



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
April 3, 2006**

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DET:det

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, April 3, 2006, at 9:33 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Michael Frey, Sully District; Supervisor Catherine M. Hudgins, Hunter Mill District; and Supervisor Dana Kauffman, Lee District, arrived at 9:34 a.m.

Supervisor Joan M. DuBois, Dranesville District, arrived at 9:35 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; Angela Schauweker, Management Analyst, Office of the County Executive; Regina Thorn Corbett, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors.

BOARD MATTERS1. **BUDGET HEARINGS** (9:34 a.m.)

Chairman Connolly announced that budget hearings begin today and will continue Tuesday and Wednesday evening. He said that several hundred individuals had signed up to speak so the Board should expect late evenings.

2. **MOMENT OF SILENCE** (9:34 a.m.)

Supervisor Gross asked that everyone keep in thoughts the family of Betty Drexler, a former aide to former Supervisor Christina Trapnell, who died recently.

Chairman Connolly asked that everyone keep in thoughts the family of Delegate Harry Parrish who served Northern Virginia ably for many decades and recently died. Supervisor Frey noted that while Delegate Parrish had lived in and represented Manassas and Prince William County, his life was intertwined with the Centreville community.

Supervisor Hyland announced that on Friday he attended the full military funeral of the late Colonel Tom Freaney. Colonel Freaney and his wife, Ruth, labored many years for programs that served and benefited the handicapped, particularly in the formation of Gabriel Homes, Incorporated. Supervisor Hyland said that Colonel Freaney and his wife were legendary in making a difference for the rights of the disabled and asked that everyone keep his family in thoughts.

AGENDA ITEMS3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MASON DISTRICT LITTLE LEAGUE** (9:36 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to members of the Mason District Little League for 50 years of serving youth through the premise that time invested affords them lasting self esteem, contributes to a spirit of teamwork in their professional lives, and provides them with wholesome and useful activities. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

Chairman Connolly noted that the opening game will be on April 22 and Supervisor Gross stated that there would be a re-enactment of the presentation at that time.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY ANIMAL SHELTER** (9:39 a.m.)

Supervisor Frey, jointly with Supervisor DuBois, moved approval of the Resolution expressing gratitude and appreciation to the County Animal Services Division for working with surrounding jurisdictions to help the Humane Society

of Southern Mississippi and its animals in need who were struggling to recover from a natural disaster by taking in and adopting out animals from that organization. Supervisor DuBois and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Supervisor Frey noted that both he and Supervisor DuBois attended the adoption event which was highly successful.

Chairman Connolly pointed out that after September 11, 2001, and Hurricane Katrina, pet management was very important as individuals were willing to risk their lives rather than abandon their pets, and he emphasized that it was important to incorporate that into emergency preparedness.

Supervisor Frey moved approval of Certificates of Recognition to be presented to each of the individuals involved. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING APRIL 8, 2006, AS “OAKTON COMMUNITY DAY” IN FAIRFAX COUNTY** (9:50 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate April 8, 2006, as “*Oakton Community Day*” in Fairfax County to commemorate the groundbreaking of the Oakton Library, the first library in the Providence District made possible by an historic public-private partnership and the support and enthusiasm of the entire community. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Smyth introduced the recipients of the Proclamation and moved approval of Certificates of Recognition to be presented to those individuals. Supervisor Bulova seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING APRIL 20, 2006, AS “VOLUNTEER RECOGNITION DAY” IN FAIRFAX COUNTY** (9:59 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate April 20, 2006, as “*Volunteer Recognition Day*” in Fairfax County and urged all residents to observe this day by connecting with friends, fellow employees, relatives, and faith-based, school, and civic groups to celebrate and promote volunteerism. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **PROCLAMATION DESIGNATING APRIL 2006 AS “DONATE LIFE MONTH” IN FAIRFAX COUNTY** (10:06 a.m.)

(BACs) Supervisor Bulova moved approval of the Proclamation presented to members of the Commission on Organ Donation and Transplantation to designate April 2006 as “*Donate Life Month*” in Fairfax County. Supervisor DuBois seconded the motion.

Supervisor Hyland recounted several personal experiences with organ transplant recipients, and stated that the gift of life that results from people donating organs was an incredible experience and gave hope to those who had no hope.

Supervisor Gross commented on the amount of work the Commission on Organ and Tissue Donation and Transplantation had done which was outlined in a two-page list of 2005 accomplishments. She particularly wanted to draw attention to the donor leave policy work that the Commission has been working on, which was currently established at Inova and would be implemented in the County schools this month. Supervisor Gross noted that a living donor undergoes major surgery, and for this wonderful gift they need to be able to have the necessary time off for recovery. She added that the County is making real headway in this regard and it was because of the Commission’s efforts.

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

8. **PROCLAMATION DESIGNATING APRIL 2-8, 2006, AS “PUBLIC HEALTH WEEK” IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate April 2-8, 2006, as “*Public Health Week*” in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Chairman Connolly introduced Marlene Blum, Chairman of the Health Care Advisory Board, and congratulated her on being the recipient of the Citizen of the Year award which was awarded by the Federation of Citizens Associations.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of Certificates of Recognition to be presented to the County Public Schools and the Office of Food and Nutrition Services, and Cartoon Cuts. Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

PW:pw

9. **ADMINISTRATIVE ITEMS** (10:26 a.m.)

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

Supervisor Gross called the Board's attention to Admin 2 – Streets Into the Secondary System (Lee, Mason, and Mount Vernon Districts) and asked unanimous consent that the Board direct staff to closely monitor this item, specifically Shawnee Road, and advise the Board when it has been accepted. Without objection, it was so ordered.

Supervisor Hudgins called the Board's attention to Admin 4 – Approval of Zoning Ordinance Amendment Work Program for 2006 and discussion ensued with input from William E. Shoup, Zoning Administrator, Department of Planning and Zoning, regarding the priority level concerning the section of the noise ordinance on church bells. Supervisor Hudgins asked unanimous consent that the Board direct staff to review the noise issue regarding bells expeditiously.

Following discussion, Chairman Connolly restated the request as directing staff to report expeditiously in September with a full recommendation. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to recognize the intermittent nature of church bell noise as part of the recommendation. Following input from Mr. Shoup, without objection, it was so ordered.

Additional discussion ensued with input from David P. Bobzien, County Attorney, regarding adult video stores and secondary impact analysis.

Supervisor Frey asked unanimous consent that the Board direct staff to present the priority work list in the future as an Action Item instead of an Administrative Item. Without objection, it was so ordered.

The question was called on the motion to approve the Administrative Items 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."

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

Approved an extension of review period for the following 2232 Public Facilities Review Applications:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-B06-1	Omnipoint Communications CAP Operations LLC (T-Mobile) Antenna co-location on existing 185-foot tower 8333 Little River Turnpike (Northern Virginia Community College Braddock District	June 5, 2006
2232-S05-12	Cingular Wireless 120-foot monopole 7008 Elkton Drive (Spring Vale Swim Club) Springfield District	June 11, 2006
FS-L06-4	Omnipoint Communications CAP Operations LLC (T-Mobile) Antenna co-location on existing 130-foot transmission pole 7550 Thomas Grant Drive Lee District	June 22, 2006
FS-S06-10	Fairfax County Park Authority 7000 square foot expansion of the RECenter; 65 new parking spaces 7550 Reservation Drive (South Run District Park) Springfield District	October 23, 2006

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (LEE, MASON, AND MOUNT VERNON DISTRICTS)

(R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 5.)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Hunter Tract Section 1	Lee	Carawood Court Creek Crest Way Hampton Creek Way Route 1220 Hunters Oak Court Spring Summit Road

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Hunter Tract Section 2	Lee	Creek Crest Way Fernholly Court Spring Summit Road Woolin Place
Laurel Creek	Lee	Lackawanna Drive Lackawanna Drive Route 1296 Laurel Creek Court Laurel Creek Lane
Shawnee Road	Mason	Shawnee Road
Winstead Manor	Mount Vernon	Telegraph Road Route 611 Additional ROW Only Winstead Manor Court Winstead Manor Lane
Winstead Manor II	Mount Vernon	Winstead Manor Lane Route 10107

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES FOR HIBBARD STREET AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE DISTRICT)

- Endorsed the traffic calming plan for Hibbard Street as proposed by staff and the Virginia Department of Transportation (VDOT) consisting of the following:
 - Speed table adjacent to 10105 Copper Court, 10006 Laura Sue Court, 10107 Tate Court, and 10109 Tate Court
- Directed staff to request VDOT to install the approved measure as soon as possible.

ADMIN 4 – APPROVAL OF ZONING ORDINANCE AMENDMENT WORK PROGRAM FOR 2006

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 5.)

Endorsed the Zoning Ordinance Amendment Work Program for 2006 as recommended by the Development Process Committee, as set forth in Attachments 1 and 2 of the Board Agenda dated April 3, 2006.

10. **A-1 – ISSUANCE OF DEBT FOR VIRGINIA RAILWAY EXPRESS (VRE) EQUIPMENT** (10:33 a.m.)

(R) Supervisor Bulova moved that the Board concur in the recommendation of staff and:

- Direct staff to advise VRE that the County is very concerned that the County is paying a subsidy that is substantially more than its share of the VRE riders. The County would like its share of the VRE subsidy, including equipment costs, to be reduced to an amount not to exceed 110 percent of the amount that would be calculated based on actual County ridership.
- Approve VRE's purchase of 50 bi-level railcars from the Sumitomo Corporation of America.
- Consent to incurrence of debt by VRE to help finance the purchase of 50 railcars, according to VRE's Master Agreement which requires the consent of all participating and contributing jurisdictions before any additional debt can be assumed.
- Adopted the Resolution approving issuance of debt for VRE equipment.
- Recognizing that VRE must execute the option to purchase 50 railcars by the end of April 2006, direct staff to request VRE to undertake a study of VRE's allocation formula immediately with the intent to adjust the formula to more accurately reflect actual ridership. Any revised formula should be used to allocate the local share for the purchase of the 50 railcars, as well as subsidies beyond Fiscal Year 2007.

Chairman Connolly noted that as shown on handwritten page one of the attachment to the Board Agenda item, the County has 20 percent of daily riders and pays 44.7 percent of the subsidy, and this item is addressing the concern.

Additional discussion ensued regarding expansion of the VRE membership.

Supervisor Gross asked unanimous consent that the issue of expanding the governance and funding formula be referred to the Board's Legislative Committee for preparation of next year's General Assembly. Without objection, it was so ordered.

Additional discussion ensued with input from Dale Zehner, Chief Executive Officer, VRE, regarding the payback schedule of the debt and the lifespan of railcars.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to reaffirm its support to review and make appropriate changes to the subsidy formula, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, as amended, 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."

11. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT AND THE PARTICIPATING FEDERAL, STATE, COUNTY, LOCAL, AND SPECIAL JURISDICTIONAL LAW ENFORCEMENT AGENCIES IN THE NATIONAL CAPITOL REGION (NCR) LAW ENFORCEMENT INFORMATION EXCHANGE (LIX)** (10:45 a.m.)

(NOTE: The Board deferred action on this item until later in the meeting. See Clerk's Summary Item #42.)

12. **A-3 – PARKING REDUCTION FOR PARCEL "C" OF DULLES TECHNOLOGY CENTER** (10:45 a.m.)

On motion of Supervisor Hudgins, seconded jointly by Supervisor Bulova and Supervisor Frey, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 14.25 percent for Parcel "C" of Dulles Technology Center, which includes three uses located at 13505, 13515, and 13525 Dulles Technology Center pursuant to Paragraph 4(B), Section 11-102 of the Fairfax County Zoning Ordinance, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions outlined in the Board Agenda Item dated April 3, 2006.

13. **A-4 – APPROVAL OF A PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND FUNDING FOR THE LOCAL CASH MATCH FOR THE GEORGETOWN PIKE TRAFFIC CALMING – LANGLEY FORK SCENIC PULLOFF ENHANCEMENT PROJECT (DRANESVILLE DISTRICT)** (10:45 a.m.)

On motion of Supervisor DuBois, seconded by Chairman Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved:

- In substantial form the project agreement for the construction of Georgetown Pike Traffic Calming – Langley Forks Scenic Pulloff.
- The use of \$75,000, in funds available at VDOT, for the required 20 percent local cash match for the Transportation Enhancement Grant awarded to the Great Falls Citizens Association.

14. **A-5 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06043 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT TWO CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANTS AWARDED TO FAIRFAX COUNTY TO CONSTRUCT A MULTI-LEVEL PARKING STRUCTURE AT THE BURKE CENTRE VRE STATION AND TO USE STATE AID FOR THE PROJECT; AUTHORIZATION FOR THE COUNTY TO EXECUTE A PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (BRADDOCK DISTRICT)** (10:46 a.m.)

(SAR) On motion of Supervisor Bulova, seconded by Chairman Connolly, and 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,” the Board concurred in the recommendation of staff and:

- Approved SAR AS 06043 for DOT to accept two CMAQ grants totaling \$21,251,000 for the Burke Centre VRE Station parking facility, and to use up to \$60,000 in State aid funds available at the Northern Virginia Transportation commission for the project. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in Fiscal Year 2006.
- Approved a project agreement with the Virginia Department of Transportation for the CMAQ funds in substantial form.

15. **A-6 – APPROVAL OF THE VACATION OF A COUNTY STORM SEWER EASEMENT, ACCEPTANCE OF A NEW STORM SEWER EASEMENT, CONSTRUCTION OF A BUILDING ON THE NEW STORM SEWER EASEMENT, AND PRIVATE MAINTENANCE OF THE STORM SEWER FACILITY IN SUCH EASEMENT (SULLY DISTRICT)** (10:46 a.m.)

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of the Department of Public Works and Environmental Services to execute, on behalf of the Board, a Deed of Easement, Vacation, Subordination, and Maintenance Agreement, which document will:

- Vacate an existing storm sewer easement owned by the Board.
- Convey a new storm sewer easement to the Board.
- Permit the construction of a building on the new storm sewer easement.

- Require the private maintenance of the storm sewer facility in the new easement.

16. **I-1 – CONTRACT AWARD – PROFESSIONAL SERVICES FOR PHASE I DEVELOPMENT OF PATRIOT PARK (SPRINGFIELD DISTRICT)**
(10:47 a.m.)

The Board next considered an item contained in the Board Agenda dated April 3, 2006, requesting authorization for staff to award a contract to Patton Harris Rust and Associates of Chantilly in the amount of \$254,885 for the preparation of design and construction documents, permitting services and construction administration services required to develop Phase I of Patriot Park.

The Board was directed administratively to proceed as proposed.

17. **I-2 – CONTRACT AWARD – OAKTON LIBRARY (PROVIDENCE DISTRICT)** (10:47 a.m.)

The Board next considered an item contained in the Board Agenda dated April 3, 2006, requesting authorization for staff to award a contract to E. E. Reed Construction, LP in the amount of \$4,640,000 for the construction of the Oakton Library, Project 004839 in Fund 302, County Library construction.

The staff was directed administratively to proceed as proposed.

18. **I-3 – CONTRACT AWARD – CONTRACT FOR CONSTRUCTION MANAGEMENT, ADMINISTRATION, AND INSPECTION SERVICES**
(10:47 a.m.)

The Board next considered an item contained in the Board Agenda dated April 3, 2006, requesting authorization for staff to award a contract to Alpha Corporation in an amount not to exceed \$1 million annually for Contract Administration and Inspections for various County projects beyond the workflow capacity of the Construction Management Division.

The staff was directed administratively to proceed as proposed.

19. **I-4 – CONTRACT AWARD – RUNNYMEADE STREAM REHABILITATION (LEE DISTRICT)** (10:47 a.m.)

The Board next considered an item contained in the Board Agenda dated April 3, 2006, requesting authorization for staff to award a contract to Environmental Quality Resources, Incorporated, in the amount of \$575,631.32 for the construction of Runnymede Stream Rehabilitation, Project Number CA0252 in Fund 316.

The staff was directed administratively to proceed as proposed.

20. **I-5 – CONTRACT AWARD TO URBAN LAND INSTITUTE (ULI) TO IMPLEMENT A FIVE DAY ADVISORY SERVICES PANEL PROGRAM FOR THE SPRINGFIELD BUSINESS AREA (LEE DISTRICT)**
(10:47 a.m.)

The Board next considered an item contained in the Board Agenda dated April 3, 2006, requesting authorization for staff to award a contract in the amount of \$115,000 to Urban Land Institute to conduct a Five Day Advisory Services Panel Program for the Springfield Business Area of Lee District from May 22 through May 26, 2006, for a contract term, ending July 31, 2006.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

21. **NURSES' WEEK** (10:48 a.m.)

(BACs) Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proclaim May 6-12, 2006, as "*Nurses' Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Health Care Advisory Board and Health Department to be recognized with the proclamation at the May 1, 2006, Board meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took additional action on this item. See Clerk's Summary Item #23.)

22. **NATIONAL WOMEN'S HEALTH WEEK** (10:48 a.m.)

Chairman Connolly asked unanimous consent that the Board declare May 6-12, 2006, as "*Women's Health Week*" in Fairfax County and direct staff to invite representatives from the Health Department and the Office for Women to be recognized with the proclamation at the May 1, 2006, Board meeting. Without objection, it was so ordered.

23. **ADDITIONAL ACTION REGARDING NURSES' WEEK** (10:48 a.m.)

(NOTE: Earlier in the meeting, the Board proclaimed Nurses' Week. See Clerk's Summary Item #21.)

With reference to the Board Matter presented on Nurses' Week, Supervisor Gross asked unanimous consent that the Board direct staff to include in the invitation nurses from the County's health systems, such as INOVA, and the education community, Northern Virginia Community College, and George Mason University. Without objection, it was so ordered.

24. **PANDEMIC FLU TOWN MEETING** (10:49 a.m.)

Chairman Connolly distributed fliers regarding the Pandemic Flu Town Meeting to be held Tuesday, April 18, at 7 p.m. in the Board Auditorium. He urged the Board to circulate the fliers.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

25. **LIVING WAGE** (10:50 a.m.)

Supervisor Hudgins said everyday, hard working individuals struggle to make ends meet as they juggle to meet the essential cost for housing, food, transportation, medical costs, and clothing. She said that the Board has made a commitment to assist the community by providing affordable housing, but for many, the wages they earn require three or four individuals working in a household to meet even the most modest housing cost.

Supervisor Hudgins noted that several of her colleagues have been visited by a coalition of advocates seeking a living wage in the County for the employees of contractors providing goods and services through the public procurement process. On March 19 she participated in a public forum in which an array of speakers including workers, labor unions, faith community members, lawyers, and non-profit groups made a compelling case as to why a living wage is critical to working families. She asserted that it is not only fair, but, as contractors have noted, it makes good business sense that a living wage should be a requirement in all County procurement contracts for goods and services.

Supervisor Hudgins reminded the Board that several jurisdictions in the metropolitan area have implemented a living wage including the City of Alexandria, Arlington County, Prince George's County, Montgomery County, and the District of Columbia. Jurisdictions report that in doing so, contracting has remained competitive, employee turnover is less, service delivery has improved, and employees are more committed to their work.

Supervisor Hudgins distributed a list of labor rates in current County facilities contracts as provided by the County's Director of the Facilities Management Department. With regard to the various labor rates, she said that most, from the highest to the lowest rate if paid as yearly wages, would fall below the poverty rate, for the basic family structure.

Supervisor Hudgins noted that the County has worked to welcome all who want to live and do business in the County. The County government is recognized as one that provides innovative, quality services to those who work and live in the County. She noted that the Board works to provide County employees an excellent work environment with fair compensation. As the Board examines a wide range of compensation issues within the County, examining the issue of a living wage in procurement contracts is consistent with the high standards set by the County.

Accordingly, Supervisor Hudgins moved that the Board direct staff to provide information on implementing a living wage ordinance in the procurement of contracts in the County, and that staff provide the number of contracts up for renewal in Fiscal Year 2007 and the labor rates of the current contracts that are available. Without objection, it was so ordered.

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

- A memorandum regarding the Board's authority to adopt a living wage for both the public and private sectors in a Dillon Rule state.
- An analysis, in grid form, of the cited jurisdictions and their differing approaches to the issue.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

A brief discussion ensued regarding the Dillon Rule, related action in the General Assembly, best value in the procurement process, and minimum wage legislation.

Supervisor Hudgins asked unanimous consent that the Board direct staff to review the implications of the outsourcing of the County's custodial contracts in 1996. Without objection, it was so ordered.

26. **LEAGUE OF RESTON ARTISTS' THIRTY-FIFTH ANNIVERSARY (HUNTER MILL DISTRICT)** (10:57 a.m.)

Supervisor Hudgins said that the Jo Ann Rose Gallery at the Lake Anne branch of the Reston Community Center is home to the League of Reston Artists. This April, the group will recognize award winning artists for the thirty-fifth time as they "keep the creative flame burning."

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Pat Macintyre, the League of Reston Artists principal founder, to appear before the Board to receive a certificate of recognition for her years of service to League of Reston Artists. Without objection, it was so ordered.

27. **2006 NATIONAL CHERRY BLOSSOM FESTIVAL AWARD WINNING ARTIST ANN MARIE WILLIAMS (HUNTER MILL DISTRICT)** (10:58 a.m.)

Supervisor Hudgins announced that the winner of the 2006 National Cherry Blossom Festival Art Contest is Reston artist Ann Marie Williams, a member of the League of Reston Artists. More than 70 submissions were created by artists from all over the country and around the globe, including Japan and The Netherlands. Ms. Williams' entry illustrated the official program material.

Therefore, Supervisor Hudgins asked unanimous consent that the direct staff to:

- Invite Ann Marie Williams, 2006 National Cherry Blossom Festival Art Contest Winner, to appear before the Board to receive a certificate of recognition for her award-winning entry.
- Schedule this recognition at the same time as the Board recognition of the League of Reston Artists.

Without objection, it was so ordered.

28. **FAIRFAX COUNTY LOW IMPACT DEVELOPMENT (LID) DESIGN MANUAL** (10:59 a.m.)

Jointly with Supervisor DuBois, Supervisor Smyth said that in 2005, six LID practices were identified by the Department of Public Works and Environmental Services (DPWES) in coordination with a stakeholders' group for incorporation into the Public Facilities Manual (PFM). The six practices include: bioretention basins and filters (rain gardens), water quality (vegetated) swales, tree box filters, vegetated roofs (green roofs), permeable pavers, and reforestation. County staff anticipates bringing the matter to the Board for authorization to advertise the proposed amendments by the end of summer 2006.

Supervisor Smyth said that several projects highlighting the use of LID techniques and other innovative stormwater management practices are currently in design, under development, or have been completed on County-owned property, including one at her own office. In addition, LID practices increasingly are being incorporated into development plans. Proposals to implement LID practices are evaluated by DPWES and the Department of Planning and Zoning (DPZ) staff during the zoning process and are pursued where appropriate.

While noting that this is welcome news, Supervisor Smyth said that it has come to her attention that the preparation of a much-needed LID design manual, an effort currently being pursued by the Northern Virginia Regional Commission and the Engineers and Surveyors Institute, seems to have been delayed. She asserted that the design manual is vital to ensuring across-the-board success of the implementation of LID practices (both public and private), and that the County has a vested interest in ensuring that a design manual be developed.

Therefore, Supervisor Smyth moved that the Board direct the Director of DPWES to:

- Review the status of this effort and report with a recommendation on how best to resolve this issue.
- Notify the Board by the June 5 meeting of his recommendation on whether the current effort can still be pursued or whether the County should pursue its own effort to prepare a design manual.

Supervisor DuBois seconded the motion.

Discussion ensued regarding increased use of LIDS and case-by-case requirements regarding implementation of more environmentally friendly alternatives to previously approved dry ponds, with input from David P. Bobzien, County Attorney.

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

29. **PROVIDENCE DISTRICT LAND USE SEMINAR** (11:03 a.m.)

(BACs) Supervisor Smyth announced that her office will be hosting another series of land use seminars. The first in the series, entitled “Land Use Information on the Web,” will be held on Tuesday, April 25 at Fairhill Elementary School located at 3001 Chichester Lane, Fairfax from 7:30 p.m. to 10 p.m. The other seminars will be offered on May 8 and 22, 2006.

Supervisor Smyth noted that the County has won many awards for its technology and the Board is now examining how it can make that technology more accessible to its constituents. The staff is working with the new Land Use Information Accessibility Advisory Group on this issue.

Supervisor Smyth said that at the “Land Use Information on the Web” seminar, the County Geographic Information Systems (GIS) Division of the Department of Information Technology (DIT) will be presenting land use resources and information that are available on the web and how those resources can be accessed by residents. GIS staff will also be available to answer questions and solicit feedback on how user access can be enhanced.

Supervisor Smyth invited the Board, County staff, and residents to this seminar and asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

More information on the Land Use Seminar is available at www.fairfaxcounty.gov/providence/Land_Seminar.htm.

30. **POTOMAC RIVER RUN MARATHON AND HALF-MARATHON** (11:04 a.m.)

Jointly with Supervisor Hyland, Supervisor Smyth said that on Sunday, May 7, 2006, approximately 200 County residents and participants from other states and countries will participate in the 26.2 or 13.1 (optional) mile-long Potomac River Run Marathon and Half-Marathon Day in the County.

Supervisor Smyth said that participants in the Potomac River Run will enjoy a course entirely run on the National Park Service’s Mount Vernon Trail, with the start set for sunrise at Belle Haven Park. This year’s event will begin with the commemoration of “World Laughter Day,” promising participants 26 “miles of smiles.” The popular and educational College of Running will provide a series of lectures that will be available during packet pick-up on Saturday, May 6 and is

free to the public. The Potomac River Run is also a 2006 Presidential Fitness Partner event.

Therefore, jointly with Supervisor Hyland, Supervisor Smyth moved that the Board show unanimous support for this event by proclaiming Sunday May 7, 2006, as "*Potomac River Run Marathon and Half-Marathon Day*" in Fairfax County with the proclamation she distributed to the Board. Supervisor Hyland seconded the motion and it carried by unanimous vote.

31. **REQUEST FOR EXPEDITED HANDLING OF INSPECTIONS FOR BRADDOCK GLEN (PHASE II OF LITTLE RIVER GLEN) (BRADDOCK DISTRICT)** (11:06 a.m.)

Supervisor Bulova said that Braddock Glen, with assisted living and adult day care components, is the long awaited second phase of Little River Glen, the County senior campus located at Little River Turnpike and Olley Lane. Braddock Glen's grand opening is scheduled for May 13. The Fire Marshal inspection is scheduled for April 12 and the Department of Housing and Community Development (DHCD) is attempting to have an occupancy permit by April 14 when the moving/set-up crew is scheduled to deliver the furniture.

Supervisor Bulova said that to keep to this schedule, DHCD is requesting expedited handling of the inspections. DHCD understands that any expedited inspection reviews do not absolve Sunrise or its contractors from any ordinances, standards, or other requirements.

Therefore, Supervisor Bulova moved that the Board direct staff to expedite the inspection process, where feasible, for Braddock Glen. Supervisor McConnell seconded the motion and it carried by unanimous vote.

32. **INTERFAITH MENTAL WELLNESS OBSERVATION WEEK** (11:07 a.m.)

Supervisor Bulova said that two adults every day, one older adult every three days, and one teenager every week, are lost to suicide. Early recognition warning signs and active intervention and referral are vital to the prevention of suicide among adults and teenagers. She said that the most effective way to promote awareness and education about suicide is through public knowledge and understanding. The Fairfax County Faith Communities in Action and Youth Suicide and Depression (YSAD) Task Force of the Fairfax Partnership for Youth (FPY) are committed to reducing suicides and suicidal attempts and to promoting wellness and safety in the community.

Therefore, Supervisor Bulova asked unanimous consent that the Board proclaim May 15-21, 2006, as "*Fairfax County Interfaith Mental Wellness Observation Week*" and that the Board direct staff to invite the Fairfax County Faith Communities in Action, Fairfax Partnership for Youth, and other appropriate officials to appear before the Board on May 1, 2006, to accept this proclamation. 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 also invite Crisis Link to participate. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

33. **COMMUNITY PARKING DISTRICT (CPD) FILING FEES** (11:08 a.m.)

Supervisor Bulova said that based on recent Board action to streamline the CPD process, she is asking staff to review the requirement for the \$10 filing fee per signature. She said that recent changes to the CPD ordinance that will reduce the number of signs and the notification area would seem to make the process less costly. She asserted that it seems appropriate to review the overall costs associated with this program, including staff time, to determine whether the filing fees for the program should be reduced.

Accordingly, Supervisor Bulova moved that the Board direct staff to review the cost of the program and report with the results of the study as soon as possible. Supervisor McConnell seconded the motion, which carried by unanimous vote.

34. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (11:09 a.m.)

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

PMH:pmh

35. **TODD RESTAURANTS, INCORPORATED (LEE AND MOUNT VERNON DISTRICTS)** (11:10 a.m.)

Jointly with Supervisor Hyland, Supervisor Kauffman announced that Todd Restaurants, Incorporated is celebrating its twentieth anniversary in the County this year. They currently have locations in both Lee and Mount Vernon Districts.

Supervisor Kauffman noted that Todd Restaurants has played a lead role in countless community initiatives including sponsoring hundreds of fundraisers for local Lee and Mount Vernon schools. The restaurant group has also promoted senior events and other civic-minded activities in County neighborhoods.

Therefore, Supervisor Kauffman moved that the Board direct staff to invite the owners of Todd Restaurants, Incorporated to appear before the Board to recognize their 20 years in commitment to Lee and Mount Vernon Districts and that an appropriate certificate be prepared. Supervisor Hyland seconded the motion and it carried by unanimous vote.

36. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR GROSS**
(11:11 a.m.)

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

37. **LONGFELLOW MIDDLE SCHOOL CHESS TEAM (DRANESVILLE DISTRICT)** (11:11 a.m.)

Supervisor DuBois said that Longfellow Middle School Chess Team brought home the first place trophy from the Virginia State Scholastic Chess Championship held in Roanoke on March 11-12. In addition, eighth grader Aryan Khojandi was crowned the Middle School Chess Champion for the State, his third State title.

In recognition of their accomplishments, Supervisor DuBois asked unanimous consent that the Board direct staff to invite the members of the Longfellow Chess Team and their coach Alex Passov to appear before the Board and be congratulated for their success. Without objection, it was so ordered.

38. **CONSIDERATION ITEM FOR FAIRFAX CONVENTION AND VISITORS CORPORATION (DRANESVILLE DISTRICT)** (11:12 a.m.)

(BACs) Supervisor DuBois asked unanimous consent that a Consideration Item for the Fiscal Year 2007 Budget for the Fairfax Convention and Visitors Corporation be added to the list. Without objection, it was so ordered.

39. **INTERNATIONAL BUILDING SAFETY WEEK** (11:12 a.m.)

Supervisor Frey announced that for many years, International Building Safety Week has been observed in the nation to increase public awareness of the importance of building codes and construction safety. Code officials across the country actively endorse Building Safety Week as a good way to improve communication between their building departments and community residents, local builders and developers; and to increase public education on a wide range of issues including safety devices such as carbon monoxide detectors, smoke detectors, and ground fault circuit interrupters, which save lives and protect property.

This year, International Building Safety Week will be observed during the week of May 7-13, 2006. To mark the event, the Department of Public Works and Environmental Services (DPWES) has scheduled public outreach efforts in several local hardware and building material supply retail stores. In addition, DPWES will honor a worthy individual or corporate resident with the 2006 Building Safety Community Partnership Award. The award was first presented in 1998 to recognize individuals and corporate citizens in the County who have made significant contributions to the promotion of the goal of building safety in the County.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to:

- Prepare a proclamation for the Board's meeting on May 1, 2006, declaring the week of May 7-13, 2006 as “*Building Safety Week*” in Fairfax County.
- Invite the 2006 Community Partnership Award recipient, and staff from Land Development Services, DPWES, who have made particular contributions to building safety this past year, to be recognized before the Board at that time.

Without objection, it was so ordered.

Following a discussion with input from Merni Fitzgerald, Director, Office of Public Affairs, Chairman Connolly announced that the Board meeting scheduled for May 1, 2006, will convene at 9 a.m.

40. **HOUSES: MOVING THEM BEATS LOSING THEM** (11:14 a.m.)

Supervisor Hyland referred to an article in *Fine Homebuilding* that advocates an innovative solution to the problem of affordable housing. As McMansions pop up all over the County, smaller homes are demolished to make way for larger ones, the vast majority of which is done by right. Instead of tearing down perfectly usable units, homeowners, as evidenced in the article, could donate their homes to a non-profit organization saving them the cost of demolition and disposal. The non-profit would pay for the home's appraisal and the homeowner pays the homes' relocation fee with the tax deduction for the charitable donation. In the end, the homeowners are only paying what they are saving while providing a community service. These homes could then be sold as affordable units as land becomes available.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Executive to review the article and report with recommendations. Without objection, it was so ordered.

41. **RECESS/CLOSED SESSION** (11:15 a.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. Authorization to File a Notice of Participation as a Respondent and to File Testimony in the Application of Nextel Communications of the Mid-Atlantic, Inc., for Review and Correction of Assessments of the Value of Property Subject to Local Taxation, SCC Case No. PST-2005-00028
 - 2. Mireya Lyle and Jessica Cubas v. County of Fairfax, Virginia, United States Court of Appeals for the Fourth Circuit, Case No. 05-1134
 - 3. David W. Cover v. Fairfax County Government and Fairfax County Police Department, Case No. CL-2005-0007793 (Fairfax County Circuit Court)
 - 4. Roubin Associates, L.L.C. v. The Board of Supervisors of Fairfax County, Virginia, In Chancery No. CH-2004-0192512 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 5. William E. Shoup, Fairfax County Zoning Administrator v. Mini U Storage Fairfax Station Limited Partnership, Case No. CL-2006-0003366 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- Discussions under Virginia Code Section 2.2-3711.20

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

DET:det

At 3:01 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTION ITEM

42. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT AND THE PARTICIPATING FEDERAL, STATE, COUNTY, LOCAL, AND SPECIAL JURISDICTIONAL LAW ENFORCEMENT AGENCIES IN THE NATIONAL CAPITOL REGION (NCR) LAW ENFORCEMENT INFORMATION EXCHANGE (LINX)** (3:01 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #11.)

On motion of Supervisor Bulova, seconded by Supervisor DuBois, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between the Police Department and the participating NCR participating agencies.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:02 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 Hyland 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."

44. **APPLICATION OF NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INCORPORATED, FOR REVIEW AND CORRECTION OF ASSESSMENTS OF THE VALUE OF PROPERTY SUBJECT TO LOCAL TAXATION, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PST-2005-00028** (3:02 p.m.)

Supervisor Hyland moved that the Board authorize the County Attorney to file with the SCC a Notice of Participation, on behalf of the County, as a respondent and file testimony on behalf of the County, as deemed appropriate, in the application of Nextel Communications of the Mid-Atlantic, Incorporated, for Review and Correction of Assessments of the Value of Property Subject to Local Taxation, SCC Case Number PST-2005-00028, 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.

AGENDA ITEMS

DS:ds

45. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-20 (APPLE FEDERAL CREDIT UNION AND KOHL’S DEPARTMENT STORES, INCORPORATED) (LEE DISTRICT)** (3:03 p.m.)

(NOTE: On February 27, 2006, the Board deferred the public hearing on this item until April 3, 2006.)

The application property is located in the northeast quadrant of the Intersection of King Centre Drive and Sir Viceroy Drive, Tax Map 91-2 ((1)) 32C and 32E.

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

Regina Coyle, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), introduced Greg Chase, a new staff coordinator. On behalf of the Board, Chairman Connolly warmly welcomed him to the Board Auditorium.

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, Mr. Chase, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Application PCA 84-L-020-20, subject to the proffers dated January 30, 2006.
- Modification of the transitional screening requirement and waiver of the barrier requirement to the east.
- Approval of a variance, in accordance with Paragraph 8 of Section 16-401 to permit the retaining wall located in the front yard to be greater than four feet in height, up to a maximum of ten feet.

Supervisor Bulova and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Mr. Chase and Ms. Coyle, regarding the verbiage describing the Credit Union on the application. Ms. Coyle noted that the Zoning Ordinance makes no distinction between a credit union and a bank, which are both financial institutions. Any financial institution that has a drive-through facility is considered a drive-in bank.

Jointly with Supervisor Hyland, Supervisor Gross asked unanimous consent that the Board direct staff to change the verbiage on the application to "...include a bank with drive-through..." to "...include a **financial institution** with drive-through..." Without objection, it was so ordered.

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

On January 26, 2006, the Planning Commission approved Final Development Plan Amendment Application FDPA 84-L-020-02-11, subject to the development conditions dated January 26, 2006.

ADDITIONAL BOARD MATTERS

46. **"EASTER EGG HUNT"** (3:10 p.m.)

Supervisor McConnell said that in today's *Washington Times* on the Editorial/Op-Ed Page is an article entitled "Noble and Knaves." The article cites Fairfax County as one of the "government bureaucrats of knaves" for taking the word "Easter" out of "Easter Egg Hunt." The article says that on April 15 the Park Authority is having an event at Lake Accotink Park and calling it a "Spring Bunny" event. Supervisor McConnell stated that she personally objects, as a Christian, not being able to use the word "Easter."

Therefore, Supervisor McConnell moved that the Board direct staff to indicate to the Park Authority the desire of the Board that long standing phrases such as "Easter Egg Hunt" be adhered to, and not renamed. Supervisor Frey seconded the motion.

Following a brief discussion, Chairman Connolly reiterated the motion to urge the Park Authority to be more respectful of traditional names that have always been used for holidays.

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

47. **TRANSPORTATION BOND REFERENDUM** (3:13 p.m.)

Chairman Connolly said Board Members may recall that at the last budget meeting held late last week there was some confusion regarding whether there was going to be a transportation bond referendum. Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct the County Executive to develop, in consultation with the Board, a substantial transportation bond referendum for the 2007 ballot. Supervisor Kauffman and Supervisor McConnell seconded the motion.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

A brief discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the motion.

48. **BOARD RECESS** (3:17 p.m.)

At 3:17 p.m. the Board recessed briefly, and, at 3:30 p.m., reconvened with all Members being present, and with Chairman Connolly presiding.

AGENDA ITEMS

49. **3:30 P.M. – PH ON THE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), REPEALING SECTIONS 82-12-1 THROUGH 82-12-12, ELIMINATING THE REQUIREMENT TO PURCHASE AND DISPLAY A LOCAL VEHICLE LICENSE OR DECAL** (3:30 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 March 16 and March 23, 2006.

Kevin C. Greenlief, Director, Department of Tax Administration, presented the staff report.

Chairman Connolly noted that nine other jurisdictions in the Commonwealth of Virginia have eliminated the decal and most of them have preserved the revenue generated by the decal fee.

A brief discussion ensued, with input from Mr. Greenlief, regarding elimination of the decal and associated fees.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved to close the public hearing, while keeping the record open for oral and written testimony until April 24, 2006, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings, and until the Budget Markup. Supervisor McConnell seconded the motion.

Discussion ensued, with input from Mr. Greenlief, regarding the proposed elimination of the decal and associated fees; and the Target Program

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

50. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (3:37 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 March 2 and March 9, 2006.

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Mr. Mohsenin, regarding the costs associated with upgrading the wastewater treatment plants.

Following the public hearing, Supervisor Bulova moved to close the public hearing, while keeping the record open for oral and written testimony until April 24, 2006, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings. Supervisor Smyth seconded the motion and it carried by unanimous vote.

51. **3:30 P.M. – PH ON A RESOLUTION TO INCREASE BOARD MEMBERS' ANNUAL SALARIES EFFECTIVE JANUARY 1, 2008** (3:40 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 March 16 and March 23, 2006.

Susan W. Datta, Director, Department of Management and Budget, presented the staff report.

Discussion ensued, with input from Ms. Datta, regarding the proposed salary increase.

Following the public hearing, which included testimony by three speakers, Supervisor Bulova moved, that while the public hearing has closed, to keep the record open for oral and written testimony until April 24, 2006, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings.

Supervisor DuBois submitted an item for the record.

Supervisor Kauffman seconded the motion.

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

52. **3:30 P.M. – PH ON THE FISCAL YEAR (FY) 2007 EFFECTIVE TAX RATE INCREASE** (3:54 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 March 16 and March 23, 2006.

Susan W. Datta, Director, Department of Management and Budget, presented the staff report.

Following the public hearing, which included testimony by 16 speakers, Supervisor Bulova moved, that while the public hearing has closed, to keep the record open for oral and written testimony until April 24, 2006, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings. Supervisor Hyland seconded the motion.

Supervisor Kauffman asked unanimous consent that the Board direct staff to report with the percentage and dollar amount of federal funding the County receives. Without objection, it was so ordered.

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

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-MV-001 (BROOKFIELD RIDGE ROAD, LLC) (MOUNT VERNON DISTRICT)** (5:07 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2005-MV-001 until **May 15, 2006, at 3 p.m.** Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MA-034 (DANIEL E. NANNUCCI) (MASON DISTRICT)** (5:08 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2005-MA-034 until **May 1, 2006, at 3 p.m.** Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

55. 4 P.M. – PH ON REZONING APPLICATION RZ 2005-PR-023 (THE MOST REVEREND ANDREW PATAKI, BISHOP OF THE EPARCHY CATHOLIC CHURCH OF PASSAIC, NEW JERSEY AND HIS SUCCESSORS IN OFFICE) (PROVIDENCE DISTRICT)

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-P-093 (THE MOST REVEREND ANDREW PATAKI, BISHOP OF THE EPARCHY CATHOLIC CHURCH OF PASSAIC, NEW JERSEY AND HIS SUCCESSORS IN OFFICE) (PROVIDENCE DISTRICT)

(5:09 p.m.)

- (O) The application property is located in the northwest quadrant of Woodburn Road and Hayden Lane at 3410, 3420, and 3424 Woodburn Road, Tax Map 59-1 ((1)) 21; 59-1 ((7)) 1 and 2.

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.

Chairman Connolly stated that he had items for the record.

Supervisor DuBois stated that she had items for the record.

Supervisor Smyth submitted items for the record.

Following the public hearing, which included testimony by three speakers, Stephen Varga, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Varga; Barbara A. Byron, Director, ZED, DPZ; and Ms. Strobel regarding the sound pressure level of the bells in the bell tower, and the type of bells.

Supervisor Gross asked unanimous consent that the Board direct staff to report whether there are any other churches with similar architectural design in the region. Without objection, it was so ordered.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-PR-023, from the R-1 and R-2 Districts to the R-2 District, subject to the proffers dated March 6, 2006.

- Approval of Special Exception Amendment Application SEA 85-P-093, subject to the development conditions dated March 17, 2006.
- Modification of the transitional screening requirement and waiver of the barrier requirement along the northern, western, and the unfenced portion of the southern lot lines, subject to the development conditions.

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

ADDITIONAL BOARD MATTER

56. **SPEAKERS LIST** (5:33 p.m.)

Chairman Connolly noted that two items on the Speakers List were showing the incorrect time for the public hearings. He asked the Clerk to ensure that the time for public hearings is listed correctly so that speakers do not arrive too early.

AGENDA ITEMS

57. **4 P.M. – PH ON REZONING APPLICATION RZ 2005-LE-017 (CHRISTOPHER MANAGEMENT, INCORPORATED) (LEE DISTRICT)**
(5:35 p.m.)

- (O) The application property is located on the west side of Old Telegraph Road approximately 1,400 feet south of its intersection with Hayfield Road, Tax Map 91-3 ((1)) 66, 67, and 68.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Supervisor Smyth disclosed the following campaign contribution which she had received:

- In excess of \$100 from Mr. and Mrs. E. John Regan, Christopher Management, Incorporated

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

- In excess of \$100 from Mr. E. John Regan, Christopher Management, Incorporated

Mr. Riegler 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, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-LE-017, from the R-1 District to the PDH-3 District, and approval of the Conceptual Development Plan, subject to the proffers dated March 27, 2006. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

On March 2, 2006, the Planning Commission voted to approve Final Development Plan Application FDP 2005-LE-017, subject to the development conditions dated March 2, 2006.

58. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-C-098-02 (GREGOR, LLC) (HUNTER MILL DISTRICT)** (5:39 p.m.)

The application property is located west of Old Reston Avenue approximately 300 feet north of its intersection with Sunset Hills Road, Tax Map 17-4 ((1)) 1.

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.

Ms. Strobel noted that she was representing Ms. Jane Gwinn, who had worked on this application, because she had a family emergency and is out of town.

Following the public hearing, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 78-C-098-02, subject to the proffers dated March 31, 2006.
- Waiver of the limitation on residential uses within the PDC District.

- Approval of a variance of the maximum height limitation on fences in the front yard to permit the walls along Old Reston Avenue as depicted on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA).
- Waiver of the transitional screening and barrier requirements between the uses on the site.
- Modification of the transitional screening and barrier requirements along the northern, eastern, and western property lines to that shown on the CDPA/FDPA.

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

On March 29, 2006, the Planning Commission approved Final Development Plan Amendment Application FDPA 78-C-098-3.

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE SOUTHRUN COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (5:45 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 16 and March 23, 2006.

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

Following the public hearing, which included testimony by six speakers, Chairman Connolly stated he had items for the record.

Supervisor Hyland stated that he had items for the record.

Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, to consider expanding the Southrun CPD. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins and Supervisor Kauffman being out of the room.

60. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-SU-007 (KOREAN CENTRAL PRESBYTERIAN CHURCH TRUSTEES) (SULLY DISTRICT)** (6:06 p.m.)

The application property is located at 15308 Compton Road, 15315, 15403, and 15451 Lee Highway, Tax Map 64-1 ((1)) 8, 9, 25, 26, and 27; 64-1 ((3)) 16; 64-2 ((3)) 18; 64-2 ((5)) 1, 2, and 3.

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

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$100 from Orr Partners, LLC

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 testimony of Hong Lee (Speaker 11), a pastor of the Korean Presbyterian Church, Supervisor Frey stated that he attended a dedication of the Centreville Presbyterian Church yesterday.

The public hearing was held and included testimony by 13 speakers.

Chairman Connolly submitted items for the record.

Supervisor Frey submitted items for the record.

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2005-SU-007, subject to the development conditions dated March 31, 2006, with the following modifications:
 - In Condition Number 42: Delete the phrase "...except that a maximum of 825 paved parking spaces shall be constructed."
 - Add a new Condition as follows: "A copy of these special exception conditions shall be posted in a conspicuous place and made available to the public and all departments of the County of Fairfax during hours of operation."

Supervisor Bulova and Supervisor McConnell jointly seconded the motion.

Supervisor Smyth asked to amend the motion by amending the new development condition to read as follows:

- “A copy of these special exception conditions shall be posted, **both in Korean and English**, in a conspicuous place and made available to the public and all departments of the County of Fairfax during hours of operation.”

This was accepted.

Discussion ensued, with input from Ms. Strunk, Ms. Strobel, and Samuel Lee, a representative for the applicant, regarding the senior citizen programs.

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

Supervisor Frey further moved:

- Modification of the transitional screening on all sides to allow utilization of existing vegetation.
- Waiver of the barrier requirement on all sides, except for around unconsolidated parcel 17 and the north portion of the western boundary, as shown on the SE plat.
- Waiver of construction only of the service drive along Route 29.

Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

61. **BOARD RECESS** (7:34 p.m.)

At 7:34 p.m. the Board recessed briefly, and at 7:50 p.m. reconvened, with only Chairman Connolly present and presiding.

62. **7 P.M. – PH ON THE COUNTY EXECUTIVE’S PROPOSED FISCAL YEAR (FY) 2007 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2007–2011 (CIP) (WITH FUTURE FISCAL YEARS TO 2016) AND THE CURRENT APPROPRIATION IN THE FY 2006 REVISED BUDGET PLAN**
(7:48 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings were duly advertised in that newspaper as follows:

- County Executive’s proposed FY 2007 advertised Budget Plan and the CIP for the FYs 2007-2011 (with future FYs to 2015) on March 17 and March 24, 2005.
- The current appropriation in the FY 2006 revised Budget Plan on March 24, 2005.

Chairman Connolly opened the first of three nights of public hearings on the FY 2007 Budget as proposed by the County Executive.

(9:41 p.m.)

Following the testimony of Stan Barry, Sheriff, (Speaker 25), Supervisor Hyland asked unanimous consent that the Board direct the sheriff to provide further information regarding the vacancies in his department. Without objection, it was so ordered.

(10:09 p.m.)

Following the testimony of Ann Pimley, Representative, Fairfax Area Disability Services Board, (Speaker 32), Supervisor Kaufman asked unanimous consent that the Board direct staff to develop a Consideration Item to provide free Connector Bus service for persons with disabilities. Without objection, it was so ordered.

(10:20 p.m.)

Following the testimony of Rick Nelson, (Speaker 35), Supervisor Hudgins asked unanimous consent that the Board direct staff to explain any differences between School Division statistics and those that are posted on the State’s website. Without objection, it was so ordered.

The public hearing included testimony by 54 speakers.

63. **BOARD RECESS** (11:42 p.m.)

Chairman Connolly announced that the Board would recess until April 4, 2006, at 6 p.m., at which time there will be a presentation by the School Board, followed by the continuation of the public hearings regarding the:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2007 Advertised Budget Plan.
- Capital Improvement Program for FY 2007 – 2011 (with future FYs to 2016).
- Current appropriation level in the FY 2006 Revised Budget Plan.

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