the issue of signage and parking when voting while school is in session. Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct the Electoral Board to appear before the Board following each election to identify problems and ways to improve. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide written feedback to the Electoral Board regarding the concerns of the Board of Supervisors. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Anthony H. Griffin, County Executive, noted that the Registrar and the Electoral Board will be provided with a video of this discussion.

45. **CONFIRMATION OF THE NORTHERN VIRGINIA ASSOCIATION OF REALTORS (NVAR) REPRESENTATIVE TO THE ECONOMIC ADVISORY COMMISSION (EAC) (DRANESVILLE DISTRICT)** (1:04 p.m.)

(APPT) (NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item #25.)

Supervisor Foust moved confirmation of the appointment of Ms. Robyn Burdett as the NVAR Representative to the EAC. Supervisor Gross and Supervisor Smyth seconded the motion and it carried by unanimous vote.

Supervisor Hudgins announced that she was waiting for information regarding the African-American Chamber of Commerce Representative whom she hopes the Board will confirm.

46. **INTENT TO DEFER PUBLIC HEARINGS (MASON AND SULLY DISTRICTS)** (1:05 p.m.)

Supervisor Frey announced his intent, later in the meeting at the appropriate time, to defer the public hearing on:

- Proffered Condition Amendment Application PCA 78-S-063-06
- Special Exception Application SE 2008-SU-026

Supervisor Gross announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Application SE 2008-MA-020.

(NOTE: Later in the meeting, the public hearings were formally deferred. See Clerk's Summary Items #51 and #52.)

47. **RECESS/CLOSED SESSION** (1:06 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. *FFW Enterprises v. Fairfax County and Board of Supervisors of Fairfax County*, CL-2008-0013918 (Fx. Co. Cir. Ct.)
 2. *Krispy Kreme Doughnut Corporation and Damaged Sewer Facilities Serving the Gunston Commerce Center* (Tax Map Nos. 113-3((1)) parcels 5F, 5G, 5H1, 5H2, 5H3, 5J, 5K1, and 113-3((3))) (Mount Vernon District)
 3. *Robert D. Scrimshaw v. Russell J. Munyan, Jr., Property Maintenance/Senior Zoning Inspector, and Kevin C. Greenlief, Director, Department of Tax Administration*, Case No. CL-2008-0015232 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 4. *Christopher F. DeCarlo v. Fairfax County*, Appeal No. 06-5 (State Building Technical Review Board) (Hunter Mill District)
 5. *Carrhomes, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0009776 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 6. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, Frederick L. Shreves, II, Trustee, Vincent J. Keegan, Trustee, Mortgage Electronic Registration Systems, Inc., and Weichart Financial Services*, Case No. CL-2007-0011400 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 7. *Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of*

Fairfax County, Virginia, and Hermilio Machicao, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.); Eileen M. McLane, Fairfax County Zoning Administrator v. Hermilio Machicao and J.A.M. Homes, Inc., Case No. CL-2008-0016138 (Fx. Co. Cir. Ct.) (Lee District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator, Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia, and Ronald L. Mastin, Fairfax County Fire Marshal v. Adela Cuellar Taylor, Case No. CL-2008-0001917 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia B. Hutchison, Case No. CL-2008-0010090 (Fx. Co. Cir. Ct.) (Braddock District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Grover Ruiz, Case No. CL-2008-0008360 (Fx. Co. Cir. Ct.) (Braddock District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christobal Avelar, Case No. CL-2008-0010793 (Fx. Co. Cir. Ct.) (Lee District)*

16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo A. Menacho and Guillermo C. Menacho*, Case No. CL-2008-0008880 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Celio Guevara*, Case No. CL-2008-0014067 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Curry*, Case No. CL-2008-0010740 (Fx. Co. Cir. Ct.) (Lee District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Barnes and Dale A. Barnes*, Case No. CL-2008-0012057 (Fx. Co. Cir. Ct.) (Mount Vernon District)
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27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Herrera and Dinora Herrera*, Case No. CL-2009-0000375 (Fx. Co. Cir. Ct.) (Dranesville District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oakwood Road Two, Limited Partnership a/k/a Oakwood Road II, Limited Partnership, and Sagres Construction Corporation*, Case No. CL-2009-0000412 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yanira A. Arias and Nelson A. Alexander*, Case No. CL-2009-0000411 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Florence E. Cavazos*, Case No. CL-2009-0000433 (Fx. Co. Cir. Ct.) (Mason District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manuel Padilla Zapata*, Case No. CL-2009-0000541 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
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34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Wayne Oliver*, Case No. CL-2009-0000810 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nehemias O. Salvador*, Case No. CL-2009-0000811 (Fx. Co. Cir. Ct.) (Mason District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2009-0001067 (Fx. Co. Cir. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 08-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghissa P. Torrico and Oscar Torrico*, Case No. 08-0036353 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Auto Sound Express, Inc., and Kleriotis, LLC*, Case No. 08-0037438 (Fx. Co. Gen. Dist. Ct.) (Lee District)

41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan C. Cadima*, Case No. 09-0002346 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Board of Supervisors of Fairfax County, Virginia v. Foxhall of McLean, LLC, Arch Insurance Co., Everest Reinsurance Co., and XL Reinsurance America, Inc.*, Case No. CL-2009-0001186 (Fx. Co. Cir. Ct.) (Dranesville District)
43. *Board of Supervisors of Fairfax County, Virginia v. Fairfax Homes, Inc., and A Money Matter Mortgage, Inc.*, Case No. CL-2009-0001185 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- Board of Supervisors of Fairfax County, Virginia, v. Jade Dunn Loring Metro, LLC, et al., At Law Number CL-2008-0003247
- Fairfax County Water Authority v. City of Falls Church, Case Number 2008-16114
- Appeal Application of Kirk Wiles, Jane Kincheloe Wiles, and Paradise Springs Winery, A 2008-SP-065

Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

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At 4:46 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

48. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:46 p.m.)

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

49. **REJECTION OF THE CLAIM REGARDING BOARD OF SUPERVISORS V. JADE DUNN LORING METRO LLC** (4:46 p.m.)

Supervisor Smyth moved that the Board reject the settlement offer dated February 3, 2009, in the case of Board of Supervisors v. Jade Dunn Loring Metro, LLC, Case No. CL-2008-0003247, for the reasons set forth by the County Attorney in closed session. Supervisor Foust and Supervisor Hyland jointly seconded the motion, and it carried by unanimous vote.

50. **APPOINTMENT OF MR. DEAN KLEIN TO THE POSITION OF EXECUTIVE DIRECTOR, OFFICE TO PREVENT AND END HOMELESSNESS** (4:47 p.m.)

Supervisor Gross moved the appointment of Mr. Dean H. Klein to the position of Executive Director, Office to Prevent and End Homelessness at Grade E-8, at a starting salary of \$125,000, effective Tuesday, March 3, 2009. Supervisor Hudgins and Supervisor Smyth jointly seconded the motion.

Following discussion regarding the motion and the issue of filling this position, the question was called on the motion which **CARRIED** by a recorded vote of seven, Supervisor Frey and Supervisor Herrity voting “**NAY.**”

Chairman Bulova asked Mr. Klein, who was in the auditorium, to stand and be recognized.

AGENDA ITEMS

51. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-06 (THE AEROSPACE CORPORATION) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-026 (THE AEROSPACE CORPORATION) (SULLY DISTRICT) (4:57 p.m.)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 78-S-063-06 and Special Exception Application SE 2008-SU-026 until **February 23, 2009, at 4 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-020 (WOODLAKE TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION) (MASON DISTRICT)** (4:57 p.m.)

Supervisor Gross announced that a required resolution with the signatures of all condo tenants agreeing to be represented by the applicant's attorney has not been submitted and moved to defer the public hearing on Special Exception Application SE 2008-MA-020 to a date to be determined. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-HM-023 (KEITH AND STEPHANIE ANDERSON) (HUNTER MILL DISTRICT)** (4:59 p.m.)

The application property is located at 1203 Bishopsgate Way, Tax Map 12-3 ((7)) 4A and 24A.

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

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

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

Discussion ensued regarding the proposed six foot lot width and access by a shared driveway.

Supervisor Hudgins submitted items for the record.

Further discussion ensued regarding the waiver of the minimum width requirement.

Supervisor Hudgins moved approval of Special Exception Application SE 2008-HM-023, subject to the development conditions dated January 8, 2009. Supervisor McKay seconded the motion and it **CARRIED** by a recorded vote of six, Supervisor Smyth abstaining, Supervisor Frey and Supervisor Hyland being out of the room.

54. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS) AND THE PUBLIC FACILITIES MANUAL (PFM), CHAPTER 9 (WATER AND FIRE REGULATIONS), REGARDING PUBLIC WATER AND SEWER CONNECTIONS** (5:11 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 22 and January 29, 2009.

Judith Cronauer, Engineer IV, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Supervisor Gross called the Board's attention to pages 8-10 of the handout provided by Mr. David Kochendarfer (Speaker 2), and asked unanimous consent that the Board direct staff, as part of the budget question and answer process, to address the financial burden analysis. Without objection, it was so ordered.

Following the public hearing, which included testimony by two speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 65 (Plumbing and Gas Provisions) and the PFM, Chapter 9 (Water and Fire Regulations), regarding public water and sewer connections. Supervisor Herrity seconded the motion.

On behalf of Supervisor Hyland, Supervisor Foust asked to amend the motion to adopt the following proposed amendments to:

- Chapter 9 of the PFM regarding public water as recommended by the Planning Commission and not adopt the proposed amendment to Chapter 65 (Plumbing and Gas Provisions), as set forth in the staff report, dated December 8, 2008.
- Become effective at 12:01 a.m., February 10, 2009, with the exception that the Preliminary Subdivision Plats, Construction Plans and Final Subdivision Plats submitted to the Department of Public Works and Environmental Services prior to February 10, 2009, and approved prior to August 10, 2009, shall be grandfathered.

This was accepted.

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

55. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LAKEFORD COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)** (5:28 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 January 22 and January 29, 2009.

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

Following the public hearing, which included testimony by three speakers, discussion ensued, with input from Ms. Turner, regarding the requirements for using a Residential Permit Parking District (RPPD) or CPD.

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Lakeford CPD, in accordance with current CPD restrictions. The proposed district includes New Providence Drive (Route 6929), from Lakeford Drive to the cul-de-sac inclusive. Supervisor Foust and Supervisor Frey jointly 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 Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE LAKE BRADDOCK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (5:45 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 22 and January 29, 2009.

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

The public hearing was held and included testimony by two speakers.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Lake Braddock CPD, in accordance with current CPD restrictions. The proposed district expansion includes Amber Court (Route 5107), from Winbourne Road to the cul-de-sac inclusive. The motion was multiply seconded and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, Vice-Chairman

Gross, and Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CHERRY RUN COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:51 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 January 22 and January 29, 2009.

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

Following the public hearing, which included testimony by five speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Cherry Run CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- Bestwicke Road (Route 5882), from the northern boundary of parcel 88-1((07)) 172 to the southern boundary of parcel 88-1((07))147.
- Biggers Road (Route 6893), from Degen Drive to cul-de-sac inclusive.
- Degen Drive (Route 6891), from Ironmaster Drive to Stipp Street.
- Ironmaster Drive (Route 6411), from the western boundary of parcel 88-1((07))107 to the eastern boundary of parcel 88-1((07))83.
- Klimt Court (Route 6892), from Degen Drive to the cul-de-sac inclusive.
- Little Cobbler Court (Route 6401), from Villagesmith Way to the cul-de-sac inclusive.
- Newchandler Court (Route 6402), from Villagesmith Way to the cul-de-sac inclusive.
- Old Blacksmith Drive (Route 6403), from Villagesmith Way to Ironmaster Drive.

- Rehanek Court (Route 6898), from Bestwicke Road to the cul-de-sac inclusive.
- Stipp Street (Route 6894), from Bestwicke Road to the cul-de-sac inclusive.
- Stonecutter Drive (Route 6412), from Ironmaster Drive to the eastern boundary of parcel 88-1((07))67.
- Villagesmith Way (Route 6400), from Old Keene Mill Road to the cul-de-sac inclusive.
- Woodcarver Court (Route 6413), from Stonecutter Drive to the cul-de-sac inclusive.

Supervisor McKay and Supervisor Smyth jointly 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 Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

58. **BOARD ADJOURNMENT** (6:13 p.m.)

The Board adjourned.

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