



CLERK'S BOARD SUMMARY
REPORT OF ACTIONS OF THE
FAIRFAX COUNTY BOARD OF SUPERVISORS

MONDAY

July 11, 2005

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16-05

PW:pw

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, July 11, 2005, at 9:40 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District

- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:41 a.m.

Supervisor Gerald W. Hyland, Mount Vernon District arrived at 11:42 a.m.

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

BOARD MATTER

1. **LATE ARRIVAL OF MOUNT VERNON DISTRICT SUPERVISOR GERALD W. HYLAND** (9:41 a.m.)

Chairman Connolly announced that Supervisor Hyland would be arriving late because he was attending the installation ceremony of the new commandant at Fort Belvoir.

(NOTE: Later in the meeting, Supervisor Hyland reported on his attendance at the ceremony. See Clerk's Summary Item CL #52.)

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MISS HANA KANG** (9:42 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Miss Hana Kang for receiving the 2004–2005 Outstanding School Safety Patrol of the Year award from the Mid-Atlantic Foundation for Safety and Education. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO THE McLEAN FIELDS TASK FORCE (DRANESVILLE DISTRICT)** (9:45 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to the McLean Fields Task Force for its work in establishing a methodology and criteria to evaluate existing and future athletic fields. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

Supervisor DuBois moved approval of the Certificates of Recognition presented to Jon Braswell and Chris Monek, Co-Chairs of the McLean Fields Task Force, for their work as co-chairs. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE EARTH DAY/ARBOR DAY SPONSORS** (9:51 a.m.)

Supervisor Bulova moved approval of the Certificates of Recognition presented to the committee members of Earth Day/Arbor Day 2005. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

Supervisor Bulova moved approval of the Certificates of Recognition presented to the following sponsors of Earth Day/Arbor Day 2005:

- Solid Waste Collections and Recycling, Department of Public Works and Environmental Services
- Northern Virginia Community College - Annandale Campus
- Clean Fairfax Council

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Hyland not yet having arrived.

Discussion ensued regarding computer recycling at the Earth Day/Arbor Day event.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. HERB TAYLOR** (10:01 a.m.)

(BACs) Supervisor Smyth moved approval of the Certificate of Recognition presented to Mr. Herb Taylor for his years of service on the Fairfax-Falls Church Community Services Board, as well as on the Woodburn Mental Health Center Advisory Board; the Northern Virginia Mental Health Institute Advisory Council; the Providence District Faith in Action Committee; and various civic associations. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

Mr. Taylor acknowledged members of the audience who came to support him.

6. **ADMINISTRATIVE ITEMS** (10:06 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland not yet having arrived.

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

Approved an extension of review period for the following Public Facility (2322) Review Applications:

- 2232-S05-5 to September 9, 2005
- FS-L05-15 to September 18, 2005
- 2232-P05-9 to September 19, 2005

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
	Braddock	Meadowforest Court

Woodland Meadows

Dranesville

Leesburg Pike

Blueberry Hill

Route 7

Additional ROW Only

Newcomb's Farm Road

Dranesville

Lewinsville Road

RBV of McLean

Route 694

Additional ROW Only

Mayhurst Boulevard

Hunter Mill

Pellow Circle Trail

Shaker Grove

Route 7914

Shaker Meadows Court

Hunter Mill

Stones Throw Drive

The Estates of Wyndham
Hills, Section 2

Route 10025

Hunter Mill

Fieldview Drive

The Estates of Wyndham Hills

Route 10024

Leesburg Pike

Route 7

Additional ROW Only

Stones Throw Drive

Route 10025

Cedar Knoll

Lee

Clifton Knoll Court

Mittendorff Lane

Telegraph Road

Route 611

Additional ROW Only

Inova Health Care Services

Lee

Franconia-Springfield Parkway

Route 7900

Additional ROW Only

Walker Lane

Route 10026

Oakwood Section 2	Lee	Vine Street Lot 29 Route 842 Additional ROW Only
Crosspointe Glen	Mount Vernon	Crosspoint Glen Court Crosspoint Glen Way Hooes Road Route 636 Additional ROW Only
Madrillon Manors	Providence	George Washington Road Additional ROW Only Trailwood Court
Tysons Trace	Providence	Horseshoe Drive Route 851 Additional ROW Only Tysons Trace Court Tysons Trace Drive
Pohick Crossing	Springfield	Hooes Road Route 639 Additional ROW Only
Compton Village Section 13B	Sully	Coble Laskey Court Route 10606 Darkwood Drive Route 10605
Dartmoor Woods	Sully	Falkirk Drive Section 2 Route 10608
Kindercare Learning Center	Sully	Stringfellow Road Route 645 Additional ROW Only
Montessori School of Fairfax	Sully	Lee's Corner Road
Wall Road Mini U-Storage		Route 645

		Additional ROW Only
	Sully	Centreville Road
		Route 657
		Additional ROW Only
		Wall Road
		Route 645
Westfields Lot 21		Additional ROW Only
	Sully	Stonecroft Boulevard
		Route 8460

ADMIN 3 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR PARLIAMENT DRIVE, VICTORIA ROAD, AND EASTBOURNE DRIVE AS PART OF THE DEPARTMENT OF TRANSPORTATION’S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (BRADDOCK DISTRICT)

- Endorsed the traffic-calming plan for Parliament Drive, Victoria Road, and Eastbourne Drive as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - ÿ Speed hump adjacent to 8705 and 8706 Victoria Road
 - ÿ Speed hump adjacent to 8807, 8809, 8810, and 8812 Victoria Road
 - ÿ Speed hump adjacent to 8914 and 8915 Victoria Road
 - ÿ Speed Hump adjacent to 8712, 8714, and 8715 Parliament Drive
 - ÿ Multi-way stop at Parliament Drive and Victoria Road (east intersection)
 - ÿ Speed hump adjacent to 5512 and 5513 Eastbourne Drive
 - ÿ Speed hump adjacent to 5524, 5525, 5526, and 5527 Eastbourne Drive
- Directed staff to request VDOT to install these signs at the earliest possible date.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-M-086, RADLEY AUTOMOBILES, INCORPORATED D/B/A RADLEY ACURA (MASON DISTRICT)

(AT) Approved eight months of additional time to commence construction for Special Exception Amendment Application SEA 85-M-086 to September 7, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 93-Y-035, CENTREVILLE LAND CORPORATION/TARMAC MID-ATLANTIC, INCORPORATED (SULLY DISTRICT)

(AT) Approved seven months of additional time to establish the use for Special Exception Application SE 93-Y-035 to October 22, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE LAUREL RIDGE SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 25, 2005, at 4:30 p.m.** on the acquisition of certain land rights necessary for the construction of Project X00826 (D015), Extension Project Fiscal Year 1996 – Laurel Ridge Sanitary Sewer Extension and Improvement.

ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-M-044, BILLIE BRYAN MACKEY, TRUSTEE FOR THE MARIE F. BRYAN TRUST (MASON DISTRICT)

- (AT) Approved six months of additional time to commence construction for Special Exception Application SE 01-M-044, to September 9, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-007, BANK OF AMERICA (DRANESVILLE DISTRICT)

- (AT) Approved six months of additional time to commence construction for Special Exception Application SE 2002-DR-007, to December 9, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-PR-018, JEFFERSON INVESTMENT GROUP, INCORPORATED (PROVIDENCE DISTRICT)

- (AT) Approved 24 months of additional time to commence construction for Special Exception Application SE 2002-PR-018, to April 28, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 2921 SUMMERFIELD ROAD (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 1, 2005, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 2921 Summerfield Road, Falls Church, Virginia [Tax Map Number 050-4-((13))-06-0034].

7. **A-1 – AMENDED PARKING REDUCTION FOR PLAZA 500 (MASON DISTRICT)** (10:07 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Hyland not yet having arrived, the Board concurred in the recommendation of staff and approved an amended parking reduction of 29.5 percent for the Plaza 500 Complex at 6925 Edsall Road, pursuant to Paragraph 4(B), Section 11-102 of the Fairfax County Zoning Ordinance, and based on an analysis of the parking requirements for each use on the site and a revised tabulation with a shared parking study for two new uses, on the conditions outlined in the Board Agenda Item dated July 11, 2005.

8. **A-2 – MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD OF SUPERVISORS AND THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION, INCORPORATED** (10:07 a.m.)

On motion of Supervisor Kauffman, the second to which was inaudible, and carried by a vote of nine, Supervisor Hyland not yet having arrived, the Board concurred in the recommendation of staff and:

- Approved a MOU with the Southeast Fairfax Development Corporation.
- Authorized the Chairman to sign the MOU on behalf of the Board.

9. **A-3 – SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS, SERIES 2005A** (10:07 a.m.)

(BONDS)

(R) On motion of Supervisor Bulova, seconded by Supervisor McConnell, and carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland not yet having arrived, the Board concurred in the recommendation of staff and:

- Adopted the revised Resolution authorizing the issuance of the General Obligation Bonds, which also authorized the execution and delivery of a Continuing Disclosure Agreement. This Resolution delegates the County Executive or the Chief Financial Officer authority to award the bonds to the best bidder. Bond Counsel has advised that this form of authorization is acceptable and consistent with previous bond sales. The refunding candidates will be refunded if the present value of the debt service savings is not less than 3 percent of the aggregate principal amount of the refunded bonds or not less than \$1.0 million. This resolution also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman to sign the Official Statement.
- Approved the form and authorized execution and delivery of the Escrow Agreement for the Refunded Bonds.

10. **A-4 – SALE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) PARKING REVENUE REFUNDING BONDS, (VIENNA II METRORAIL STATION PROJECT) SERIES 2005** (10:08 a.m.)

(BONDS)

(R) On motion of Supervisor Smyth, seconded by Supervisor Kauffman, and carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland not yet having arrived, the Board concurred in the recommendation of staff and adopted the revised Resolution authorizing the issuance of the Economic Development Authority Parking Revenue Refunding Bonds which authorizes the actions as outlined in the Board Agenda Item dated July 11, 2005.

11. **A-5 – AWARD OF FEDERAL HOME PROGRAM FUNDS TO FOUR NON-PROFIT HOUSING DEVELOPMENT CORPORATIONS FOR ACQUISITION AND PRESERVATION OF AFFORDABLE HOUSING (DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (10:08 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approved the Selection Advisory Committee’s recommended award of:

- \$362,394 in HOME funds to Homestretch to purchase two condominiums to be used as rental housing.
- \$242,202 in HOME funds to Good Shepherd to purchase three condominiums to be used as rental housing.
- \$456,820 in HOME funds to Reston to purchase two townhouses to be acquired, rehabilitated, and rented to Housing Choice Voucher holders.
- \$247,142 in HOME funds to Wesley Housing Development Corporation to purchase six condominiums to be used as rental housing for seniors.

Chairman Connolly seconded the motion.

Discussion ensued, with input from Audrey Spencer-Horsley, Associate Director, Real Estate Finance and Grants Management, Department of Housing and Community Development, regarding district representation.

Supervisor Kauffman asked unanimous consent that the Board direct staff to determine the number of units that Good Shepherd is considering purchasing at the Mount Vernon Village. Without objection, it was so ordered.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, and Ms. Spencer-Horsley, regarding the fire at Timberlake Gardens and whether that fire affects Homestretch's proposal to purchase two units there.

Supervisor Gross noted that there was a typographical error in the text of the recommendation regarding the Good Shepherd bulleted section and that it should reflect the purchase of **three** units, not two.

Following comments regarding the Board's affordable preservation efforts, the question was called on the motion, which carried by a vote of nine, Supervisor Hyland not yet having arrived.

12. **A-6 – AWARD OF FUNDS FROM THE HOUSING FLEXIBILITY FUND TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FOR THE ACQUISITION AND PRESERVATION OF APPROXIMATELY TEN CONDOMINIUM UNITS IN MADISON RIDGE APARTMENTS (SULLY DISTRICT)** (10:14 a.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and approve an award of funds from Fund 319, Housing Flexibility Fund, to the FCRHA for the purpose of acquiring approximately 10 condominium units at Madison Ridge Apartments. Chairman Connolly seconded the motion.

Discussion ensued regarding Wesley Housing Development Corporation of Northern Virginia's plan to acquire the entire project and preserve additional affordable housing.

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

13. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-Y05-7, FAIRFAX COUNTY PARK AUTHORITY (SULLY DISTRICT)** (10:15 a.m.)

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The Board next considered an item contained in the Board Agenda dated July 11, 2005, announcing the Planning Commission's approval of Public Facilities Review Application 2232-Y05-7, Fairfax County Park Authority.

14. **I-2 – A GOLD PEAK PERFORMANCE AWARD, PRESENTED TO THE FAIRFAX COUNTY WASTEWATER MANAGEMENT PROGRAM – NOMAN M. COLE JR. POLLUTION CONTROL PLANT BY THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES** (10:16 a.m.)

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The Board next considered an item contained in the Board Agenda dated July 11, 2005, announcing that a Gold Peak Performance Award was recently presented to the Fairfax County Wastewater Management Program by the National Association of Clean Water Agencies in recognition of Noman M. Cole Jr. Pollution Control Plant's complete and consistent compliance with the National Pollutant Discharge Elimination System Permit during calendar year 2004.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite the appropriate staff to appear before the Board to be recognized for this award. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

15. **I-3 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-B05-6, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (BRADDOCK DISTRICT)** (10:16 a.m.)

The Board next considered an item contained in the Board Agenda dated July 11, 2005, announcing the Planning Commission's approval

ADDITIONAL BOARD MATTERS

NV:nv

16. **LETTER TO THE CONGRESSIONAL DELEGATION REGARDING THE PATRIOT ACT** (10:17 a.m.)

With reference to his written Board Matters, Chairman Connolly called the Board's attention to the draft letter to Senator John W. Warner regarding the Patriot Act. Similar letters were planned to other members of the County's Congressional Delegation. Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the draft letter. Supervisor Gross seconded the motion.

Supervisor Frey asked to amend the motion to revise the letter to include the word "perceived" to precede the words "enforcement of the Patriot Act" in the fifth paragraph, and this was accepted.

Supervisor Hudgins asked to amend the amendment to the motion, to add the words "or undocumented" to follow the word "perceived," but this was not accepted.

Supervisor Kauffman asked to amend the amendment to the motion to add the word "and potential" prior to the word "enforcement," and this was accepted.

Supervisor Kauffman asked to amend the motion to add the words "as necessary" to follow the word "measures" in the last paragraph on the first page of the letter, and this was accepted.

Supervisor Gross asked to amend the amendment to the motion to delete the words "the spirit and perceived and potential enforcement of" preceding the words "Patriot Act" so that the sentence now reads: "Many within Fairfax County are deeply concerned about the Patriot Act, and we pass these concerns on to you so you are mindful of them when deliberating the Act's future." This was accepted.

Following further discussion, Supervisor Hudgins asked to amend the motion to revise the letter to add the following language at the beginning of the third paragraph:

"Fairfax County is a diverse community comprising citizens of many nations, whose contributions are very vital to our economy and culture; and we are committed as a local government to protecting their rights."

This was accepted.

Following discussion, Supervisor Frey asked to amend the motion to revise the letter to include an invitation to the Congressional Delegation to participate in the gathering at the Memorial Grove at the Government Center at 7 p.m. on September 11, 2005, and this was accepted.

Following discussion regarding the Patriot Act and needs of citizens, freedom, and recent terrorist acts in London, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Hyland not yet having arrived.

17. **HISPANIC HERITAGE MONTH** (10:34 a.m.)

Chairman Connolly noted that September 15 through October 15 is traditionally celebrated as Hispanic Heritage Month to recognize the history, contributions, concerns, and achievements of Hispanic Americans.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim September 15-October 15, 2005, as "*Hispanic Heritage Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office of Equity Programs to be presented with the proclamation at the September 12, 2005, Board meeting. Without objection, it was so ordered.

18. **MENTAL ILLNESS AWARENESS WEEK** (10:35 a.m.)

Chairman Connolly stated that "Mental Illness Awareness Week," is October 3-9, 2005. Accordingly, he asked unanimous consent that the Board proclaim October 3-9, 2005, as "*Mental Illness Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives to appear before the Board to be presented with the proclamation at the September 12, 2005, Board meeting. Without objection, it was so ordered.

19. **FOOD FOR OTHERS DAY** (10:35 a.m.)

Jointly with Supervisor Smyth, Chairman Connolly noted that in October of 1995 a cadre of volunteers came together to establish Food for Others, a food pantry nonprofit charged with distributing free food to the hungry of Northern Virginia. In Fiscal Year 2004, Food for Others provided emergency food to 13,148 families as well as supplementary food to approximately 306 families at 15 sites. Additionally food was provided to an average of 1,700 families monthly through bulk distribution to community-based organizations. This fall marks the tenth anniversary of Food for Others.

Therefore, jointly with Supervisor Smyth, Chairman Connolly asked unanimous consent that the Board proclaim October 10, 2005, as "*Food for Others Day*" in Fairfax County and direct staff to invite the appropriate representatives from the organization to be recognized with the proclamation at the September 26, 2005, Board meeting. Without objection, it was so ordered.

20. **FORM-BASED CODE** (10:36 a.m.)

With reference to his Board Matter on Form-Based Code, Chairman Connolly said that he was presenting it after attending a seminar in McLean with Supervisor DuBois. He said that it was another way of looking at mixed-use development, transit-oriented development, and revitalization. As the County, along with the entire Washington Metropolitan Region, examines ways to plan for the projected influx of two million new residents and 1.6 million new jobs over the next 25 years, the Board needs to look at available options to better integrate mixed uses into the communities. At an open community forum sponsored by the Coalition for Smarter Growth and the McLean Citizens Association, among others, on the topic of urban design initiatives, urban designer Geoffrey Ferrell delivered a presentation on form-based code, citing his experience with a successful pilot project along portions of Columbia Pike in Arlington County.

Chairman Connolly's background material indicated that form-based code emphasizes the design of any given parcel, rather than the use. As such, a grocery store may look similar on the outside to the multi-family residential building next door, with each conforming to the same set of architectural and design guidelines. In the Columbia Pike project, the public input came at the front end of the process, rather than waiting until individual rezoning cases were considered. Stakeholders representing a broad swath of the affected community came together and, over a series of charrettes, by consensus, contributed extensively to the design of their neighborhood. As a result, developers know what design elements are allowed within the project area, and neighbors know what their community will look like as development projects are proposed for that portion of Columbia Pike. This was a three-year effort and cost several hundred thousand dollars to develop. Projects conforming to this code are considered administratively and are not subject to the public hearing process.

Chairman Connolly asserted in his written documentation that as the County explores mixed-use development, especially as a tool for creating communities that reduce dependency on cars, the applicability of form-based code to portions of the County should be evaluated. While form-based code is not a viable option for every single parcel in the County, certain locations may be particularly well-suited to benefit from form-based code and could present an opportunity to promote walkable mixed-use communities in certain areas.

Accordingly, jointly with Supervisor DuBois, Chairman Connolly moved that the Board direct staff to prepare an analysis of form-based

code and the Columbia Pike project as it could apply to Fairfax County, and to develop recommendations for a form-based code pilot project for the Board's consideration if deemed feasible, and report with its findings. This analysis and set of recommendations should include, but not be limited to:

- A detailed analysis as to whether the County has the legal authority to implement a form-based code such as that developed by Arlington in the Columbia Pike project.
- An examination of potential criteria which would allow an area to be eligible for this pilot project (i.e. revitalization areas, areas around rail/bus services, et cetera).
- Based on these criteria, a list of possible areas in Fairfax County that would be good candidates, including opportunities in revitalization areas, for the Board's consideration.
- A suggested process to include as much public participation as possible in the proposed pilot project, should there be one.

Supervisor DuBois seconded the motion.

Following discussion regarding a similar presentation by the Southeast Fairfax Development Corporation and the issue of shared parking in a block, the question was called on the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

21. **DONATIONS TO PUBLIC SAFETY** (10:39 a.m.)

Chairman Connolly noted that September 11, 2001, marked the beginning of an increased understanding of the complexity of firefighting as well as the dangers faced by the brave men and women of public safety. He asserted that one of the best ways to reduce the risks is to enhance training opportunities, and that is something that is done well in the County. Staff actively seeks out buildings slated for demolition to be used as opportunities to train public safety before the wrecking ball hits. Many people have answered that call, and each year the Board recognizes their contributions to public safety.

Accordingly, Chairman Connolly moved that the Board direct staff to invite businesses and citizens who have made properties for training available to County public safety workers to appear before the Board at the September 12 or 26 meeting to be recognized for their contributions as well as their partnership with public safety. Supervisor DuBois seconded the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

22. **EMERGENCY PREPAREDNESS/CITIZEN CORPS** (10:40 a.m.)

(Note: Earlier in the meeting, the Board noted the recent terrorist actions in London. See Clerk's Summary Item CL#16.)

Chairman Connolly noted that the recent tragedy in London served as a reminder as to how important emergency preparedness is in the region. The Citizen Corps Program plays an important role in that. He commended the Corps' work under the leadership of Ms. Merrily Pierce in bringing together businesses, schools, public safety volunteers, and non-profits to ensure that the County is as prepared as possible. The County has close to 500 Neighborhood Watch programs and 120 Citizen Emergency Response Team members. The Volunteers in Police Service now number close to 200 volunteers. The Medical Corps Reserve has nearly 4,000 trained members. Volunteer Fairfax partners with the Citizen Corps as the point of contact for those wishing to join the effort to make Fairfax County the best prepared in the Commonwealth.

Accordingly, Chairman Connolly moved that the Board proclaim the month of September as "*Fairfax Prepares Month*" in Fairfax County and direct staff to invite the appropriate representatives to appear before the Board on September 12, 2005, to receive the proclamation. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

23. **NORTHERN VIRGINIA SWIMMING LEAGUE'S (NVSL) FIFTIETH ANNIVERSARY** (10:41 a.m.)

Chairman Connolly reminded the Board that the NVSL is one of the largest swimming leagues in the nation. With 103 teams comprised of nearly 14,000 swimmers, NVSL has provided athletic opportunities and summer fun to individuals of all ages for five decades.

Accordingly, Chairman Connolly moved that the Board direct staff to issue a resolution recognizing the fiftieth anniversary of the NVSL and invite the appropriate representatives from the league to receive the resolution at the August 1, 2005, Board meeting. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

24. **SUBSTANCE ABUSE AWARENESS WEEK** (10:42 a.m.)

Chairman Connolly announced that Substance Abuse Awareness Week is November 14-18, 2005. Therefore, he moved that the Board proclaim November 14-18, 2005, as "*Substance Abuse Awareness Week*" in Fairfax County and direct staff to invite appropriate representatives from the Fairfax-Falls Church Community Services Board and others to receive the proclamation at the October 17, 2005, Board meeting. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

25. **HABITAT FOR HUMANITY** (10:42 a.m.)

Chairman Connolly stated that Habitat for Humanity has challenged the Board. It has invited the Board and interested staff members to participate in a "Build Day" at the Briarwood Trace development in the Providence District. He noted that this is the first example of single family detached affordable dwelling units being constructed in the County. Christopher Companies and the neighborhood are partners. Through the dedication of volunteers, Habitat builds and renovates affordable homes for individuals that otherwise could not afford them.

Accordingly, Chairman Connolly moved that the Board agree to participate in a "Build Day" with Habitat for Humanity on Saturday, October 15, 2005, with specific details to follow.

Supervisor Smyth seconded the motion and announced that the Board has an invitation to a dedication for two of the houses this weekend.

The question was called on the motion, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

26. **POTENTIAL PRORATION OF BASIC STATE AID TO SCHOOL DIVISIONS** (10:44 a.m.)

Chairman Connolly said that at the June 6, 2005, Board meeting, he distributed copies of a letter sent to the General Assembly delegation regarding the possible proration of State basic aid to School divisions. As noted at the time, should this proration occur, the County stands to lose approximately \$750,000.

Chairman Connolly said that in response to this letter, Senator Toddy Puller provided him with a copy of her letter to Governor Warner requesting attention to this matter. He distributed copies of her letter as information. He expressed appreciation to Senator Puller for responding so swiftly and being supportive of the Board's position.

27. **FAIRFAX COUNTY DIGITAL GOVERNMENT TOPS IN THE NATION** (10:44 a.m.)

Chairman Connolly announced that the County was named the top digital government in the nation. In the 2005 Digital Counties Survey,

the Center for Digital Government and NACo named Fairfax County the number one county with a population over 500,000. The Center for Digital Government, a national information technology research and advisory institute, and the National Association of Counties (NACo) award counties across the country that excel in providing digital government services to their citizenry.

Accordingly, Chairman Connolly moved that the Board direct staff to invite representatives from the appropriate departments to appear before the Board to be recognized for this outstanding recognition and for their role in helping the Board to continue to provide its citizens with an ever-broader access to government, both efficiently and effectively.

Vice-Chairman Bulova seconded the motion and expressed appreciation to former Chairman Katherine K. Hanley for her efforts in this regard during her tenure.

Supervisor Gross noted that various programs in the County were selected by NACo for achievement awards. She asked to amend the motion to direct staff to invite representatives of those programs to appear before the Board for recognition when the schedule allows, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

(NOTE: Later in the meeting, the Board mentioned that Supervisor Smyth's office received one of the NACo Achievement Awards. See Clerk's Summary Item CL#37.)

28. **LEGISLATIVE COMMITTEE MEETINGS** (10:46 a.m.)

(BACs) In preparation for the 2006 General Assembly, Chairman Connolly announced the following dates for the Board's Legislative Committee meetings:

<u>Date</u>	<u>Time</u>	<u>Type of Meeting</u>
Friday, September 16	4 p.m.	Committee Meeting
Friday, October 14	4 p.m.	Committee Meeting
Friday, November 4	4 p.m.	Committee Meeting
Monday, November 21	Time TBA	Public hearing on Legislative Program as part of regular Board meeting
Monday, November 28 (tentative)	4 p.m.	Committee Meeting (if necessary)
Monday, December 5	Time TBA	Board Adoption of 2006 General Assembly Legislative Program
Date TBA	Time TBA	Legislative Breakfast with Fairfax County Delegation

Chairman Connolly announced that the Board's Legislative Committee will also be following a process for the Board's Federal Legislative Program.

29. **TRANSLATION AND INTERPRETATION SERVICES AVAILABLE TO COUNTY AGENCIES AND BOARD OFFICES** (10:48 a.m.)

Chairman Connolly noted that the County is home to more than 100 languages and dialects, including English, and more than 25 percent of the residents are foreign born. It is estimated that 12.3 percent are of Hispanic heritage, 15.8 percent are of Asian descent (not Hispanic or Latino), with the remainder representing many other cultures.

Chairman Connolly said that while many of the foreign-born residents speak English, about 30 percent are limited-English proficient (LEP). Even for those who do speak some English, their skills may not be fully sufficient for them to comfortably navigate the County government organization. The policy of Fairfax County government is to provide excellent customer service to all residents regardless of their English proficiency.

Chairman Connolly provided the Board with information on the new Language Line Services' program. The yellow Language Identification Cards explain how to use the service. He commended the County Executive and Angie Carrera, the County's Language Access Coordinator, for their efforts in ensuring that the government is accessible to all elements of the public as possible.

Supervisor Gross noted the Registrar's Office does not use this service. She asked unanimous consent that the Board direct all County agencies, including the Registrar's Office, to be aware of this program. Chairman Connolly asked to amend the request to ask the Electoral Board to add this to its oversight responsibility. Without objection, it was so ordered.

30. **BEST WISHES TO MASTER POLICE OFFICER (MPO) LEE P. NORTHROP** (10:50 a.m.)

Chairman Connolly announced that MPO Lee Northrop, who provides security for the Board and the public during its meetings, suffered a heart attack while jogging. He is recovering and there is no permanent damage. On behalf of the Board, Chairman Connolly wished him well and noted that a card will be circulated for him and his family later in the day.

31. **VIRGINIA 2007 COMMUNITY CITIZEN PLANNING COMMITTEE** (10:51 a.m.)

(BACs)

(APPTS) At the request of the committee, Chairman Connolly moved that the Board add a seat for the League of Women Voters to the Virginia 2007 Community Citizen Planning Committee. Supervisor Gross seconded the motion, which carried by a vote of seven, Supervisor DuBois and Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

Chairman Connolly moved the confirmation of the appointment of Ms. Olga Hernandez as the League of Women Voters Representative to the Virginia 2007 Community Citizen Planning Committee. Supervisor Gross seconded the motion, which carried by a vote of seven, Supervisor DuBois and Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

32. **PROCLAMATION RECOGNIZING AUGUST 2, 2005, AS NATIONAL NIGHT OUT (MASON DISTRICT)** (10:52 a.m.)

Supervisor Gross announced that National Night Out is sponsored by the National Town Watch Association and fosters neighborhood spirit and cooperation with citizens and the police.

Supervisor Gross asked unanimous consent that the Board proclaim August 2, 2005, as "*National Night Out*" in Fairfax County and

invite the appropriate representatives to appear before the Board on July 25, 2005. She distributed a draft proclamation.

Following discussion regarding the schedule, with input from Merni Fitzgerald, Director, Office of Public Affairs, without objection, it was so ordered.

33. **MOTION TO INCLUDE RIGHT-OF-WAY IN ANNANDALE HESS SPECIAL EXCEPTION APPLICATION (MASON DISTRICT)** (10:53 a.m.)

Supervisor Gross said that several months ago, the Board approved Special Exception Application SE 2004-MA-022 to permit the renovation of an existing Hess service station in Annandale. It was recently discovered that a small portion of the application property is actually dedicated right-of-way for a service drive. This right-of-way is not needed, since there is no service drive on the adjacent property. She said that staff in the Department of Transportation has no objection to the inclusion of this small service drive area in application for a special exception amendment. There are no other proposed changes to the improvements approved with the recent special exception application.

Therefore, Supervisor Gross moved that the Board authorize that the service drive area along the Little River Turnpike frontage of Tax Map 71-1((1)) Parcel 109 to be included in a special exception amendment application involving that parcel. She said that this motion should not be construed as a favorable recommendation on this application or related applications by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Kauffman and Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

34. **THEFT AT THE FAIRFAX COUNTY COURTHOUSE** (10:55 a.m.)

Supervisor Gross said that a constituent recently contacted her about a problem he had at the security checkpoint at the Fairfax County Courthouse (Judicial Center) on Wednesday, June 29. He had emptied his pockets, removed his belt, and put his cell phone on the machine, as directed. By the time he went through the checkpoint and picked up his belongings, his cell phone had disappeared, apparently stolen while he was checked through at the lower level near the cafeteria. After his repeated attempts to have the matter rectified, the contracted security company agreed to replace the cell phone.

Supervisor Gross noted that going through a security checkpoint should not mean that personal belongings are lost or stolen, and some modifications of procedure may be warranted. Therefore, Supervisor Gross asked unanimous consent that:

- This matter be referred to the County Executive for discussion with the court.
- The County Executive report his findings to the Board by its October meeting.

Without objection, it was so ordered.

35. **POTOMAC WATERSHED ROUNDTABLE – TRI-ANNUAL REPORT** (10:56 a.m.)

Supervisor Gross noted that she represents the County on the Potomac Watershed Roundtable and currently serve as chair of that regional forum, which includes representatives from nine Virginia counties; stretching all the way southeast to Northumberland County on the Northern Neck; six Virginia towns and cities, six soil and water conservation districts; and seven stakeholder groups. The Roundtable was launched in 2000, and has been very active in enhancing communication between policy makers and technical personnel, especially in the area of water quality in the watershed.

Supervisor Gross said that one of the goals was to compile an annual report that could highlight the work of the Roundtable and serve as a focus of the yearly cooperative activities. She announced that a Tri-Annual Report that covers the timeframe of early 2003 to present is

now available. The report is published just in time for Potomac Forum IV, a large regional meeting with workshops, scheduled for Friday, August 12 at the George Mason University campus in Manassas, Prince William County. She presented the report to Board Members and thanked the staff of the Northern Virginia Soil and Water Conservation District, under the direction of Ms. Diane Hoffman, for their outstanding support of the Roundtable. The Tri-Annual Report and information on Potomac Forum IV also is on the new website, www.potomacroundtable.org.

Chairman Connolly pointed out a photograph of Supervisor Gross in the report, and he commended her leadership on Chesapeake Bay and Potomac Watershed issues.

36. **NATURAL LANDSCAPING OF COUNTY FACILITIES** (10:58 a.m.)

Supervisor Gross noted that this morning's meeting of the Environmental Committee included a discussion of natural landscaping of County facilities. The consensus at the meeting was that the Board should officially charter an inter-agency group comprised of representatives from agencies already represented on the Natural Landscaping Committee plus representatives from other natural resource management organizations and to charge the group with a number of activities that were included in the memorandum that was circulated with the Environmental Committee's agenda package.

Accordingly, Supervisor Gross moved that the Board officially charter an interagency group as outlined and direct the County Executive to assemble the appropriate documentation to make it an official charter. Chairman Connolly seconded the motion, which carried by a vote of seven, Supervisor Kauffman and Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

37. **STATUS OF THE STORMWATER RETROFIT PROJECT FOR THE PROVIDENCE DISTRICT SUPERVISOR'S OFFICE**
(10:59 a.m.)

(NOTE: Earlier in the meeting, the Board scheduled recognition of National Association of Counties (NACo) achievement awards. See Clerk's Summary Item CL#27.)

Supervisor Smyth announced that a hole has been dug in her parking lot for the stormwater retrofit project and that it holds a lot of water.

Supervisor Gross noted that one of the aforementioned NACO achievement awards goes to Supervisor Smyth's Office for that innovative retrofit.

38. **FAIRFAX COUNTY CLOWN WEEK** (11 a.m.)

Supervisor Bulova said that since 1970, when Congress enacted legislation, National Clown Week has celebrated the dedication and commitment of volunteers who don grease paint and costumes transforming themselves into clowns, spreading laughter and good cheer. They can be found throughout the year at charity events, hospitals, hospices, nursing homes, day care centers, and churches.

Supervisor Bulova noted that in Fairfax a talented group, or Alley, of clowns called "Just Clowning Around of Northern Virginia" performs. A member of the Alley, Ms. Sharone Belt, is a Braddock resident, and brought this wonderful organization to the Chairman's and her attention.

Jointly with Chairman Connolly, Supervisor Bulova asked unanimous consent that the Board proclaim August 1-7, 2005, as "*Fairfax County Clown Week*" and that Ms. Belt, on behalf of her Alley, be invited to appear before the Board to accept the proclamation at the August 1 meeting.

Chairman Connolly pointed out that Merni Fitzgerald, Director, Office of Public Affairs, sometimes dresses up as a clown.

Without objection, the request was so ordered.

39.

TRANSMITTAL OF THE BRADDOCK DISTRICT TASK FORCE REPORT REGARDING RECOMMENDED CHANGES TO THE COMPREHENSIVE POLICY PLAN FOR TRANSPORTATION (11:02 a.m.)

Supervisor Bulova said that this year the County is undertaking the review of the Transportation Policy Plan. Braddock District residents responded to her invitation to meet with County transportation staff and their consultants to discuss the Plan and their review and analysis of it. Following this, a Braddock District task force was formed to review the Policy Plan. Meeting between April 21 and June 2, 2005, the members concentrated on three areas: Trails and Ecology, Transit Services, and Transit Facilities.

Under the leadership of Brent Reynolds, Chair, and Janyce Hedentniemi, Vice Chair, Supervisor Bulova said that the task force developed a number of excellent recommendations. The most significant recommendations were as follows:

- Coordinate the review of the Trails Plan and the Transportation Plan. They should be concurrent rather than consecutive.
- Give trails an equal standing as a mode of transportation.
- Include the Trails Map in the Transportation Policy Plan.
- Add language to the Plan giving guidance about trails as a component of a multi-modal approach to transportation.

Supervisor Bulova distributed to Board Members a copy of the task force's final report and letter of transmittal. In the letter, the members asked that the report be transmitted to the Department of Transportation, the Transportation Advisory Commission, the Planning Commission, and the Board for consideration in the revision of the Policy Plan.

Supervisor Bulova noted that the staff process for this Plan review is more of a staff/consultant exercise with periodic outreach meetings with the public rather than through the task force process. Because the process was set up more for citizen comments or responses rather than citizen nominations, there are no nomination application forms.

Therefore, Supervisor Bulova moved that the Board direct staff in the Department of Transportation to:

- Accept the Braddock District Task Force report and transmit it to the Planning Commission and the Transportation Advisory Commission for review.
- Review the nominations and forward the comments to the Planning Commission.

Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

40.

RECOMMENDATION FOR REFERRAL OF ASSISTED OUTPATIENT TREATMENT (AOT) LEGISLATION TO THE LEGISLATIVE COMMITTEE FOR INCLUSION IN THE COUNTY'S LEGISLATIVE AGENDA (11:04 a.m.)

(BACs)

Supervisor Bulova said that the need for AOT laws in the Commonwealth of Virginia was brought to Supervisor McConnell's and her attention by a former Springfield District and current Braddock District constituent, whose wife was diagnosed with mental illness 16 years ago. During the past 16 years, this gentleman has had 33 civil commitment hearings in the County, 10 of which have occurred since February 2004. According to the constituent, the involuntary civil commitments that have been imposed upon his wife have not been enforceable under current Virginia law at the institutional or individual levels with regard to treatment or medication. She asserted that this is a very serious situation, impacting not only this individual and his family, but the community, law enforcement, County officials, and numerous others. She said that others in the community are impacted by this inability to enforce a treatment regime for seriously mentally ill individuals.

Supervisor Bulova said that 42 states have currently adopted AOT legislation, allowing for enforcement of compliance with medication and outpatient treatment programs.

Therefore, jointly with Supervisor McConnell, Supervisor Bulova moved that the Board refer this matter to the Legislative Committee to be considered for inclusion in the County's legislative agenda for next year's General Assembly session.

Discussion ensued, with input from David P. Bobzien, County Attorney, regarding Florida law, the permissiveness in the Commonwealth of Virginia, the danger to families, the resulting homelessness or incarceration of the mentally ill individuals, federal legislation, civil rights, and monitoring by the Fairfax-Falls Church Community Services Board (CSB).

Supervisor Bulova amended the motion to direct staff to also determine:

- Whether current laws are adequate.
- If current laws are adequate, whether enforcement is not done because of a lack of funding, and, if so, to request the necessary funding from the General Assembly.

Chairman Connolly relinquished the Chair to Acting-Chairman Kauffman and asked to amend the motion to direct staff to provide more information about the lack of resources by the CSB for AOT, and this was accepted.

Acting-Chairman Kauffman returned the gavel to Chairman Connolly.

Supervisor McConnell seconded the motion, as amended, and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

DET:det

41. **NATIONAL WILDLIFE FEDERATION (NWF) RECEIVES 2005 TELEWORK AWARD** (11:10 a.m.)

Supervisor Hudgins stated that the NWF received the Telework Award from the Metropolitan Council of Governments at the 2005 Commuter Connections Employer Recognition Awards Program held at the National Press Club in Washington, DC, and she shared copies of a press release on the award and the NWF's telework program.

Supervisor Hudgins noted that the NWF has a strong advocacy for employee quality-of-work life in addition to the contribution it makes to the larger community in terms of conservation, and she stressed the very critical role that teleworking plays in addressing congestion and air quality issues. She said that while the County's regional goal for teleworking was 20 percent, the NWF had exceeded 36 percent.

Supervisor Hudgins added that the work that was done regionally was enhanced by the work being done by the Commuter Connections program which offered commuting alternatives to employees through the work of their employers. With the NWF serving as an example to that, Supervisor Hudgins asked unanimous consent that the Board direct staff to:

- Invite representatives from the NWF to appear before the Board to be recognized for its telework award, as well as the many other things that they do to bring quality work-life to their employees.
- Invite representatives from the Department of Transportation and the Council of Governments that work with the Commuter Connection program to appear before the Board to be recognized for the many things they do in offering alternatives for transportation: telework, guaranteed ride home, Metrochek, bike-to-work, and all of those many other things that are necessary to address quality-of-life in the workplace as well as congestion and air quality.

Without objection, it was so ordered.

Chairman Connolly added that a presentation on regional telework had been made at the last Northern Virginia Transportation Commission (NVTC) meeting and that his staff would provide the Board with copies of the presentation. He also noted that the NVTC had 16 recommendations which were forwarded to the Virginia Secretary of Transportation for consideration in trying to persuade the Commonwealth to be more aggressive on telework.

42. **CONCURRENT PROCESSING OF PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-Y-033, FRED G. AND KATHY A. GARRISON (SULLY DISTRICT)** (11:15 a.m.)

Supervisor Frey stated that Fred G. and Kathy A. Garrison filed Proffered Condition Amendment Application PCA 95-Y-033 to permit a building addition to the Centreville Animal Hospital and to add parking. The applicants had asked for simultaneously processing of the zoning application and site plan.

Supervisor Frey moved that the Board authorize concurrent processing of Proffered Condition Amendment Application PCA 95-Y-033 with its associated site plan and other plans required. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

Supervisor Frey noted that the motion would in no way prejudice the review of the rezoning application by the Board and would not relieve the applicant from any obligation, ordinance requirements, or adopted standards in any way.

43. **CONCURRENT PROCESSING OF SPECIAL EXCEPTION APPLICATION SE 2005-SU-020 WHOLE WORLD FELLOWSHIP AND CHURCH AT NORTHERN VIRGINIA, DOMINION CHRISTIAN SCHOOL, AND INVISIBLE TOWER, LLC (SULLY DISTRICT)** (11:17 a.m.)

Supervisor Frey stated that Special Exception Application SE 2005-SU-020 was a request to:

- Install a 148 foot high “tree pole” and related equipment structures.
- Modify the existing special permit uses on the property relating to the Whole World Fellowship and Church at Northern Virginia and operations of the Dominion Christian School to allow an increase in student enrollment, number of employees, and hours of operation at the school, and in the number of staff persons employed by the Church.

Supervisor Frey noted that the property which was the subject of the request was owned by the Church and located at 10922 Vale Road in Oakton. The Planning Commission public hearing is scheduled for October 6, 2005, while the Board date has not yet been scheduled. He added that the applicants desired to proceed with construction of the telecommunications facility, if approved by the Board, before year’s end.

To ensure that the applications, if approved by the Board, could be implemented as quickly as possible, Supervisor Frey moved that the Board direct staff to concurrently process the site plan and building permit applications. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

44. **APPOINTMENT OF MR. THOMAS FLEURY TO THE TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE** (11:18 a.m.)

(APPT) Supervisor Frey moved the appointment of Mr. Thomas Fleury as the Sully District Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

(NOTE: Later in the meeting, the Board made another appointment to this committee. See Clerk's Summary Item CL#46.)

45. **THE CAPPIES AWARDS** (11:19 a.m.)

Supervisor DuBois said that *The Cappies*, a student critics and awards program that celebrates the best in regional high school theatre arts, recently concluded its sixth annual black-tie awards Gala at the Kennedy Center. She said that the winners were among 52 participating schools and 3,000 participating students.

Supervisor DuBois noted that the Gala itself celebrated the accomplishments of these aspiring singers, dancers, actors, musicians, and back stage technical crew, and it is appropriate for the Board to honor the inspiration behind this event.

In 1999, Mr. Bill Strauss became concerned about the prevalence of honors for athletes and the lack of attention paid to theatre students at annual high school awards ceremonies. Motivated by a desire to promote the positive aspects of high school after the Columbine shootings in Colorado, Mr. Strauss worked with local theatre teacher, Judy Browns, to create a program that showcased the best in high school drama.

Each participating school chooses one play or musical for critical review. Student critics, with support from faculty mentors, produce reviews of each show which are then submitted to local newspapers. Over 200 such reviews were published this year alone. At the end of the season, which runs from October through May, more than 100 student critics gather to evaluate these shows, using a point system to decide the award winners.

During the ensuing years, the Cappies have spread from the Washington region to become a nationwide program including California, Missouri, South Carolina, Ohio, Florida, Pennsylvania and Texas. This increasingly national focus has led to the recent inauguration of the Cappies National Theater, where award honorees come together to put on original plays.

Therefore, Supervisor DuBois moved that the Board direct staff to invite:

- Mr. Strauss and Ms. Browns to appear before the Board to be recognized and honored for their commitment and achievement in founding *The Cappies*.
- Superintendent Jack Dale or a representative of his office to join the Board in honoring these two outstanding individuals.

Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

46. **TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE** (11:21 a.m.)

(APPT) (NOTE: Earlier in the meeting, the Board made another appointment to this committee. See Clerk's Summary Item CL#44.)

Supervisor DuBois moved the appointment of Ms. Pamela Danner as the Greater McLean Chamber of Commerce Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Hyland not yet having arrived.

47. **WELCOME TO INTERNS** (11:22 a.m.)

Supervisor Kauffman announced that two high school interns were present in the audience and he warmly welcomed them to the Board

Auditorium.

48. **NEW PROCEDURES FOR COMPLAINT PROCESSING** (11:23 a.m.)

Supervisor Kauffman noted that the Board received a memorandum from Anthony H. Griffin, County Executive, regarding a new procedure for complaint processing relating to drainage, tree-related complaints, et cetera. He expressed his appreciation to staff.

49. **LEGAL SERVICES OF NORTHERN VIRGINIA (LSNV) REPRESENTATION** (11:24 a.m.)

Supervisor Kauffman said that over five years ago, the Deputy County Executive and Director of Housing Programs for the Department of Housing and Community Development went on record with LSNV that the County did not want them providing legal assistance to tenants of subsidized housing units in the County who had been accused of any crime dealing with illegal drugs. Until very recently, this long-standing request had been followed. A recent case found the housing enforcement staff fighting for a termination of funding for a tenant involved in drug activity pitted against taxpayer subsidized LSNV. In the past, Supervisor Kauffman said that this seemed to go against basic good judgment. If the County is seeking termination of a housing subsidy for a tenant because of drug activity, the County should not be financing their legal representation, especially when others are on a waiting list seeking housing assistance.

Supervisor Kauffman pointed out that gang activity poses the same threat to neighborhoods as drug activity did years ago. A similar prohibition should be sought to deal with those who may be accused of gang activity who are also taking advantage of limited, subsidized housing.

Accordingly, Supervisor Kauffman moved that the Board direct the County Executive to:

- Request a report from LSNV to ensure that the County is not subsidizing representation of housing tenants in court cases involving drug activity.
- Seek agreement from LSNV not to represent tenants involved in any gang related crime.

Supervisor Smyth seconded the motion.

Following discussion of legal services, Supervisor Kauffman amended the motion to seek agreement from LSNV to not have them represent tenants involved in gang activity in the termination of subsidy hearing.

Supervisor Smyth asked to amend the motion to direct staff to review contracts and lease agreements to ensure that the County has the authority to evict on the basis of the presented evidence, and this was accepted.

Supervisor Hudgins asked unanimous consent that the Board direct the County Attorney to report with a clear understanding of the law regarding the removal of families after a member of the family has been convicted of a crime while living in public housing. Without objection, it was so ordered.

Supervisor Kauffman amended the motion to direct the County Executive to work with the LSNV to:

- Ensure that the existing agreement concerning substance abuse is restored.
- That it be amended to include gang related crime.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Hudgins voting “NAY,” Supervisor McConnell being out of the room.

50. **VIRGINIA HILLS COMMUNITY AND TAX ASSESSMENTS (LEE DISTRICT)** (11:49 a.m.)

Supervisor Kauffman noted that there are several appeals from the Virginia Hills neighborhood that have been submitted to the Department of Tax Administration (DTA) and the Board of Equalization for review. In one such case, an appraiser visited the property that is the subject of an appeal last week and indicated to the property owner that the property will be reassessed to a lower value. While this is good news for the Virginia Hills property owner in particular, the frustration of the Virginia Hills community continues over the inability to get clear answers from DTA on the assessment calculation process.

Supervisor Kauffman said that he has been working with the Virginia Hills community and DTA for the past several years as the market value of land has caused tax assessments to increase. He said that despite stacks of correspondence and numerous conversations, neither he nor the community have a clear answer to the community’s specific question which is: How were the assessments in the Virginia Hills Assessment area calculated?

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct:

- The County Executive to review the information provided to property owners regarding the calculation of individual assessments and provide tools and information to homeowners that would enable a property owner to more fully understand the basis of their assessment and exactly how it was calculated.
- That this information be made available for Fiscal Year 2007.

Without objection, it was so ordered.

Supervisor McConnell asked unanimous consent that the Board refer the issue of protecting long time residents from the rising assessments due to neighborhood improvements to the Legislative Committee for review. Without objection, it was so ordered.

51. **SAINT CHRISTOPHER’S EPISCOPAL CHURCH CELEBRATES ITS FIFTIETH ANNIVERSARY (LEE DISTRICT)** (11:53 a.m.)

Supervisor Kauffman said that on September 11, Saint Christopher’s Episcopal Church in Springfield will celebrate the fiftieth anniversary of its first worship service. He referred to his written Board Matter and outlined the history of the church.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to invite the Reverend Susan E. Goff, rector, and members of the parish vestry to appear before the Board on September 12 for formal recognition and that a certificate be prepared for the Saint Christopher’s Episcopal Church. Without objection, it was so ordered.

52. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR McCONNELL** (11:54 a.m.)

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

(NOTE: Later in the meeting, Supervisor McConnell presented a Board Matter. See Clerk’s Summary Item CL#63.)

53. **INSTALLATION OF NEW COMMANDANT OF FORT BELVOIR (MOUNT VERNON DISTRICT)** (11:54 a.m.)

(NOTE: Earlier in the meeting, it was announced that Supervisor Hyland was attending the installation ceremony of the Commandant of Fort Belvoir.)

Supervisor Hyland announced that the new Garrison Commander for Fort Belvoir is Brian W. Lauritzen from Luray, Virginia.

54. **STATUS OF ENGINEER PROVING GROUND (EPG) (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (11:54 a.m.)

Supervisor Hyland referred to his written Board Matter regarding the status of the EPG. He raised the issue of how the EPG may be developed to house the National Geospatial Agency as well as various agencies in leased office space in Arlington and the City of Alexandria. Recently, there has even been talk of unsolicited offers for Universal Studios to build a theme park and office complex on the site. As Fort Belvoir develops its Investment and Implementation Plan to expand the post in light of Base Realignment and Closure, the Board of Supervisors, staff from the Department of Planning and Zoning, as well as the citizens of the Mount Vernon, Lee, and Springfield Districts need to know what designs the Department of the Army has for the EPG. While the Board has planned for the EPG to be returned to Fairfax County, there are no existing agreements, contracts, or memorandums of understanding to guarantee such a return.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to write a letter to the Secretary of the Army and the Garrison Commander of Fort Belvoir to inquire what they intend to do with the EPG. Supervisor Kauffman seconded the motion.

Following a brief discussion regarding the use of EPG, the question was called on the motion and it carried by unanimous vote.

55. **GRAFFITI REMOVAL ORDINANCE** (12:01 p.m.)

Supervisor Hyland said that when the Huntington Community prepared for its neighborhood Huntington Day, the community found that it could not clean or remove gang “tags” and graffiti from a fence near the Community Center. The graffiti was on private property and the property owner did not respond to repeated requests to have it removed. According to the County Attorney’s office, Virginia Code Section 15.2-908 does give the Board the authority to adopt an ordinance to provide for the removal of graffiti from public or private property at County expense, if the graffiti is visible from a public right-of-way.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to study this matter and report with a recommendation to implement such an ordinance for the removal of graffiti from public or private property, if the graffiti is visible from a public right-of-way. Supervisor DuBois seconded the motion and it carried by unanimous vote.

56. **CONSIDERATION ITEM FOR SUPPORT OF THE LORTON ARTS FOUNDATION (LAF) (MOUNT VERNON DISTRICT)** (12:02 p.m.)

Supervisor Hyland referred to his written Board Matter regarding a consideration item for the LAF. Accordingly, LAF has requested the County to consider some form of credit enhancement to support its borrowing plans and a sum of \$1 million per year for at least the first five years as ongoing maintenance support.

Staff analysis supports the potential for success of this project; however, the project relies upon significant fund raising and outside contributions for financial success over and above the requested County support. Therefore, to allow this project to move forward, Supervisor Hyland proposed a partnership where the County would provide initial start-up support while LAF demonstrates its ability to achieve significant fund raising from outside sources.

Therefore, Supervisor Hyland moved that the Board direct staff to:

- Prepare a consideration item for the FY 2005 Carryover Review that will provide for payment of \$500,000 to the LAF in FY 2006 for site and building maintenance. In exchange, the LAF will be asked to agree to raise a matching \$500,000 or greater in FY 2006. Included in the consideration item, the County Executive will be directed to include a continuing annual maintenance contribution of \$1 million in the County Executive's FY 2007 budget proposal for the Board's consideration. The Foundation will also be asked to raise at least another \$1 million by the end of FY 2007 to qualify for the FY 2008 contribution.
- To finish the negotiation of the proposed lease of the facility expeditiously for the Board's approval to include consideration of credit enhancement through the guaranteed lease back of a portion of the rental space. The lease should also include provision for continued review of ongoing funding and credit support after an initial start-up period with the intent of reducing County support once the project becomes self-sustaining.
- To supply the Board with a detailed report on the LAF financial proposal and a discussion of the key provisions of the proposed lease prior to Board discussion of the Carryover Review.

Supervisor McConnell asked unanimous consent that the Board direct staff to contact appropriate organizations for their recommendations and/or concerns. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to provide information regarding the process used by the City of Alexandria for the Torpedo Factory. Without objection, it was so ordered.

Discussion ensued regarding funding, with input from Leonard P. Wales, County Debt Manager.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct staff to provide detailed analysis and the financial viability of the proposal, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross asked to amend the motion to include input from the Arts Council of Fairfax County, and this was accepted.

Discussion ensued regarding annual maintenance, with input from Anthony H. Griffin, County Executive.

Supervisor Hudgins asked to amend the motion that the Board seek input and recommendation from the Arts Council, Fairfax County, and this was accepted.

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

57. **WOODROW WILSON BRIDGE NEWS RELEASE (LEE AND MOUNT VERNON DISTRICTS)** (12:19 p.m.)

Supervisor Hyland referred to his written Board Matter regarding the significant traffic impacts in the Mount Vernon and Lee Districts due to the Woodrow Wilson Bridge Project changing, shifting, and closing lanes on Route 1 and the Beltway. Also on July 15th, the Route 1 ramps will be closed and all traffic diverted onto Telegraph Road. These changes are necessary to open new ramps and complete construction; however, it will cause significant delays in the short term.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to coordinate with the Woodrow Wilson Bridge Project to advertise on Channel 16 notices of traffic impacts due to bridge construction. Without objection, it was so ordered.

58. **TRAFFIC DELAYS AT THE SPRINGFIELD MIXING BOWL** (12:19 p.m.)

Chairman Connolly noted that he had not been briefed regarding the recent traffic delays at the Springfield Mixing Bowl and he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to contact the appropriate individuals and remind them to brief him on delays. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

59. **NATIONAL REGISTER OF HISTORIC PLACES** (12:21p.m.)

Supervisor Hyland said that last year his office made an inquiry to C. Richard Bierce, Architectural Review Board Chairman, requesting information on listing Laurel Hill in the National Register of Historic Places. He advised that the County submit a National Register nomination for Laurel Hill, which the Board subsequently did, voting unanimously at its Monday, October 18, 2004, meeting to direct the Department of Planning and Zoning to prepare the nomination.

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As part of that process, the Virginia Department of Historic Resources (VDHR) is required to hold a public hearing. Virginia Code requires that VDHR hold the public hearing between October 23 and November 7, 2005, either at the seat of government for Fairfax County or within the boundaries of the proposed National Register Historic District.

Supervisor Hyland asked unanimous consent that the Board:

- Support sponsoring a public hearing on the National Register of Historic Places Nomination for Laurel Hill to be held in mid-to-late October 2005.
- Direct the Office of Public Affairs to advertise all of the meetings to the public.

Without objection, it was so ordered.

60. **KELO ET AL. VERSUS CITY OF NEW LONDON (MOUNT VERNON DISTRICT)** (12:22 p.m.)

(BACs) Supervisor Hyland said that after the Supreme Court's 5-4 decision in this case, his office received inquiries from constituents concerned that Fairfax County will condemn their property to build high-density residential properties.

Therefore, Supervisor Hyland asked unanimous consent that the Supreme Court's ruling in Kelo versus City of New London be referred to the Legislative Committee for review and discussion of its impacts on local government and for Fairfax County to take a position on this and in other important matters. Without objection, it was so ordered.

61. **FEDERAL STATE MANDATE INFORMATION FOR FISCAL YEAR (FY) 2005** (12:23 p.m.)

Supervisor Hyland said that in a memorandum dated June 28, 2005, the County Executive provided the Board with the impact of Federal and State Mandates for the Fiscal Year 2005.

Therefore, Supervisor Hyland moved that the Board direct staff to send a copy of the County Executive's Memorandum to Fairfax County's Congressional Delegation. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to submit a letter with the memorandum signed by the Chairman. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

62. **NATIONAL ASSOCIATION OF COUNTIES (NACo) PRESCRIPTION DRUG DISCOUNT CARD PROGRAM** (12:24 p.m.)

Supervisor Hyland said that NACo has teamed up with Caremark to provide prescription discount cards to all County citizens, including senior citizens and the uninsured. With over 57,000 participating retail pharmacies, such as Rite-Aid, Eckerd, Walgreens, CVS, et cetera people can save, on average, 19 percent on prescription drugs. The program is available to NACo participating counties and costs nothing to the County or citizens who use the discount card. Consumers receive the discount at the point of sale and may begin using the card at time of receipt.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Executive to review this program and report to the Board with his recommendation for its implementation. Without objection, it was so ordered.

63. **SCAMS** (12:26 p.m.)

Supervisor McConnell announced that a scam is going on that involves individuals receiving checks and/or money orders that are not valid. She cautioned everyone to be alert.

Supervisor Hyland announced that another scam is going on involving individuals receiving an e-mail from the National Credit Union Administration (NCUA). He urged everyone to please be advised that the [Fairfax County Federal Credit Union](#) and the NCUA will never send an unsolicited e-mail asking for personal information. It is advised that everyone exercise extreme caution when opening and/or responding to any e-mails received, and to delete those messages which are spam. For more information, call the credit union at 703-218-9900, TTY 711.

64. **COMPUTER-AIDED DISPATCH - ALTARIS** (12:27 p.m.)

Chairman Connolly announced that many of the problems with the computer-aided dispatch Altaris have been resolved.

Following discussion regarding the resolution of the problems with the system, with input from Anthony H. Griffin, County Executive, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct Mr. Griffin to provide a status report of the system to the Board and the press. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

65. **DEFERRAL OF THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-14 (THE PETERSON COMPANIES, LC (SPRINGFIELD DISTRICT))** (12:27 p.m.)

Chairman Connolly announced that later in the meeting, at the appropriate time, the public hearing on Proffered Condition Amendment Application PCA 82-P-069-14 would be deferred.

(NOTE: Later in the meeting the public hearing was formally deferred. See Clerk's Summary Item CL#79.)

66. **RECESS/CLOSED SESSION** (12:28 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. *Board of Supervisors v. Church Street Group Limited Partnership, et al.*, At Law No. CL-2004-0223957 (Fx. Co. Cir. Ct.) (Hunter Mill District)
2. *Board of Supervisors v. Barrett Company No. 21, L.C.*, At Law No. CL-2003-0219493 (Fx. Co. Cir. Ct.) (Dranesville District)
3. *Gloria Willingham v. Douglas A. Crooke, et al.*, Record No. 04-1548-A (U.S. Ct. of App. for the 4th Cir.)
4. *Peerless Insurance Company and Excelsior Insurance Company v. County of Fairfax, Virginia*, At Law No. CL-2005-0003069 (Fx. Co. Cir. Ct.) (Springfield District)
5. *Board of Supervisors, et al. v. Board of Zoning Appeals, et al.*, At Law No. CL-2004-0224071 (Mason District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Archie E. Preast and Chan Ha*, In Chancery No. CH-2005-0001292 (Fx. Co. Cir. Ct.) (Mason District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Wilfredo Aliaga, et al.*, In Chancery No. CH-2005-0001650 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Duane Whitney, et al.*, In Chancery No. CH-1997-0152580 (Fx. Co. Cir. Ct.) (Providence District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Jimmie K. Walker and Margie L. Walker*, In Chancery No. CH-2003-0182748 (Lee District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, In Chancery No. CH-2005-0000793 (Fx. Co. Cir. Ct.) (Mason District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Sun S. Go*, In Chancery No. CH-2005-0001386 (Fx. Co. Cir. Ct.) (Sully District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Matthew E. Smuland and Phyllis S. Smuland*, In Chancery No. CH-2005-0190500 (Fx. Co. Cir. Ct.) (Sully District)
13. *Board of Supervisors of Fairfax County, Virginia, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Androula Demetriou*, At Law No. CL-2005-0000362 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *William E. Shoup, Fairfax County Zoning Administrator v. Alma S. McKim, Trustee*, In Chancery No. CH-2005-0002928 (Fx. Co. Cir. Ct.) (Springfield District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Carville J. Cross, Jr.*, In Chancery No. CH-2005-0002810 (Fx. Co. Cir. Ct.) (Providence District)
16. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Achilles Alefantis and Susan Alefantis*, In Chancery No. CH-2005-0002785 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *William E. Shoup, Fairfax County Zoning Administrator v. Jenny O. Nguyen*, In Chancery No. CH-2005-0002927 (Fx. Co. Cir. Ct.) (Providence District)
18. *Board of Supervisors v. Britt Construction, Inc., et al.*, At Law No. CL-2005-0003645 (Fx. Co. Cir. Ct.) (Springfield District)
19. *Board of Supervisors v. BPG Hotel Partners Limited Partnership, et al.*, At Law No. CL-2005-0003708 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Board of Supervisors v. Holly Hills Development Company*, At Law No. CL-2005-0003910 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Mark McChrystal versus Fairfax County Board of Supervisors
- Fairfax County Women Firefighters' Association, et al. versus Fairfax County, et al.
- Virginia Code Section 15.2-2308 (D)
- Extension of the Covanta Operation and Maintenance Contract
- Virginia Code Section 2.2-3711 (20)
- Public Safety Transportation Operations Center Memorandum of Understanding
- Legal Matters relating to the Use of Cable Franchise Fees
- Legal Matters relating to the County Sewer Policy

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

DET:det

At 5:23 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

67. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (5:23 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 Kauffman seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

68. **AUTHORIZATION OF THE SETTLEMENT OF FAIRFAX COUNTY BOARD OF SUPERVISORS, ET AL., VERSUS MARK MCCHRYSTAL** (5:24 p.m.)

Supervisor Gross moved that the Board authorize the settlement of *Fairfax County Board of Supervisors, et al., versus Mark McChrystal*, Virginia Supreme Court (on appeal from *Mark McChrystal versus Fairfax County Board of Supervisors, et al.*, In Chancery Number CH2005-0000014, Fairfax County Circuit Court); *Mark McChrystal versus Will Williams, et al.*, At Law Number CL2005-0000285, Fairfax County Circuit Court; Equal Employment Opportunity Commission Charge of Discrimination Number 100-2005-00722; and *In Re: The Appeal of Mark McChrystal*, Fairfax Civil Service Commission, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

69. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO FILE AN APPEAL TO THE SUPREME COURT OF VIRGINIA IN BOARD OF SUPERVISORS VERSUS CHURCH STREET GROUP LIMITED PARTNERSHIP, ET AL., AT LAW NUMBER CL-2004-0223957** (5:25 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to file an appeal to the Supreme Court of Virginia in *Board of Supervisors versus Church Street Group Limited Partnership, et al.*, At Law Number CL-2004-0223957, if the Circuit Court denies a motion for reconsideration in that case, as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

70. **AUTHORIZATION OF THE ACQUISITION OF WEST OX ROAD/CAMP 30 PROPERTY AND DEVELOPMENT OF JOINT PUBLIC USES WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) (5:25 p.m.)**

Supervisor McConnell moved that the Board authorize the acquisition of real estate on West Ox Road and the agreement with VDOT for the joint development of a public safety and transportation complex on the terms as presented in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

71. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-LE-012 (MDP GROVETON LLC) (LEE DISTRICT)**

AND

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PH REGARDING THE RELEASE AND REMOVAL OF A COVENANT RUNNING TO THE BENEFIT OF THE BOARD OF SUPERVISORS ON FORMERLY COUNTY-OWNED LAND KNOWN AS THE GROVETON SITE (LEE DISTRICT) (5:26 p.m.)

(R)(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 June 23 and June 30, 2005.

The application property is located in the southwest quadrant of Richmond Highway and Memorial Street, east of Donora Drive and north of Groveton Street, Tax Map 92-2 ((1)) 13A; 93-1 ((1)) 97 and 98; and 93-1 ((38)) (1) 1, 4, and 7.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by eight speakers, Barbara Byron, Division Director, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

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

- Ensure proffers are meaningful.
- Report on Watershed Committee recommendations that have not been acted upon including what happened to them, how they were being implemented, and what barriers were being encountered.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Upon returning to the Board Auditorium, Supervisor Hyland disclosed the following campaign contribution which he had received:

- In excess of \$200 from Daryl J. Butcher and Jon E. Hass, Sr., of MDP Groveton, LLC through other business entities which was not associated with this application: Butcher Real Estate and Madison Capital Advisors, Incorporated

Supervisor Kauffman moved adoption of the Resolution authorizing the release and removal of the covenant on property currently owned by MDP Groveton LLC. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-LE-012, from the C-3, CRD, and HC Districts to the PRM, CRD, and HC Districts, and approval of the Conceptual Development Plan, subject to the proffers dated July 5, 2005, and the development conditions dated July 11, 2005.
- Waiver of the service drive requirement along Richmond Highway.
- Modification of the transitional screening requirements along the eastern and western property lines to that shown on the CDP/FDP.
- Waiver of the barrier requirements along the eastern and western property lines.
- Waiver of the Public Facilities Manual, Section 6-0301.3, to permit the use of an underground detention facility and a separate underground water quality control facility in a residential area subject to the development conditions entitled Waiver #22564-WPFM-001-1 Conditions dated April 21, 2005.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

Supervisor Kauffman submitted items for the record and thanked all those who testified.

72.

3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-P-038 (NEVZAT KANSU AND HACER K. KANSU) (PROVIDENCE DISTRICT) (6:07 p.m.)

The application property is located on the west side of Juniper Street approximately 700 feet north of Lee Highway, Tax Map 49-2 ((5)) 5.

Mr. Keith C. 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, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 79-P-038, subject to the proffers dated February 22, 2005.
- Waiver of the minimum open space requirement to 10 percent for the interim Development Plan.
- Modification of the 10-foot setback for offstreet parking to permit a 7-foot setback from Juniper Street and a 4.5-foot setback from the future connector road.

Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Kauffman being out of the room.

73.

3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-PR-003 [SUNOCO, INCORPORATED (R&M)] (PROVIDENCE DISTRICT) (6:15 p.m.)

The application property is located at 2961 Hunter Mill Road, Tax Map 47-2 ((1)) 99.

Ms. Marie B. Travesky reaffirmed the validity of the affidavit for the record.

Supervisor DuBois disclosed that she was formerly employed by Travesky and Associates.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$100 from Marie B. Travesky longer than 12 months ago.

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

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

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2005-PR-003, subject to the development conditions dated May 5, 2005.
- Waiver of the transitional screening and barrier requirements on the northern and western boundaries.

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

74.

4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MV-005 (TRUSTEES OF EPIPHANY LUTHERAN CHURCH OF MOUNT VERNON) (MOUNT VERNON DISTRICT) (6:18 p.m.)

The application property is located at 5521 Old Mill Road, Tax Map 110-1 ((1)) 4A.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

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

Regina Murray, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Hudgins, and Supervisor Smyth being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2005-MV-005, subject to the development conditions dated May 25, 2005.
- Modification of the transitional screening requirements and waiver of the barrier requirements along all boundaries in favor of the existing conditions and the supplemental plantings as shown on the SE plat.

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

75. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CONTAINMENT STRUCTURES ASSOCIATED WITH OUTDOOR RECREATION/SPORTS FACILITY PLAYING FIELDS/ COURTS AND GOLF COURSES** (6:22 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and June 30, 2005.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Kauffman moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), entitled "Containment Structures Associated with Outdoor Recreation/Sports Facility Playing Fields/Courts and Golf Courses" as set forth in the memorandum to the Board from William E Shoup, Zoning Administrator, dated July 7, 2005.
- Endorsement of the submission guidelines entitled "Information Required for Containment Structures Associated with Outdoor Recreation/Sports Facilities" dated June 29, 2005.

Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth being out of the room.

76. **4 P.M. – PH ON A PROPOSAL TO ABANDON RICHARDS LANE (ROUTE T-2005) IN THE TOWN OF CLIFTON (SPRINGFIELD DISTRICT)** (6:24 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 June 23 and June 30, 2005.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor McConnell moved adoption of the Order abandoning Richards Lane. Supervisor Frey seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth being out of the room.

77. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE MOUNT VERNON MEMORIAL HIGHWAY AT THE ROUTE ONE PROJECT (MOUNT VERNON DISTRICT)** (6:26 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 June 23 and June 30, 2005.

Michael Coleman, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 064234 – Mount Vernon Memorial Highway at Route One, in Fund 304, Primary and Secondary Road Bond Construction. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Hudgins, and Supervisor Smyth being out of the room.

78. **4 P.M. – PH REGARDING THE ASSIGNMENT OF THE EXISTING REVENUE LEASE AGREEMENT FOR FUN AND FRIENDS CHILD DEVELOPMENT CENTER, INCORPORATED AT THE LEWINSVILLE FACILITY TO RICHMOND AND LYNN ABBE (DRANESVILLE DISTRICT)** (6:28 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 June 23 and June 30, 2005.

Robert Morgan, Leasing Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor DuBois moved authorization to staff to approve the Assignment of Revenue Lease Agreement, substantially in accordance with the proposed Assignment of Revenue Lease per the attachment B in the Board Item between the assignor, Fun and Friends Child Development Center, Incorporated, and the assignees, Richmond and Lynn Abbe, for the Fun and Friends Child Development Center, Incorporated, located at 1609 Great Falls Street, McLean, Virginia, Tax Map Number 030-3-01-0042. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth being out of the room.

DS:ds

79. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-14 (THE PETERSON COMPANIES, LC) (SPRINGFIELD DISTRICT)**

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-07 (THE PETERSON COMPANIES, LC) (SPRINGFIELD DISTRICT) (6:31 p.m.)

Supervisor McConnell moved to defer the public hearing on Proffered Condition Amendment Application PCA 82-P-069-14 and Conceptual Development Plan Amendment Application CDPA 82-P-069-07 until **Monday, July 25, 2005, at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of six, Supervisor Bulova, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth being out of the room.

80. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING RESOURCE PROTECTION AREA BOUNDARIES, AMENDING THE MAP OF CHESAPEAKE BAY PRESERVATION AREAS** (6:32 p.m.)

(O) (P) 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 June 23 and June 30, 2005.

John Friedman, Engineer III, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services (DPWES), presented the staff report.

A brief discussion ensued, with input from Mr. Friedman and Matthew Meyers, staff, Watershed Planning and Assessment Branch, Stormwater Planning Division, DPWES, regarding the proposed amendments.

The public hearing was held and included testimony by 22 speakers.

Following the testimony of Mr. Michael Rolband (Speaker 6), Representative, National Association of Industrial and Office Parks, discussion ensued, with input from J. Patrick Taves, Deputy County Attorney, regarding stream reclassification and legislative authority.

Following the testimony of Ms. Sue Laufer (Speaker 7), discussion ensued with input from Mr. Friedman regarding whether the Environmental Quality Advisory Council has given input on this matter.

Following the reading of Mr. Jim Cassidy's testimony by Mr. Richard Kuhlthau (Speaker 8), discussion ensued regarding perennial buffers.

Following the public hearing, discussion ensued with input from James W. Patteson, Director, Land Development Services, DPWES, and Mr. Meyers regarding a perennial stream.

Supervisor Gross moved:

- Adoption of the proposed amendments to the map of Chesapeake Bay Preservation Areas as set forth in the staff report dated May 9, 2005, with the following revisions:
 - Substitute map pages 36-3, 55-1, 96-4, and 100-4, dated June 30, 2005, included in the Board Agenda Item as part of the Planning Commission recommendation and map pages 118-1 and 118-2, dated July 11, 2005, distributed to the Board today, for the like-numbered map pages in the staff report dated May 9, 2005.

- To defer decision on adoption of the proposed amendments to map page 41-1 until December 5, 2005, so that the proposed perennial stream designation and resource protection area (RPA) along Crimmins Lane and Overbrook Street, shown on map page 41-1, may be further evaluated based on direct observations of flow during the dry season that normally occurs in late summer through early fall.

Supervisor DuBois and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Mr. Meyers, regarding the Wedderburn Stream.

Further discussion ensued, with Mr. Patteson reading a letter dated June 15, 2005, addressed to Mr. Joseph H. Maroon, Director, Department of Conservation and Recreation and Ms. Joan Salvati, Division Director, Department of Recreation and Conservation, Chesapeake Bay Local Assistance Division, from Joe Lerch, Chesapeake Bay Foundation. This letter was a follow-up to Mr. Lerch's previous letter dated June 8, 2005, regarding procedures for the classification and de-classification of perennial streams in the County.

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

Supervisor Gross moved that the Board adopt the Policy for the treatment of approved and pending plans of development affected by the 2005 revisions to the map of Chesapeake Bay Preservation Areas as set forth in the staff report dated May 9, 2005, as recommended by the Planning Commission. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being out of the room.

Supervisor Gross moved that the Board direct DPWES to review and revise the public information brochure, understanding the Chesapeake Bay Preservation Ordinance amendments, to focus on the RPA rules as they affect individual homeowners. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Gross moved that the Board direct the DPWES, in conjunction with its review of the perennial stream declassification process, to review the possibility of administratively updating the Chesapeake Bay Preservation Area maps to reflect declassified perennial stream segments and their associated RPAs and develop a mechanism for routinely notifying the Planning Commission and the Board of such declassifications. Supervisor Hyland seconded the motion.

Following discussion, with input from Mr. Friedman, regarding notification of adjoining property owners, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Smyth moved that the Board direct staff to:

- Review the verification process.
- Work with the Planning Commission on the stream protection process.

Supervisor DuBois seconded the motion.

Following a brief discussion regarding the verification process, the question was called on the motion and it carried by unanimous vote.

- (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 June 23 and June 30, 2005.

Paul Mounier, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker* Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Riverview CPD, in accordance with existing CPD restrictions. The proposed district expansion includes 13th Street (Route 1505), from I Street to H Street and the eastside only from H Street to Belle View Boulevard. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Chairman Connolly voting “AYE,” Supervisor Gross, Supervisor Kauffman, and Supervisor Smyth being out of the room.

(*NOTE: The speaker's testimony was not regarding the Riverview CPD. He was called to speak by mistake. His testimony was for the public hearing regarding the Fair Oaks/Fair Woods CPD. Later in the meeting, the speaker's testimony was acknowledged. See Clerk's Summary Item CL#82.)

82. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE FAIR OAKS/FAIR WOODS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (8:13 p.m.)

- (O) (NOTE: Earlier in the meeting, a speaker presented testimony regarding this public hearing. See Clerk's Summary Item CL#81.)

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 June 23 and June 30, 2005.

Paul Mounier, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Fair Oaks/Fair Woods CPD, in accordance with existing CPD restrictions. The newly established district includes the following:

- Alder Woods Drive (Route 7201)
Joseph Siewick Drive to Lee Jackson Memorial Highway
- Burning Bush Drive (Route 7200)
From Corkwood Place to the terminus cul-de-sac inclusive

Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland being out of the room.

83. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE PINECREST COMMUNITY PARKING DISTRICT (CPD) (MASON DISTRICT)** (8:24 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 June 23 and June 30, 2005.

Paul Mounier, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

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

Following the testimony of Julie Strandlie (Speaker 3), Supervisor Gross noted that Pinecrest Vista Drive is not a County-owned road, it is a State road.

Supervisor Gross submitted items for the record.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Pinecrest CPD, in accordance with existing CPD restrictions. The newly established district includes Pinecrest Vista Drive (Route 7248). Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

84. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE STONE CREEK CROSSING COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (8:43 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 June 23 and June 30, 2005.

ADDITIONAL BOARD MATTER

Request for Information Regarding Parking on Nutley Street

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to review and report with information regarding tractor trailers parking on Nutley Street between Route 29 and Route 50. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Paul Mounier, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by nine speakers, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Stone Creek Crossing CPD, in accordance with existing CPD restrictions. The newly established district includes the following:

- Fields Brigade Road (Route 7968)
From the east boundary of parcels 45-4 ((14)) A and B to the intersection of Rosemead Drive
- Meadow Field (Route 761)
From the intersection of Rosemead Drive to Fair Ridge Drive
- Tall Timbers Drive (Pending)
From Fields Brigade Road to the terminus

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

Supervisor McConnell asked unanimous consent that the Board direct staff to report in 60 days with information regarding the establishment of parking facilities within the County for citizens with over-sized vehicles. Without objection, it was so ordered.

85. **5:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 04-II-2M, LOCATED SOUTHEAST OF FLEETWOOD ROAD AND ELM STREET (DRANESVILLE DISTRICT)** (9:09 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 June 23 and June 30, 2005.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor DuBois moved approval of APR Item 04-II-2M, as recommended by the Planning Commission, with a modification. The modification, as shown in Supervisor DuBois' handout dated July 11, 2005, deletes a phrase specifying building height limit on the southern portion of the property. The recommendation modifies the Plan's mixed use option to allow 50 multifamily units in addition to the existing office use. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

86. **5:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 04-II-4M, LOCATED SOUTH AT FLEETWOOD ROAD, BETWEEN OLD CHAIN BRIDGE ROAD AND BEVERLY ROAD (DRANESVILLE DISTRICT)** (9:26 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 June 23 and June 30, 2005.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor DuBois moved approval of APR Item 04-II-4M, as recommended by the Planning Commission. The recommendation can be found on page 18 of the Dranesville District Staff Report Book in Attachment III of the Board Item dated July 11, 2005. The recommendation modifies the Plan's mixed use option to allow office and storage use up to 1.25 floor area ratio for the subject property if the personal storage use is designed with the appearance of an office building and a mid-block pedestrian connection is provided between Beverly Road and Chain Bridge Road. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

87. **5:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 04-III-5UP, ENCOMPASSING PLANNING SECTORS UP1, UP2, AND UP3 (DRANESVILLE DISTRICT)** (9:30 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 June 23 and June 30, 2005.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor DuBois moved approval of APR Item 04-III-5UP, as recommended by the Planning Commission. The recommendation can be found on pages 30-32 of the Dranesville District Staff Report Book in Attachment III of the Board Item dated July 11, 2005. This recommendation provides guidance for evaluation of cluster developments in planning sectors UP1, UP2, and UP3. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

88. **5:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 04-II-1F, LOCATED NORTH OF OAKTON ROAD, WEST OF JERMANTOWN ROAD, AND SOUTH AND EAST OF TATTERSALL PARK (PROVIDENCE DISTRICT) (9:33 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 June 23 and June 30, 2005.

Charlene Fuhrman-Schulz, Planner III, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Smyth moved approval of APR Item 04-II-1F, as recommended by the Planning Commission. The recommendation can be found on pages 4–5 of the Providence District Staff Report Book in Attachment I of the Board Agenda Item dated July 11, 2005. The recommendation would add text to the Plan that acknowledges the existing private school at Oakton and Jermantown Roads and that a limited expansion of the Approved Sewer Service Area may be permitted only for the purpose of providing restroom facilities for the existing athletic fields. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

89. **5:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 04-III-3FC, LOCATED ON THE NORTHWEST CORNER OF ROUTE 50 AND WAPLES MILL ROAD (PROVIDENCE DISTRICT) (9:39 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 June 23 and June 30, 2005.

Charlene Fuhrman-Schulz, Planner III, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Smyth moved approval of APR Item 04-III-3FC, as recommended by the Planning Commission with minor edits. The edits clarify that access for the new residential development will be through the existing residential community to Fairfax Ridge Road. The recommendation can be found on pages 104-105 of the Providence District Staff Report in Attachment I of the Board Agenda Item dated July 11, 2005. The recommendation proposes the addition of an option to Land Unit K of the Fairfax Center Area for residential use at 16–20 dwelling units per acre for Parcels 56-2 ((1)) 19 and 20. This option would provide an opportunity to preserve environmentally sensitive land associated with Difficult Run Stream Valley that would not be protected if the property developed according to the approved rezoning for office use. The recommendation will generally result in residential development at an effective density similar to the adjacent residential community. Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

90. **5:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 04-II-4V, LOCATED SOUTH OF COTTAGE STREET, EAST OF GALLOWS ROAD AND WEST OF I-95 (PROVIDENCE DISTRICT)** (9:44 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 June 23 and June 30, 2005.

Charlene Fuhrman-Schulz, Planner III, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Smyth moved approval of APR Item 04-II-4V, as recommended by the Planning Commission, with a minor edit. The recommendation can be found on pages 55–56 of the Providence District Staff Report Book in Attachment I of the Board Agenda Item dated July 11, 2005. The edit is in the first bullet, last sentence. The statement should read: "...developed at a similar density and character." The recommendation would replan the subject property for residential use at 3–4 dwelling units per acre (du/ac) with density permitted up to the mid-point of the density range or 3.5 du/ac to encourage redevelopment that meets conditions related to tree save, noise attenuation, and metro access. Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

91. **5:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 04-II-9V, LOCATED SOUTH OF DOMINION VIRGINIA POWER EASEMENT AND THE W&OD TRAIL AND WEST OF CEDAR LANE (PROVIDENCE DISTRICT)** (9:52 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 June 23 and June 30, 2005.

Charlene Fuhrman-Schulz, Planner III, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

The public hearing was held and included testimony by 15 speakers.

Following the testimony of Ms. Alison Dyer (Speaker 5), discussion ensued, with input from Ms. Fuhrman-Schulz and Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ, regarding by-right development.

Following the testimony of Mr. David Knapp (Speaker 8), discussion ensued with input from Ms. Fuhrman-Schulz regarding the Tysons Woods subdivision and rear setback requirements for lots.

Following the testimony of Ms. Rebecca Cate (Speaker 9), discussion ensued with input from Ms. Fuhrman-Schulz, regarding the difference between the Planning Commission recommendation and the original nomination as approved by the Task Force in terms of the number of units on the site.

Following the public hearing, Ms. Fuhrman-Schulz presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Fuhrman-Schulz, regarding the number of units on the site, by-right development, and buffering.

Supervisor Smyth moved approval of APR Item 04-II-9V, as recommended by the Planning Commission, with a modification. The modification includes clarification that the Northern Virginia Regional Park Authority bike trail is known as the W&OD trail, and that the environmentally sensitive area along the day-lighted portion of the stream should be preserved and should include tree save. The recommendation can be found in Attachment IV of the Board Agenda Item dated July 11, 2005. The recommendation would replan the subject property for residential use at 1–2 dwelling units per acre with conditions. Conditions include the provision of a substantial vegetative buffer adjacent to the W&OD trail, connection to the trail, environmentally sensitive areas should be respected, preservation of mature trees as is practicable, and no direct road connection to Augustus Court. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

92. **BOARD ADJOURNMENT** (11:03 p.m.)

At 11:03 p.m. the Board adjourned.