



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
July 9, 2007**

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**17-07**

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**DS:ds**

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 9, 2007, at 9:10 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Joan M. DuBois, Dranesville District, was absent from the entire meeting.

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; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise Scott, Deputy Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:10 a.m.)

Chairman Connolly asked everyone to keep in thoughts the memory of John "Lee" Carroll, a County employee, who died recently. Mr. Carroll worked with the Board for decades and provided exemplary service to the County. Chairman Connolly said that recently Mr. Carroll had a number of health problems. He also noted that Mr. Carroll's son had been tragically murdered.

Supervisor Bulova asked everyone to keep in thoughts the family of Ms. Mary Michaud, who died recently. She was a wonderful advocate for individuals with developmental disabilities and well known in the human services arena. Mrs. Michaud was the precinct captain of the Villa Voting Precinct.

Supervisor Hudgins asked everyone to keep in thoughts the families of those who were injured in the Independence Day celebrations.

(NOTE: Later in the meeting, a Board Matter was presented regarding remembrance of Mr. Carroll. See Clerk's Summary Item #46.)

**AGENDA ITEMS**2. **RECOGNITION OF COUNTY STAFF AND PROGRAMS THAT HAVE RECEIVED A 2007 NATIONAL ASSOCIATION OF COUNTIES (NACo) ACHIEVEMENT AWARD** (9:12 a.m.)

Chairman Connolly noted that Supervisor Hyland represents the Board on the NACo Board.

The following each received a NACo Achievement award:

- Lorton Arts Foundation
- Fairfax County Public Library

3. **PROCLAMATION DESIGNATING AUGUST 7, 2007, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (9:26 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate August 7, 2007, as "*National Night Out*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

Officer Patrick Lucas announced that as part of the crime prevention efforts a County kick-off event is scheduled to begin at 4 p.m. at Camelot Elementary

School on August 7, 2007. Noting that National Night Out began in the County, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to work with the media to cover this year's events. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

#### **ADDITIONAL BOARD MATTER**

4. **ABSENCE OF DRANESVILLE DISTRICT SUPERVISOR JOAN DUBOIS**  
(9:43 a.m.)

Chairman Connolly announced that Supervisor DuBois was out-of-state to be with her brother who was gravely ill. On behalf of the Board, he asked everyone to keep the family in thoughts.

#### **AGENDA ITEMS**

5. **CERTIFICATES OF RECOGNITION PRESENTED TO FAIRFAX COUNTY SCHOOL SAFETY PATROLS** (9:43 a.m.)

Supervisor Bulova moved approval of the Certificates of Recognition presented to Mr. Matt Hoch and Ms. Kacie Townsend, Fairfax County school safety patrols who have been acknowledged by the AAA Mid-Atlantic Foundation for Safety and Education for their leadership, safety skills, school involvement, and citizenship. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Kauffman moved approval of the Certificate of Recognition for Ms. Sophia Okorn, Fairfax County school safety patrol who has been acknowledged by the AAA Mid-Atlantic Foundation for Safety and Education for her leadership, safety skills, school involvement, and citizenship. Kathleen McDonald, Assistant Principal, Crestwood Elementary School, accepted the certificate on behalf of Ms. Akorn, who was unable to attend. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. AMBER HEALY** (9:51 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Amber Healy for awards she won at the Virginia Press Association's annual banquet. Supervisor Bulova and Supervisor Kauffman jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO NONPROFIT ORGANIZATIONS** (9:57 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to the nonprofit organizations in the County whose yearly budgets are less than \$2 million for their selection to be included in the Catalogue for Philanthropy. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE McLEAN PROJECT FOR THE ARTS** (10:07 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to the McLean Project for the Arts for its work with students in Fairfax County Public Schools. Chairman Connolly seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room, Supervisor DuBois being absent.

9. **10 A.M. – PRESENTATION BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY TO THE FAIRFAX COUNTY WASTEWATER MANAGEMENT PROGRAM OF THE EXEMPLARY ENVIRONMENTAL ENTERPRISE (E3) DESIGNATION** (10:13 a.m.)

Mike Murphy, Director, Division of Environmental Enhancement, Virginia Department of Environmental Quality, presented the E-3 designation award to the Wastewater Management Program.

10. **10:10 A.M. – STATUS OF NORTHERN VIRGINIA TRANSPORTATION ALLIANCE (NVTA) IMPLEMENTATION OF HOUSE BILL (HB) 3202 (TRANSPORTATION FUNDING BILL)** (10:24 a.m.)

Chairman Connolly announced that he represents the Board on the NVTA Board.

Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, briefed the Board on the status of the NVTA implementation of HB 3202.

Following discussion, with input from Mr. Biesiadny, regarding the transient occupancy tax (room rate), Supervisor Hudgins asked unanimous consent that the Board direct staff to report with the rate for the District of Columbia. Without objection, it was so ordered.

Discussion ensued, with input from Leonard P. Wales, County Debt Manager; David P. Bobzien, County Attorney; and Ellen Posner, Assistant County Attorney; regarding overlapping debt, bond validation, and litigation.

Discussion continued, with input from Kevin Greenlief, Director, Department of Tax Administration, regarding the grantor's tax estimated funding.

Chairman Connolly announced that an NVTa public hearing will be held on July 12 at Mary Ellen Henderson Middle School, 7130 Leesburg Pike, in Falls Church.

**DET:det**11. **ADMINISTRATIVE ITEMS** (11:08 a.m.)

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

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, HUNTER MILL, MASON, PROVIDENCE, AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Mallam Property	Braddock	Ox Road (Route 123) (Additional Road only)
Robert D. Pinns	Braddock	New London Drive (Route 5492) Zion Drive (Route 654) (Additional ROW only)
Weston Hills	Braddock	Harrowhill Lane (Route 6159) Twinbrook Road (Route 652) (Additional ROW Only)
Reston, Section 95, Block 1	Hunter Mill	Sunset Hills Road (Route 675) (Additional ROW Only)
Arden Courts of Annandale	Mason	Braddock Road (Route 620) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Parkview	Providence	Sutton Road (Route 701) (Additional ROW Only)
Haines Property	Sully	Hamden Court (Route 5441) (Additional ROW Only) Vale Road (Route 672) (Additional ROW Only)

**ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 REVIEW APPLICATIONS (LEE AND SPRINGFIELD DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S07-21	Nextel Communications of the Mid-Atlantic, Incorporated 12777 Fair Lakes Circle (Springfield District)	September 7, 2007
FS-S07-27	Clearwire US LLC Antenna co-location on existing monopole 9501 Old Burke Lake Road (Springfield District)	September 20, 2007
FS-L07-30	Nextel Communications of the Mid-Atlantic, Incorporated Antenna co-location on existing transmission tower 6209 Rose Hill Drive (Lee District)	September 20, 2007

**ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-P-023, INOVA HEALTH CARE SERVICES (PROVIDENCE DISTRICT)**

(AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 99-P-023 to October 25, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 4 – DESIGNATION OF PLANS EXAMINER STATUS UNDER  
THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

- Designated the following individuals, identified with their registration numbers, as Plans Examiners:
  - Aaron M. Vinson (276)
  - Christopher Heiser (277)
  
- Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:
  - Mitra K. Amirhakimi (121)
  - William M. Armour (266)
  - Gregory J. Budnik (8)
  - Ryan G. David (234)
  - Kim Gallifant (162)
  - Taylor Goodman (256)
  - Christopher Hoppe (185)
  - Wilson L. Kirby (5)
  - Jorg Huckabee-Mayfield (195)
  - William Missell (141)
  - Shane D. Revelle (264)
  - Derek Schuler (199)
  
- Reinstated the following individual, identified with his registration number, as a Plans Examiner:
  - William J. Fulton (174)

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE FRANKLIN GLEN COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 6, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Franklin Glen CPD, in accordance with current CPD restrictions.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE COLONY PARK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 6, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Colony Park CPD, in accordance with current CPD restrictions.

12. **A-1 – AUTHORIZATION TO RESTRUCTURE TERMS AND CONDITIONS OF A LOAN FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM TO WESLEY COPPERMINE LIMITED PARTNERSHIP (WCLP) (HUNTER MILL DISTRICT)** (11:09 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the restructure of terms and conditions of a \$794,000 loan from the Affordable Housing Partnership Program to WCLP. Supervisor Bulova seconded the motion.

Supervisor Hudgins noted printed page 27 referenced two conditions that were to come forward if the Board adopted this restructuring:

- A 2006 audited financial statement for Coppermine Two Project.
- The approvals from the Affordable Housing Partnership loan modifications from VHDA and the tax exempt unlimited.

Discussion ensued with input from Paula Sampson, Director, Department of Housing and Community Development, concerning audited financials and restructuring.

Discussion continued, referencing both this Board Item and A-2, concerning the risks inherent with new construction as they relate to balloon payments, the average annual vacancy rate, and the market rate basis, with additional input from Ms. Sampson.



Supervisor Gross asked unanimous consent that the Board direct staff to provide a more timely report of future restructurings. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

13. **A-2 – APPROVAL TO REALLOCATE AND AUTHORIZE DISBURSEMENT FROM FUND 144, HOUSING TRUST FUND, AS A LOAN TO CHESTERBROOK RESIDENCES, INCORPORATED (CRI) FOR THE DEVELOPMENT OF CHESTERBROOK RESIDENCES AND TO CHANGE A PROVISION OF AN AFFORDABLE HOUSING PARTNERSHIP PROGRAM (AHPP) LOAN (DRANESVILLE DISTRICT)**  
(11:20 a.m.)

(NOTE: Earlier in the meeting, this matter was discussed, see Clerk’s Summary Item #12.)

On motion of Supervisor Hudgins, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor DuBois being absent, the Board concurred in the recommendation of staff and approved the reallocation of up to \$275,000 from the AHPP within Fund 144, Housing Trust Fund, as a loan to Chesterbrook Residences, Incorporated.

14. **A-3 – CONSOLIDATED COMMUNITY FUNDING ADVISORY COMMITTEE (CCFAC) RECOMMENDATIONS FOR THE FISCAL YEAR (FY) 2009 AND FY 2010 FUNDING PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)** (11:20 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the FY 2009 and FY 2010 Funding Priorities for the CCFP, as recommended by the CCFAC. Supervisor Bulova seconded the motion.

Discussion ensued concerning “outcomes” with input from Audrey Spencer-Horsley, Associate Director, Grants Management, Department of Housing and Community Development.

Discussion continued regarding Board notification with input from Verdia L. Haywood, Deputy County Executive, concerning ongoing monitoring, evaluation, and re-awards.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, concerning better communication between staff and the Board.

Supervisor Gross asked unanimous consent that the Board direct staff to provide a more comprehensive and timely reporting process to the Board. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct Mr. Griffin, Mr. Haywood, and Ms. Spencer-Horsley to review this matter and recommend how additional information would be provided to the Board, especially on “outcomes.” Without objection, it was so ordered.

Chairman Connolly expressed concern as to whether current financial reviews were sufficient to ensure that recipients of grants were capable of managing them from a financial management point of view. Discussion continued with input from Mr. Haywood concerning efforts currently underway to address this concern.

Following further discussion concerning efforts to take to ensure that organizations that receive grants were capable of delivering and managing the services, Chairman Connolly asked unanimous consent that the Board direct staff to include this among the issues currently being reviewed by Mr. Griffin, Mr. Haywood, and Ms. Spencer-Horsley. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hyland asked unanimous consent that the Board direct Mr. Griffin, Mr. Haywood, and Ms. Spencer-Horsley to also consider:

- A standard type of review, with an indication of an audit having been performed that provides comfort and confidence in the review.
- Standardization amongst nonprofits: a minimum standard must be met before even considering the grant request, and when the Board receives a recommendation for a grant to be awarded there should be affirmation from staff indicating that they were satisfied that at least the minimum audit had been performed and it had been reviewed.

Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

15. **A-4 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (11:34 a.m.)

- (R) On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois being absent, the Board concurred in the recommendation of staff and approved

the changes to the Fairfax County Purchasing Resolution, as outlined in the Board Agenda Item dated July 9, 2007, to become effective upon approval.

16. **C-1 – NATIONAL ASSOCIATION OF COUNTIES’ (NACo) ANNUAL CONFERENCE** (11:35 a.m.)

The Board next considered an item contained in the Board Agenda dated July 9, 2007, regarding the designation of a voting and alternative delegate to represent the County at the NACo Annual Conference to be held in Richmond, Virginia, on July 13-17, 2007.

Supervisor Gross moved the appointment of:

- Chairman Connolly as the County’s voting delegate for NACo.
- Supervisor Hyland as the County’s alternate voting delegate for NACo.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

17. **I-1 – QUARTERLY STATUS REPORT ON THE BOARD’S FOUR-YEAR TRANSPORTATION PROGRAM AND OTHER SELECTED PROJECTS** (11:38 a.m.)

The Board next considered an item contained in the Board Agenda dated July 9, 2007, regarding the quarterly status report on the Board’s four-year Transportation Program and other selected projects. Chairman Connolly recapped the transportation accomplishments covered in the report.

Supervisor Kauffman called the Board’s attention to handwritten page 13 of the Board Agenda Item concerning the Fairfax County Parkway. He expressed his concern about the non-completion of a two-mile gap that prevents the Richmond Highway Corridor from being connected to what has essentially become the County’s main street and is critical to serving Base Closure and Realignment (BRAC).

Discussion ensued with input from Katharine D. Ichter, Director, Department of Transportation, concerning the County’s efforts and the need to begin the project this year for it to be completed by 2011 when BRAC comes to the County.

Supervisor Kauffman moved that the Board direct staff to prepare a letter for the Chairman’s signature to the Department of the Army (DOA) calling upon it to agree to complete the missing segment. Supervisor McConnell seconded the motion.

Supervisor Hyland asked unanimous consent that the Board direct staff to contact the DOA to determine the status of the clean-up. Without objection, it was so ordered.

Supervisor Hyland asked to amend the motion to include a follow-up meeting, and this was accepted.

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

Supervisor Kauffman stated that the second project, South Kings Highway and Harrison Lane, on handwritten page 10 of the Board Agenda Item, was also related to BRAC efforts. Discussion ensued with input from Larry Ichter, Chief, Transportation Design Branch, Plans and Design Division, Department of Public Works and Environmental Services, concerning relocating overhead utilities.

18. **I-2 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING SERVICES FOR THE FIRE AND RESCUE TRAINING ACADEMY EXPANSION AND RENOVATION – PHASE I (SPRINGFIELD DISTRICT)** (11:52 a.m.)

The Board next considered an item contained in the Board Agenda dated July 9, 2007, requesting authorization for staff to award a contract to PSA Dewberry in the amount of \$513,000 for architectural/engineering design and construction administration services for the Fire and Rescue Training Academy Expansion and Renovation, Phase I, Project 009229, in Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

19. **I-3 – CONTRACT AWARD – PROVISION OF HIV/AIDS MEDICAL SERVICES TO INDIGENT FAIRFAX COUNTY RESIDENTS** (11:52 a.m.)

The Board next considered an item contained in the Board Agenda dated July 9, 2007, requesting authorization for staff to award a contract to INOVA Health System for \$119,724.66 to provide HIV/AIDS medical services to the indigent residents of the County. The total amount of the contract is potentially \$617,724.66, inclusive of the initial contract period and four one-year renewal options.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

20. **GREEN ROOFS ON GOVERNMENT FACILITIES** (11:52 a.m.)

Chairman Connolly noted that this Board Matter was being introduced jointly with Supervisor Gross, Chair, Board's Environmental Committee, and he acknowledged Supervisor Smyth as an inspiration on this initiative. He stated that green roofs provide a range of environmental benefits, including energy savings, reduced carbon dioxide emissions, storm water detention, reduction of the "heat island" effect, reduced ozone creation, and reductions in particulate pollution. Data from existing green roofs indicate that green roofs detain 60-100 percent of storm water runoff. The green roof on Chicago's City Hall reduces surface temperatures by 50-70 degrees Fahrenheit compared to a conventional roof on a county building nearby. The Environmental Protection Agency (EPA) states that green roofs can reduce ambient temperatures by up to 90 degrees. Reducing ambient temperatures saves taxpayer money by reducing energy costs in the building on which the green roof is located. A study in Los Angeles found that extensive green roofs could reduce smog in that city by 25 percent. The County has already experienced several Code Orange days this summer, and he asserted the importance of this technology in coping with that.

Chairman Connolly said that while the cost of installing a green roof is higher than for a conventional roof, green roofs can save taxpayer money by reducing energy bills and by extending the life of the roof. Green roofs can last twice as long as a conventional roof.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor Gross, moved that the Board direct staff to investigate the expansion of the County's use of green roofs and report with the logistics for implementation, financial considerations, current Capital Improvement Program (CIP) implications, and any other relevant factors preferably no later than the Board meeting in November of this year. Supervisor Gross and Supervisor Smyth seconded the motion.

Discussion ensued regarding future construction and renovations, with input from Anthony H. Griffin, County Executive.

Further discussion ensued regarding pitched roofs, long term cost-benefits, green buildings, best practices, the broad definition of green roofs and a manual, and changing storm water collection regulations, with input from Jimmie Jenkins, Director, Department of Public Works and Environmental Services.

The question was called on the motion, and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor DuBois being absent.

(NOTE: Later in the meeting, the Board considered other related environmental issues. See Clerk's Summary Items #21 and 30.)

21. **AUTHORIZATION OF A POLICY PLAN AMENDMENT REGARDING AIR QUALITY AND GREEN BUILDING PRACTICES AND CONSIDERATION OF GREEN BUILDING INCENTIVES FOR THE PRIVATE SECTOR** (12:04 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding green roofs on government buildings. See Clerk's Summary Item #20.)

Chairman Connolly said that this Board Matter was being presented jointly with Supervisor Gross, Chair, Board's Environmental Committee. He said that the Planning Commission's Environment Committee has met several times over the last few months to consider a draft Policy Plan Amendment that would strengthen Comprehensive Plan guidance regarding air quality issues and would incorporate support for "green building" practices. On June 27 that committee achieved a consensus in support of advertising the amendment for public hearings.

Chairman Connolly noted that also on June 27, the County Executive responded to a memorandum the Board sent to him in April requesting a review of Arlington County's efforts to encourage green building practices and the potential to apply these ideas in Fairfax County. In the County Executive's memorandum, several approaches were outlined, and he recommended referring these ideas to the Planning Commission for review and consideration.

Accordingly, Chairman Connolly, jointly with Supervisor Gross, moved that the Board:

- Authorize consideration of a Policy Plan Amendment addressing air quality and green building issues, generally, consistent with the proposal that has been under review by the Planning Commission's Environment Committee.
- Refer the referenced memorandum from the County Executive to the Planning Commission's Environment Committee for review and recommendation in a time frame that will allow for the Board's consideration before the end of this year.
- As part of the Environment Committee's review (of the Planning Commission), consider possible ways to promote and encourage green building practices through the Comprehensive Plan and craft the proposed Plan Amendment accordingly, in order that the Board

may also consider comprehensive green building incentives before the end of the year.

Supervisor Gross and Supervisor Smyth jointly seconded the motion.

Supervisor Smyth asked to amend the motion to direct staff also to distribute copies of the Metropolitan Washington Council of Government's (COG) report on green buildings to the Planning Commission, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor DuBois being absent.

Following discussion, Supervisor Kauffman moved that the Board direct staff to develop a Policy Plan Amendment regarding accessible housing. Vice-Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Supervisor McConnell asked unanimous consent that the Board direct staff to include a cost analysis and the process in the green building Policy Plan amendment. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to consult with the building industry groups for the proposed Policy Plan amendment. Without objection, it was so ordered.

22. **ENDOCRINE DISRUPTOR POLLUTION AND FISH KILLS** (12:09 p.m.)

Chairman Connolly announced that fish kills now occur annually in the North and South Forks of the Shenandoah River, which flows into the Potomac at Harpers Ferry. These fish kills have principally affected bass; afflicted fish have tumors and lesions on their skin. A recent article in the *Richmond Times Dispatch* reported that similar lesions and tumors have appeared on bass throughout the James River watershed. Scientists have also found numerous "intersex" bass on the Potomac, including male bass with eggs. In some portions of the Potomac watershed, 80-100 percent of bass demonstrated intersex characteristics. The fish kills and discovery of these characteristics have coincided with new studies about the prevalence of water pollution that mimics hormones. This endocrine disruptor pollution comes from a variety of sources, from feedlot waste to extra medicine that people flush down the toilet to certain herbicides and pesticides.

Chairman Connolly said that surveys of water from both Europe and the United States indicate that drugs such as antibiotics and antidepressants appear in drinking water in quantities large enough to be measured. In 1999 the United States Geological Survey (USGS) tested 139 streams across the country for the presence of 60 pharmaceuticals. Eighty percent of those streams were contaminated by at least one pharmaceutical, and 54 percent were contaminated

by 5 or more. Higher ratios of intersex fish in the local region appear to occur simultaneously with fish kills.

Chairman Connolly said that if the bass are serving as the proverbial canaries in the coal mine, policy makers cannot ignore that warning. In the absence of federal legislation, some states are taking the lead. The California Senate recently passed a bill (SB 966), which would require retailers of pharmaceuticals to accept and properly dispose of leftover pharmaceuticals from consumers, at no cost to the consumer. He said that most water authorities do not have proper filters to deal with this issue. Fortunately, Fairfax Water uses ozonation and granulated carbon filtration. However to determine which technology will treat water in a given area most effectively, one must know which contaminants are prevalent in that area.

Chairman Connolly moved that the Board direct:

- Staff to work with the Metropolitan Washington Council of Governments and the Virginia Association of Counties to explore the desirability of legislation that would reduce endocrine disruptor pollution in Virginia and the Potomac watershed.
- The County Executive to work collaboratively with the USGS, Fairfax Water, and other appropriate bodies to catalog endocrine disruptors in the County's watersheds and select water treatment technology to remove them.
- The Office of Public Affairs to work with appropriate staff to develop a public outreach campaign on the subject aimed at reducing the use of herbicides and pesticides and pharmaceuticals that may contain endocrine disruptors.

Supervisor McConnell seconded the motion and asked to amend it to include a request to the Fairfax Delegation to the General Assembly to present legislation on this issue, and this was accepted.

Following discussion regarding the US Environmental Protection Agency's (EPA) research on this issue nationally, Supervisor Gross asked to amend the motion to direct staff to also consult with the EPA, and this was accepted.

Discussion continued regarding the environmentally preferred method of proper disposal of pharmaceuticals through regular trash pickups rather than through flushing down the toilet.

The question was called on the motion, as amended, which carried by a vote nine, Supervisor DuBois being absent.



23. **MINORITY BUSINESSES** (12:15 p.m.)

Chairman Connolly announced that in its June issue, *Black Enterprise*, a leading business magazine, presented its annual list of the 100 largest African American-owned companies nationally, with RSIS leading a group of seven companies from the County. Founded in 1993 by CEO Rodney P. Hunt, RSIS is also listed as the largest African-American owned company in Virginia by *Black Enterprise*. Separately, *Washington Technology* magazine lists RSIS among the 50 largest federal information technology contractors nationally. The privately-owned company has over 1,500 employees and annual revenues exceeding \$300 million.

In all, Chairman Connolly said that 19 minority-owned businesses that call the County home were recently recognized by business publications. The June issue of *Hispanic Business* magazine lists 12 Fairfax County firms, 11 of which are in the technology field, among its list of the 500 largest Hispanic-owned companies in the nation. *Hispanic Business* showed 19 Virginia companies in its listing, with Virginia ranking fifth nationally for the number of Hispanic-owned businesses. The 12 County firms on the list employed 5,715 workers and generated \$516 million in sales in 2006.

Chairman Connolly distributed copies of the recent news releases from the Economic Development Authority noting these achievements and listing the local companies on each list. Accordingly, he asked unanimous consent that the Board direct staff to invite representatives from RSIS and the other 18 companies recognized by these publications to appear before the Board to be recognized for their tremendous contribution to the economy of the County and the region. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to share these accomplishments with the Convention and Visitors Corporation for use as a marketing tool. Without objection, it was so ordered.

24. **VIRGINIA RAILWAY EXPRESS (VRE) OPERATIONS BOARD OF DIRECTORS** (12:17 p.m.)

(BACs)  
(APPTS)

Chairman Connolly called the Board's attention to copies of a letter from Richard Taube, Executive Director of the Northern Virginia Transportation Commission (NVTC), requesting that the Board select four of its members to be appointed by NVTC to the VRE Operations Board to fill two principal and two alternate positions. This is a result of a renegotiated funding formula with the local government participants.

Chairman Connolly moved that the Board request NVTC to appoint Supervisor Kauffman and Supervisor McConnell as the principal representatives and Supervisor Bulova as the alternate. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

25. **APPOINTMENTS TO THE CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS** (12:19 p.m.)

(APPTS) Chairman Connolly called the Board's attention to a letter from William D. Lecos, President and CEO of the Fairfax County Chamber of Commerce, who, on behalf of the Chamber's Northern Virginia Hospitality Council, is asking the Board to confirm appointments to the Board of Directors of the Fairfax County Convention and Visitors Corporation.

Accordingly, Chairman Connolly moved the confirmation of the following appointments to the Fairfax County Convention and Visitors Corporation:

- Mr. Jim Wordsworth of JR's Stockyard Inn
- Mr. Mark Carrier of BF Saul Company (who currently serves as the Chairman)
- Mr. Kirby Smith of The Summit Group
- Mr. Regan Link of the Westfields Marriott
- Mr. Craig Keish, of Southwest Airlines, to fill the unexpired term of Ms. Celia Stokes

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

26. **LEGISLATIVE COMMITTEE MEETING DATES** (12:19 p.m.)

In preparation for the 2008 General Assembly, Chairman Connolly distributed the fall meeting schedule of the Board's Legislative Committee, including the annual meeting with the Fairfax County Delegation (December 11), and the dates of the Board's public hearing (November 19) and adoption (December 3) of the County's 2008 Legislative Program.

27. **LETTER OF APPRECIATION TO SENATORS WARNER AND WEBB FOR ASSISTANCE WITH FUNDING REQUEST FOR COUNTY LAW ENFORCEMENT TECHNOLOGIES** (12:20 p.m.)

Chairman Connolly called the Board's attention to draft copies of letters of appreciation to Senators John Warner and Jim Webb for their assistance with the \$300,000 funding request for the County's law enforcement technologies. Accordingly, he asked unanimous consent that the Board authorize his signature on those letters. Without objection, it was so ordered.

28. **“FILL THE BOOT CAMPAIGN”** (12:20 p.m.)

Chairman Connolly reminded the Board that for more than 50 years over a quarter million firefighters across the United States and Canada have supported the Muscular Dystrophy Association in its fight against neuromuscular diseases campaigns. The County has often come in number one in the country in this fundraising effort.

Accordingly, Chairman Connolly moved that the Board direct staff to issue a resolution commending the annual “Fill the Boot” campaign scheduled for Labor Day weekend in September and invite appropriate representatives from the Department of Fire and Rescue and the Muscular Dystrophy Foundation to receive the resolution at the August 6 meeting. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

29. **RONALD McDONALD HOUSE (PROVIDENCE DISTRICT)** (12:21 p.m.)

Chairman Connolly noted that this Board Matter is presented jointly with Supervisor Smyth and that it was cleared with the County Attorney and staff. The Ronald McDonald House, located at 3312 Gallows Road, serves families of children who are being treated for cancer at local INOVA hospitals. At \$10 per night per room, the Ronald McDonald House eases the financial strain for families already struggling with tremendous stress. The Ronald McDonald House is expanding its office space at this location by approximately 500 square feet.

Jointly with Supervisor Smyth, Chairman Connolly moved that the Board direct staff to waive the fees associated with pulling blueprints and making copies for the sprinkler system plans, which will likely total approximately \$60, for permit number 63520061. Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

30. **COOL COUNTIES INITIATIVE** (12:22 p.m.)

Chairman Connolly called the Board’s attention to his written documentation and template on the Cool Counties Initiative. He stated that he planned to hold a joint news conference with Ron Sims, County Executive from King County, Washington, along with the Sierra Club and other partners, to unveil Cool Counties at next week’s National Association of Counties (NACo) conference in Richmond.

Chairman Connolly cited Kambiz Agazi, the County’s Environmental Coordinator, and Amanda McGill, a program manager in the County Executive’s Office, for their extraordinary efforts in developing the template.

Therefore, Chairman Connolly moved that the Board take the Cool Counties challenge and authorize him to sign the US Cool Counties Climate Stabilization

Declaration on behalf of the County. Supervisor Gross seconded the motion and discussion ensued.

Following discussion regarding the length of the document and the need to review it prior to taking a vote, Supervisor Hudgins asked unanimous consent that the Board take action on this item later in the meeting following closed session. Without objection, it was so ordered.

Following discussion regarding previous discussion on this initiative within the Board's Environmental Committee meetings, Supervisor Gross asked unanimous consent that the Board direct staff to provide additional color copies of the template for her use at a NACo committee meeting later this week.

Following continued discussion regarding earlier distribution of the materials, Mr. Agazi briefly outlined the origins of this initiative and its development.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

31. **RICHMOND HIGHWAY MASS TRANSIT STUDY (LEE AND MOUNT VERNON DISTRICTS)** (12:33 p.m.)

Supervisor Hyland said that the Department of Defense is moving along in its implementation of Base Realignment and Closure (BRAC), as recently evidenced by the release of the Final Environmental Impact Statement. By 2011, over 20,000 workers will be relocated to southeastern Fairfax County. He said that he was recently informed that although funding has been previously approved and allocated for a much needed Mass Transit Study for Richmond Highway, no such study has been undertaken by the Virginia Department of Rail and Public Transportation. At a minimum, Richmond Highway needs six lanes as shown in the Comprehensive Plan, from the Wilson Bridge to the Occoquan River, but the mass transit study needs to be complete before the Virginia Department of Transportation (VDOT) will begin to allocate construction funds. He said that only through the coordination of expanding existing infrastructure and implementing alternative transportation means does this area stand a chance to accommodate the 20,000 plus workers being assigned here by the BRAC decision.

Supervisor Hyland asserted that because of the impending deadline in 2011, this funded, yet delayed, mass transit study needs to start as soon as possible. Therefore, he asked unanimous consent the Board:

- Authorize the Chairman to sign a letter on behalf of the Board inquiring of the Commissioner of the Department of Rail and Public Transportation and the Secretary of Transportation why this

transit study has been delayed, when they expect to initiate the study, and how long the study will take.

- Direct the County Executive to work with VDOT and the County's Department of Transportation to determine the steps to ensure that this study can begin immediately.

Supervisor Kauffman asked to amend the request to note in the letter that for over a year this initiative has been fully funded, and this was accepted.

Without objection, the request, as amended, was so ordered.

32. **ALTERNATE MEMBER FOR THE WETLANDS BOARD** (12:35 p.m.)  
(BACs)  
(APPT)

Supervisor Hyland noted that it recently came to his attention that the Board is required under State law to appoint at least one, and as many as three, alternates to the County's Wetland Board. Recently the Wetlands Board has struggled during the summer months to constitute a quorum of members for public hearings because of a variety of personal, medical, and business reasons.

Supervisor Hyland said that the Wetlands Board, according to County Code, "shall preserve and prevent the despoliation and destruction of wetlands within its jurisdiction . . . ." Wetlands are an important part of the environment and present a remarkable level of biodiversity. He asserted that it is vital to make certain that the important legal function of this board is able to be performed to ensure the County's continued commitment to environmental stewardship.

Accordingly, Supervisor Hyland moved that the Board approve the addition of one alternate to the Fairfax County Wetlands Board and nominate Ms. Elizabeth Martin to the Wetlands Board.

Chairman Connolly bifurcated the two-part motion.

The question was called on the motion to approve the addition of one alternate to the Fairfax County Wetlands Board. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor DuBois being absent.

The question was called on the motion to appoint Ms. Elizabeth Martin as the Alternate Representative to the Wetlands Board. This motion, the second to which was indistinguishable, carried by a vote of nine, Supervisor DuBois being absent.

33. **CHAIRMAN CONNOLLY RECEIVES 2007 NATIONAL ASSOCIATION OF REGIONAL COUNCILS' TOM BRADLEY LEADERSHIP AWARD**  
(12:36 p.m.)

Supervisor Hyland congratulated Chairman Connolly on his recent award as the recipient of the 2007 National Association of Regional Councils' Tom Bradley Leadership Award.

(NOTE: Later in the meeting, Supervisor Gross elaborated on this award. See Clerk's Summary Item #36.)

34. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (12:37 p.m.)

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

35. **PROVIDENCE DISTRICT PUBLIC OUTREACH: HELP PLAN THE FUTURE OF TYSONS CORNER** (12:37 p.m.)

Supervisor Smyth circulated copies of the flyer for public outreach on planning the future the Tysons Corner. She asked unanimous consent that the Board direct the Office of Public Affairs to publicize this July 18 event at Marshall High School from 7-10 p.m. Without objection, it was so ordered.

36. **CHAIRMAN CONNOLLY RECEIVES 2007 NATIONAL ASSOCIATION OF REGIONAL COUNCILS' (NARC) TOM BRADLEY LEADERSHIP AWARD** (12:37 p.m.)

(NOTE: Earlier in the meeting, this award was announced. See Clerk's Summary Item #33.)

Supervisor Gross announced that Chairman Gerald E. Connolly was presented with the 2007 Tom Bradley Leadership Award on June 25 by the NARC at its annual meeting in Orlando, Florida. She noted that she is the Region III representative to NARC, serving as a representative of the Metropolitan Washington Council of Governments. She said that each year an elected official is selected to receive this award, and that she was in the audience when this award was presented.

Supervisor Gross said that the nomination for the award described the Chairman as "perhaps the region's most respected elected official and one whose opinion is sought on a wide range of issues because of his analytical skills, his ability to find a path that leads to consensus, and his leadership on tough issues, including transportation and homeland security." There was also a reference to his sense of humor.

Supervisor Gross noted that Chairman Connolly was cited for his leadership of the National Capital Region Emergency Preparedness Council (EPC) at the

Metropolitan Washington Council of Governments (COG), as well as his role in spearheading the push for a dedicated source of funding for mass transit in the area. Connolly has been a member of COG's board of directors since 1996, and was its chairman in 2000. He recently began a term as chairman of the Northern Virginia Regional Commission.

Supervisor Gross described the prestige of this award and noted that this is the first time that a member of the local metropolitan region received it. She presented the award again to Chairman Connolly at the dais and expressed her pride in his selection.

Chairman Connolly noted that the award is a recognition of the Board's agenda and that he accepted it on its collective behalf.

**PMH:pmh**

37. **NO BOARD MATTERS FOR SUPERVISOR McCONNELL (SPRINGFIELD DISTRICT)** (12:41 p.m.)

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

38. **VIENNA WATER RATES** (12:41 p.m.)

Supervisor Hudgins said that subsequent to her June 20, 2005, Board Matter and discussions between Fairfax Water and the Town of Vienna regarding the future of the Town's water system, Steven Edgemon, Deputy General Manager, Fairfax Water issued a letter to the Town's Finance Director, Philip R. Grant, on December 15, 2006, noting that the analysis of the water and wastewater system was not encouraging. Mr. Edgemon's letter stated that the analysis had been helpful in that it proved to be mutually beneficial for the Town of Vienna to immediately become a wholesale customer of Fairfax Water; however, the analysis showed that major investments are needed in the system. Those investments would require an 8.5 percent rate increase on all Fairfax Water customers. In addition, the *Connection* article dated June 20, 2007, stated that the Town of Vienna purchases water from Fairfax Water at a cost of 86 cents per 1,000 gallons versus water purchased from Falls Church City at a cost of \$1.74 per 1,000 gallons.

Supervisor Hudgins said that she continues to receive correspondence from residents outside of the Town seeking reprieve from their increasing Vienna public water rates, the most recent effective July 1, 2007. Equally, Town residents have expressed concern over the recent rate increase.

In 2005 the number of residents outside of town limits utilizing the Vienna water system was 4,100. This equates to 42 percent of the customer base living outside of the Town and paying a higher rate for water than their Town counterparts.

Therefore, Supervisor Hudgins moved that the Board direct staff to further investigate what it would require for Fairfax Water to take over the rate system for the County residents outside of the Town of Vienna. Supervisor Smyth seconded the motion.

Following discussion of the proposal, the question was called on the motion, and it carried by a vote of nine, Supervisor DuBois being absent.

39. **RECOGNITION OF DEPARTMENT OF INFORMATION TECHNOLOGY (DIT) EMPLOYEES** (12:45 p.m.)

Supervisor Hudgins said that on June 20, 2007, her office received an e-mail from Mark Zelinger, a member of the Information Technology Association of America (ITAA), informing her of the exceptional professionalism displayed by Wanda Gibson, Director, DIT, and Jeffrey Porter, Manager, Technical Support Services Branch, DIT, at a monthly meeting of the local Chapter of ITAA.

Mr. Zelinger noted that Ms. Gibson and Mr. Porter gave an excellent presentation on the state of the County's ability to respond to a pandemic crisis at an ITAA monthly meeting on homeland security. He further noted that these individuals "are fantastic representatives of the County government, can do professionals and true superstars." Mr. Zelinger believed that their efforts made everyone in attendance proud of the County's program and accomplishments.

Therefore, Supervisor Hudgins publicly acknowledged the actions of Ms. Gibson and Mr. Porter and asked unanimous consent that the Board direct staff to place letters in the personnel files of these individuals acknowledging the Board's appreciation for outstanding representation of the County. Without objection, it was so ordered.

40. **REQUEST FOR CERTIFICATE OF RECOGNITION (HUNTER MILL DISTRICT)** (12:46 p.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Manny Hershkowitz to appear before the Board to be recognized for his active lifestyle at age 90. Without objection, it was so ordered.

41. **SPECIAL EXCEPTION APPLICATION SE 2007-SU-012 (SULLY DISTRICT)** (12:47 p.m.)

Supervisor Frey said that Special Exception Application SE 2007-SU-012 is a request for a waiver of lot width to allow a subdivision of one 2.1 acre lot into two single family detached lots. The existing single family home is proposed to be retained, and the owner of that lot proposes to live on the newly created lot. The Planning Commission public hearing is scheduled for October 10, and the applicant is anxious to complete this process so that she can begin planning for her new home, if the application is approved. Consequently, the applicant has



requested a date certain for the Board public hearing. The agent for the applicant has assured him that the surrounding property owners are supportive of the request.

Therefore, Supervisor Frey moved that the Board authorize scheduling of a public hearing to be held before the Board on Special Exception Application SE 2007-SU-012 to occur on October 15. The applicant understands that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

42. **JEFFERSON MANOR COMMUNITY (LEE DISTRICT)** (12:48 p.m.)

Supervisor Kauffman said that the Jefferson Manor community celebrates its sixtieth anniversary this year and will hold a community-wide celebration on September 8. The community of 550 semi-detached houses close to the Huntington Metro station has an active civic association dedicated to the betterment of the Jefferson Manor neighborhood. The neighborhood's volunteers work hard at planning social and charitable activities and providing information and services for neighborhood residents. With a web site, community newsletter, neighborhood watch program, community meetings, and social gatherings, Jefferson Manor is a committed and engaged community.

On Saturday, September 8, Jefferson Manor will celebrate its 60 years with music by local bands, games, and food, to name only a few of the activities. In keeping with its history of community building, the civic association will also raise funds for Mount Eagle Elementary school and promote neighborhood safety awareness and neighborhood watch.

Therefore, Supervisor Kauffman asked unanimous consent of the Board to declare September 8 "*Jefferson Manor Day*" in Fairfax County and direct the Office of Public Affairs to invite Chris Soule, president of the Jefferson Manor Civic Association, and members of the Sixtieth Anniversary Committee to appear before the Board on August 6 to receive the proclamation. Without objection, it was so ordered.

43. **KINGSTOWNE M&N LP (LEE DISTRICT)** (12:49 p.m.)

Supervisor Kauffman said that Kingstowne M&N LP has filed Proffered Condition Amendment Application PCA 84-L-020-23 and Final Development Plan Amendment Application FDPA 84-L-020-02-013. Consistent with the initial vision of the Kingstowne community and of the Towne Center, these cases seek to permit additional office buildings within the Planned Development Commercial ("PDC") District. The application is currently under review by staff with the public hearing before the Planning Commission set for October 3, 2007.

Supervisor Kauffman noted that this case has the support of the Kingstowne community, its Board of Directors, and the Lee District Land Use Committee.

Accordingly, Supervisor Kauffman moved that the Board:

- Authorize expedited and concurrent processing for Proffered Condition Amendment Application PCA 84-L-020-23 and Final Development Plan Amendment Application FDPA 84-L-020-02-013.
- Direct staff to schedule the public hearing to be held before the Board on October 15, 2007.

This authorization of expedited and concurrent processing in no way relieves the applicant of the requirement to comply with all applicable standards of the Zoning Ordinance, nor does this authorization prejudice the staff's review of these plans. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

44. **SPECIAL EXCEPTION APPLICATION SE 2006-LE-026 (LEE DISTRICT)** (12:50 p.m.)

Supervisor Kauffman said that Special Exception Application SE 2006-LE-026, currently being processed as the Howard Gardner School, and located at 4913 Franconia Road, Alexandria, VA 22310, has been approved by the Lee District Land Use Committee. The application allows for construction of a green building for classes for the school.

Supervisor Kauffman moved that the Board direct staff to schedule a public hearing to be held before the Board on September 10, 2007, and allow for simultaneous processing of the site plan with the special exception application. This motion in no way should prejudice the full staff review of this application in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

45. **GRAFFITI** (12:51 p.m.)

Supervisor Kauffman referred to an article in the *Washington Post* regarding efforts to clean up graffiti and he asked unanimous consent that the Board direct staff to review this issue and report its findings no later than the August 6 Board meeting. Without objection, it was so ordered.

46. **RECOGNITION OF MR. CARROLL** (12:52 p.m.)

(NOTE: Earlier in the meeting, the Board noted the death of Mr. Carroll. See Clerk's Summary Item #1.)

Supervisor Kauffman again noted the recent death of John "Lee" Carroll, a County employee. He asked unanimous consent that the Board direct staff to explore options to recognize Mr. Carroll. Without objection, it was so ordered.

Supervisor McConnell noted that she had expressed the Board's condolences to Mr. Carroll's family.

47. **RECESS/CLOSED SESSION** (12:53 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. *Peerless Insurance Company and Excelsior Insurance Company v. County of Fairfax, Virginia*, Record No. 061279 (Sup. Ct. Va.)
  2. *Darren T. Rooney v. Fallah M. Moiwah, Fairfax County, Veolia Transportation, Inc., Veolia Transportation Services, Inc., and Fairfax Connector*; Case No. CL07001581 (Alex. Cir. Ct.)
  3. *Elias Serrano v. Jose C. Letona Crespín*, Case No. CL07001791 (Alex. Cir. Ct.)

4. *Bennie J. Oliver v. Anthony H. Griffin, County Executive*, Case No. CL-2007-0005809 (Fx. Co. Cir. Ct.)
5. *David P. Muga v. Maria Isabel Salas Guevara and Soudy Chamanara*, Case No. CL-2007-0001899 (Fx. Co. Cir. Ct.)
6. *Matthew Francis Egan v. Fairfax County Police Department*, Case No. CL-2007-0006455 (Fx. Co. Cir. Ct.)
7. *Ximena Yavidesalinas by GECIO, Subrogee v. Bradley Capan*, Case No. 01-2770 (Alex. Gen. Dist. Ct.)
8. *Ximena Yavidesalinas by GECIO, Subrogee v. County of Fairfax*, Case No. 01-2774 (Alex. Gen. Dist. Ct.)
9. *Mark Boyer v. Charles Holland & Fairfax County Office of Transportation*, Case No. 2007-0010220 (Fx. Co. Gen. Dist. Ct.)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo*, Case No. CL-2006-0008832 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Duane Whitney, et al.*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. A-W Corporation of Fairfax, Inc.*, Case No. CL-2007-0002780 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth J. Nies*, Case No. CL-2007-0003480 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simon V. Ortiz, Ronald Ortiz, and Ruth A. Ortiz*, Case No. CL-2007-0003736 (Fx. Co. Cir. Ct.) (Mason District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2007-0001746 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victoria Y. Carbajal*, Case No. CL-2006-0012163 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Josvel Acevedo*, Case No. CL-2007-0006523 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose S. Gonzalez, et al.*, Case No. CL-2007-0006664 (Fx. Co. Cir. Ct.) (Sully District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rina Hernandez and Nelson Torrico*, Case No. CL-2007-0006824 (Fx. Co. Cir. Ct.) (Braddock)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Centrewood Drive Apartments, Inc.*, Case No. CL-2007-0007029 (Fx. Co. Cir. Ct.) (Sully District)
21. *Board of Supervisors of Fairfax County, Virginia v. Professional Asset Management in Virginia, Inc.*, Case No. CL-2007-0006587 (Fx. Co. Cir. Ct.) (Dranesville District)

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

DS:ds

At 3:35 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor DuBois, and with Chairman Connolly presiding.

### **ACTIONS FROM CLOSED SESSION**

48. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:35 p.m.)

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

49. **AUTHORIZATION FOR THE COUNTY EXECUTIVE TO MAKE AN OFFER FOR THE PURCHASE OF REAL PROPERTY** (3:36 p.m.)

Supervisor Hudgins moved that the Board authorize the County Executive to make an offer for the purchase of real property discussed in closed session today consistent with the terms discussed in the closed session. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

### **ADDITIONAL BOARD MATTER**

50. **COOL COUNTIES INITIATIVE** (3:36 p.m.)

(NOTE: Earlier in the meeting, a motion was made regarding this item. See Clerk's Summary Item #30.)

Discussion ensued regarding the motion to take the Cool Counties challenge and authorize the Chairman to sign the US Cool Counties Climate Stabilization Declaration on behalf of the County.

Supervisor Hyland moved to call the question. Supervisor Gross seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor DuBois being absent.

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Frey and Supervisor McConnell voting “NAY,” Supervisor DuBois being absent.

Supervisor Smyth asked unanimous consent that the Board direct staff to publish the US Cool Counties Climate Stabilization Declaration on the public website. Without objection, it was so ordered.

**DMS:dms**

**AGENDA ITEMS**

51. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-HM-020 (WINCHESTER HOMES, INCORPORATED) (HUNTER MILL DISTRICT)** (3:47 p.m.)

(O) The application property is located approximately 200 feet northwest of the intersection of Timber Wood Way and West Ox Road, Tax Map 35-2 ((1)) 23-29.

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

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

- Mr. James W. Dyke, Jr., McGuire Woods LLP
- Mr. Jonathan P. Rak, McGuire Woods LLP
- Mr. Gregory A. Riegle, McGuire Woods LLP
- Mr. Carson Lee Fifer, Jr., McGuire Woods LLP

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

- Mr. Carson Lee Fifer, Jr., McGuire Woods LLP
- Mr. Richard L. Labbe, Eastwood Properties, Incorporated

Mr. Riegle 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, William O’Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. O'Donnell and Mr. Riegle, regarding the availability of parking on the streets.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-HM-020, from the R-1 District to the PDH-2 District, subject to the proffers dated June 25, 2007.
- Waiver of the 600-foot maximum length requirement for private streets.

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

(NOTE: On May 24, 2007, the Planning Commission approved Final Development Plan Application FDP 2006-HM-020, subject to the development conditions dated May 18, 2007.)

52. **4 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON PARTS OF THE RIGHT-OF-WAY OF I STREET (MOUNT VERNON DISTRICT)**  
(4 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 21 and 28, 2007.

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

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved adoption of the Ordinance and Order for vacation and abandonment of the right-of-way of I Street. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being absent.



53. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE NEWINGTON II COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (4:05 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 21 and 28, 2007.

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

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Newington II CPD, in accordance with current CPD restrictions. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, 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 DuBois being absent.

54. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A, TO IMPLEMENT A TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) PROGRAM** (4:13 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 21 and 28, 2007.

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

Discussion ensued with input from Mr. Majdi and Ellen Gallagher, Chief, Capital Projects and Operations Division, DOT, regarding the expiration of the temporary RPPD.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A, implementing a temporary RPPD Program. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Bulova, 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 DuBois being absent.

55. **4 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR PROJECT 0123-029-F28-R201 (MOUNT VERNON DISTRICT)** (4:17 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 21 and 28, 2007.

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

Following the public hearing, Supervisor Hyland moved adoption of the Resolution for conveyance of County-owned property to VDOT for Project 0123-029-F28-R201. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, 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 DuBois being absent.

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS)** (4:20 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 21 and 28, 2007.

Nell Rose Jarvis, Project Manager, Fairfax Inspections Database Online, Fire Prevention Division, Fire and Rescue Department, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions). Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, 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 DuBois being absent.

57. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 3502 PAUL STREET (MASON DISTRICT)** (4:29 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 21 and 28, 2007.

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

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

- Adoption of the Ordinance declaring 3502 Paul Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 3502 Paul Street.

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

58. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7831 OAK STREET (PROVIDENCE DISTRICT)** (4:36 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 21 and 28, 2007.

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

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

- Adoption of the Ordinance declaring 7831 Oak Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7831 Oak Street.

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

59. **BOARD ADJOURNMENT** (4:41 p.m.)

The Board adjourned.

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