



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

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

**MONDAY  
August 4, 2008**

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**16-08**

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### **DMS:dms**

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, August 4, 2008, at 9:34 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Jan L. Brodie, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise Scott, Deputy Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:34 a.m.)

Chairman Connolly asked the Board to keep in thoughts the family of Claude "Arnie" Quirion, who died recently. Mr. Quirion was a previous Lord Fairfax honoree and head of *Visit Fairfax*.

Supervisor Frey asked the Board to keep in thoughts the family of Herbert Hunter, who died recently. Mr. Hunter was influential in the establishment of the Centreville Volunteer Fire Department and Hunter Hardware.

**AGENDA ITEMS**2. **RESOLUTION OF RECOGNITION PRESENTED TO THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (9:36 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to DPWES for receiving a Platinum Peak Award from the National Association of Clean Water Agencies. Supervisor Gross seconded the motion and it carried by a vote of nine, \*Supervisor Hudgins being out of the room.

(NOTE: \*Upon her return to the dais, Supervisor Hudgins asked to be recorded as voting "AYE" for this item.)

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. VY NGUYEN** (9:47 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Ms. Vy Nguyen for her work on the Asian American History Project Task Force and the development of a Fairfax County Vietnamese-American History Project Web site. Supervisor Smyth seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. MICHAEL RIERSON** (9:56 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Mr. Michael Rierson for his 35 years of service with the Park Authority. Supervisor Gross seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. IFTY KHAN**  
(10:05 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Mr. Ifty Khan for his nearly 25 years of service to the County with the Department of Public Works and Environmental Services. Supervisor Gross seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO INDIVIDUALS AND CONSERVATION GROUPS** (10:18 a.m.)

Supervisor Smyth moved approval of the Resolution of Recognition presented to individuals and conservation groups associated with the effort to replant indigenous plants from the areas impacted by the High Occupancy Toll Lanes project. Supervisor Hyland seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JUDITH ROSEN** (10:27 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to Judith Rosen, founding director of the Office for Children, for her 33 years of service to the County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **10 A.M. – REPORT FROM THE COMMISSION ON THE FUTURE OF THE ARTS IN FAIRFAX COUNTY** (10:36 a.m.)

Dr. Alan Merten, Chairman of the Commission and President of George Mason University, presented the report, which covered the following topics:

- Studies on the County's arts infrastructure.
- The vision for the future of the arts.
- Arts facilities.
- Public art in public places.
- Arts education for life.
- The relationship of the arts to economic development and County Government.

Chairman Connolly introduced the following members of the Commission on the Future of the Arts in Fairfax County:

- Dr. Jack Dale, Superintendent, Fairfax County Public Schools
- Dr. Gwendolyn Everett, Assistant Professor, Howard University, and Board Member, Arts Council of Fairfax County
- Pepe Figueroa, President, Priority One Services
- Dr. Gerald Gordon, President/CEO, Economic Development Authority
- Terrence Jones, President/CEO, Wolf Trap Foundation for the Performing Arts
- Dr. Jay W. Khim, Chairman/CEO, JWK Corporation
- James J. Maiwurm, Managing Partner, Squire, Sanders and Dempsey LLP
- Juliana May, Vice President, The Staubach Company
- Harris Miller, President, Career College Association
- Jon Peterson, Senior Vice President, The Peterson Companies
- William Reeder, Dean, College of Visual and Performing Arts, George Mason University
- Ann Rodriguez, President/CEO, Arts Council of Fairfax County
- Ann Rust, Director, Constituent Services for Congressman Tom Davis, and Chair, Arts Council of Fairfax County
- Suresh Shenoy, Executive Vice President, IMC, Incorporated

On behalf of the Board, he warmly welcomed them to the Board Auditorium and extended his gratitude for all of their work.

Supervisor Gross moved that the Board direct the County Executive to examine the Final Report of the Commission on the Future of the Arts in Fairfax County and report with his findings no later than December 8, 2008. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion.

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

- Tysons Land Use Task Force
- McLean Community Center
- “Messy spaces” within the School Systems
- Availability of public art

**ADDITIONAL BOARD MATTER**

**Congratulations to Jan L. Brodie** (11:15 a.m.)

Upon noticing her presence in the Board Auditorium, Chairman Connolly congratulated Jan L. Brodie, Deputy County Attorney, for being selected for one of the vacancies on the Circuit Court for Fairfax County by the Northern Virginia Delegation of the General Assembly and on her 20 years of service to the County.

(NOTE: Later in the meeting, the Board took action on Supervisor Gross’ motion. See Clerk’s Summary Item #9.)

**EBE:ebe**

9. **ADMINISTRATIVE ITEMS** (11:22 a.m.)

Supervisor Gross moved approval of the Administrative Items.

**ADDITIONAL ACTION ON THE REPORT FROM THE COMMISSION ON THE FUTURE OF THE ARTS IN FAIRFAX COUNTY** (11:22 a.m.)

(NOTE: Earlier in the meeting, Supervisor Gross made a motion that the Board direct the County Executive to examine the Final Report of the Commission on the Future of the Arts in Fairfax County and report with his findings no later than December 8, 2008. See Clerk’s Summary Item #8.)

Supervisor Gross called to the Board’s attention that it had not voted on the motion regarding the final Report of the Commission of the Arts.

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

Supervisor Hudgins asked to consider Admin 13 separately, and this was accepted.

Supervisor Bulova called the Board's attention to Admin 10 – Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding From the US Department of Justice, Office of Community Policing Services for the Child Sexual Predator Program. Discussion ensued, with input from Anthony H. Griffin, County Executive; Susan Datta, Director, Department of Management and Budget (DMB); and Joseph Mondoro, Deputy Director, DMB, regarding the funding.

Supervisor Hyland called the Board's attention to Admin 14 – Board Authorization to Distribute Information on the November Referenda on the Issuance of County General Obligation Bonds for Parks and Park Facilities and asked unanimous consent that the Board direct staff to provide a list of properties being considered for acquisition for the bond referendum. Without objection, it was so ordered.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 13, and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

**ADMIN 1 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-PR-018, JAMES D. CLARK (PROVIDENCE DISTRICT)**

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2002-PR-018 to April 28, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON RANDOLPH DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 8, 2008, at 4 p.m.** to consider prohibiting through truck traffic on Randolph Drive between Little River Turnpike and Braddock Road, as part of the R-TAP.

**ADMIN 3 – APPROVAL OF CONSIDERATION FOR CUT-THROUGH RESTRICTIONS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)**

- (R) Adopted the Resolution restricting cut-through traffic on Sutton Road (Providence District), as part of the R-TAP.

**ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (HUNTER MILL, LEE, PROVIDENCE, AND SULLY DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L08-30	AT&T Mobility Corporation Antenna colocation on existing monopole 7936 Telegraph Road (Kingstowne Fire Station) (Lee District)	October 27, 2008
FS-L08-31	AT&T Mobility Corporation Antenna colocation on existing monopole 6601 Telegraph Road (Lee District Park) (Lee District)	October 27, 2008
FS-Y08-32	AT&T Mobility Corporation Antenna colocation on existing electrical transmission pole 13630 Bellerose Drive (Sully District)	November 1, 2008
FS-L08-33	AT&T Mobility Corporation Rooftop antennas 5971 Kingstowne Village Parkway (Lee District)	November 1, 2008

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P08-10	Metropolitan Washington Airports Authority Tysons East Station (Metrorail) Dolley Madison Boulevard/Old Meadow Road (Providence District)	December 8, 2008
2232-P08-11	Metropolitan Washington Airports Authority Tysons Central 123 Station (Metrorail) Chain Bridge Road/Tysons Boulevard (Providence District)	December 8, 2008
2232-MD08-12	Metropolitan Washington Airports Authority Tysons Central 7 Station (Metrorail) Leesburg Pike/Chain Bridge Road (Hunter Mill and Providence Districts)	December 8, 2008
2232-MD08-13	Metropolitan Washington Airports Authority Tysons West Station (Metrorail) Leesburg Pike/Spring Hill Road (Hunter Mill and Providence Districts)	December 8, 2008
2232-H08-14	Metropolitan Washington Airports Authority Wiehle Avenue Station (Metrorail) Dulles International Airport Access Highway/Wiehle Avenue (Hunter Mill District)	December 8, 2008
FS-Y08-36	Fairfax County Department of Public Works and Environmental Services 12300 Lee Jackson Memorial Highway (Sully District)	December 8, 2008



**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO THE ESTABLISHMENT OF A CENTRAL ABSENTEE VOTER PRECINCT**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 8, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), relating to the establishment of a Central Absentee Voter Precinct.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ASHGROVE PLANTATION COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 8, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Ashgrove Plantation CPD, in accordance with current CPD restrictions.

**ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE DISTRICT)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Webb Property	Dranesville	Balls Hill Road Route 686 (Additional Right of Way Only)

**ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09015 TO ACCEPT A US DEPARTMENT OF COMMERCE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS SUB-GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)**

- (SAR) Approved SAR AS 09015 for the Fire and Rescue Department to accept a grant in the amount of \$400,000 from VDEM, serving as the State Administrative Agency for the US Department of Commerce, to enhance the Virginia Strategic Communications Cache. The 20 percent local cash match requirement will be met through in-kind contributions.

**ADMIN 9 – AUTHORIZATION FOR THE POLICE DEPARTMENT TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES (COPS) FOR THE INTEGRATED LAW ENFORCEMENT AFR, DISPATCH, AND RMS (I/LEADR) PROJECT**

Authorized the Police Department to apply for and accept funding, if received, from the US Department of Justice COPS. The funding in the amount of \$266,000 will be used by the Police Department for the I/LEADR project through the enhancement of technology needs and training.

**ADMIN 10 – AUTHORIZATION FOR THE POLICE DEPARTMENT TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES FOR THE CHILD SEXUAL PREDATOR PROGRAM**

(NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

Authorized the Police Department to apply for and accept funding, if received, from the US Department of Justice COPS in the amount of \$578,000, including \$78,000 in local cash match, to be used by the Police Department for the Protecting Children Against Sexual Offenders (P’CASO) unit to provide for the re-establishment of 2/2.0 SYE grant positions, overtime, and training.

**ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09020 FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY (DIT) TO ACCEPT A US DEPARTMENT OF COMMERCE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC) SUB-GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)**

(SAR) Approved SAR AS in the amount of \$4,985,641 for DIT to accept funding from VDEM for the US Department of Commerce 2007 PSIC grant award. A 20 percent local cash match or in-kind contribution match is required.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE POWER TO CONSIDER PETITIONS TO CREATE COMMUNITY DEVELOPMENT AUTHORITIES**

(A) Authorized the advertisement of a public hearing to be held before the Board on **September 8, 2008, at 4:30 p.m.** to consider petitions to create community development authorities.

**ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2009 REVISED BUDGET PLAN**

(NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page 6.)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #10.)

**ADMIN 14 – BOARD AUTHORIZATION TO DISTRIBUTE INFORMATION ON THE NOVEMBER REFERENDA ON THE ISSUANCE OF COUNTY GENERAL OBLIGATION BONDS FOR PARKS AND PARK FACILITIES**

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 6.)

Authorized the printing and distribution of the plain English explanation for the referendum question to be submitted to County voters on whether the County should be authorized to borrow a total of \$77 million for the Park Authority and the Northern Virginia Regional Park Authority for parks and park facilities.

(NOTE: Later in the meeting, the Board directed staff to provide more information on park bonds. See Clerk's Summary Item #16.)

10. **ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2009 REVISED BUDGET PLAN** (11:27 a.m.)

(A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See Clerk's Summary Item #9.)

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 8, 2008, at 10 a.m.** to consider increasing the FY 2009 appropriation level. The advertisement encompasses both the County and the Schools' FY 2008 Carryover Reviews. Supervisor Bulova seconded the motion.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide information regarding:

- The increase in expenditures associated with inmate medical and pharmaceuticals.

- Whether the Sheriff's Department is taking advantage of some of the discount drug programs available and the source of the significant increase in cost.

Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board add for consideration the salaries of limited term employees for the FY 2008 Carryover. Without objection, it was so ordered.

Following discussion regarding the budget carryover reserves, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion that the Board direct the County Executive to work with Office of Management and Budget staff to review the carryover budget for potential additional savings for the reserve. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

11. **A-1 – PARKING REDUCTION FOR 6315 BACKLICK ROAD IN THE SPRINGFIELD COMMERCIAL REVITALIZATION DISTRICT (LEE DISTRICT)** (11:34 a.m.)

On motion of Supervisor McKay, seconded by Chairman Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 9.89 percent for parcel 80-4 ((6)) 3, pursuant to Paragraph 3(A), Section A7-509 of the Zoning Ordinance, on the conditions outlined in the Board Agenda Item dated August 4, 2008.

12. **A-2 – PARKING REDUCTION FOR 7250 COMMERCE STREET IN THE SPRINGFIELD COMMERCIAL REVITALIZATION DISTRICT (LEE DISTRICT)** (11:34 a.m.)

Supervisor McKay moved that the Board approve a parking reduction of 20 percent for parcel 80-3 ((1)) 3C pursuant to Paragraph 3(A), Section A7-509 of the Zoning Ordinance, on the conditions outlined in the Board Agenda Item dated August 4, 2008. Supervisor Herrity seconded the motion.

Supervisor McKay asked to amend the motion to strike out the following sentence: "The existing secondary entrance to the parking from Monticello Boulevard will be closed to prevent cut through traffic and increase the safety of patrons to the Library." This was accepted.

Following discussion, with input from Fred R. Selden, Director, Planning Division, Department of Planning and Zoning, the question was called on the motion, as amended, and it carried by unanimous vote.

13. **A-3 – VIRGINIA RAILWAY EXPRESS (VRE) ISSUANCE OF DEBT FOR NEW RAILCARS** (11:36 a.m.)

(R) On motion of Supervisor Bulova, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” the Board concurred in the recommendation of staff and approved the following:

- VRE’s purchase of 10 new bi-level railcars from the Sumitomo Corporation of America.
- Incurring debt to partially finance the 10 railcars, according to VRE’s Master Agreement which requires the consent of all participating and contributing jurisdictions before any additional debt can be assumed.
- Defeasing (putting funds aside to service the remaining debt) on the outstanding Series 1997 bonds used to finance the Kawasaki railcars being sold to the Maryland Transit Administration to pay a portion of the cost of the new railcars.
- In substantial form, the Resolution authorizing issuance of debt for VRE equipment.

14. **A-4 – ADOPTION OF AN EMERGENCY UNCODIFIED ORDINANCE TO PROVIDE FOR A PER-TRIP TAXICAB FUEL SURCHARGE OF ONE DOLLAR**

**AND**

**AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), TO CONSIDER A PERMANENT INCREASE IN TAXICAB FARES AND OTHER REVISIONS PERTAINING TO TAXICAB REGULATIONS**

(11:37 a.m.)

(O) (A) Supervisor Bulova moved that the Board:

- Adopt an emergency uncodified Ordinance providing for an emergency \$1 per-trip fuel surcharge, effective from August 15, 2008, through October 14, 2008. This emergency surcharge will

supplement the \$1 per-trip temporary surcharge currently in effect through October 31, 2008, for a total taxicab fuel surcharge of \$2 per trip.

- Authorize the advertisement of a public hearing to be held before the Board on **September 22, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), Article 6, Rates, Fares, and Charges, to consider a permanent increase in taxicab fares and other revisions pertaining to taxicab regulations.

Supervisor Gross seconded the motion.

Discussion ensued, with input from Steve Sinclair, Chief, Utilities Branch, Department of Cable Communications and Consumer Protection, regarding rising gas prices and exploring the use of fuel efficient vehicles such as hybrids and taxicabs.

Supervisor Hudgins submitted items for the record.

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

15. **A-5 – PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM (FCIP) - NATIONAL CAPITAL REGION, FISCAL YEARS (FY) 2009 – 2014** (11:41 a.m.)

Discussion ensued, with input from David B. Marshall, Chief, Facilities Planning Branch, Planning Division, Department of Planning and Zoning, regarding the FCIP.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize submission of comments, provided in Attachment One of the Board Agenda Item dated August 4, 2008, to the National Capital Planning Commission concerning the proposed FCIP FYs 2009–2014. Supervisor McKay seconded the motion, and it carried by unanimous vote.

16. **A-6 – REQUEST ISSUANCE OF FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) BOND ANTICIPATION NOTES (BANs) TO PROVIDE THE SECOND YEAR OF INTERIM FINANCING FOR WEDGEWOOD APARTMENTS (BRADDOCK DISTRICT)** (11:42 a.m.)

(R)

(BONDS)

Supervisor Bulova moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the actions outlined in the Board Agenda

Item dated August 4, 2008, relating to the issuance of FCRHA BANs Series 2008B per the schedule shown in Attachment Two of the Board Agenda Item. Supervisor Gross seconded the motion.

Discussion ensued, with input from Leonard P. Wales, County Debt Manager, Department of Management and Budget; Paula C. Sampson, Director, Department of Housing and Community Development; and Anthony H. Griffin, County Executive, regarding how much income is being accrued, how much net profit is expected to be made on the rental income, the tenant surveys being conducted currently, the criteria being used to qualify tenants, and the effect on other County bonds.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide information for a September Board meeting, on Park Authority Bonds for the last ten years, including the ones that were unplanned but added to the ballot by the Board.

Supervisor Herrity asked to amend the request to direct staff to also include the history of transportation bond referendums and Schools for the last 15 to 20 years. Without objection, the request, as amended, was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “**AYE**,” Supervisor Herrity, voting “**NAY**.”

17. **A-7 – ENDORSEMENT OF DESIGN PLANS FOR THE ROLLING ROAD WIDENING PROJECT FROM NORTH OF THE FAIRFAX COUNTY PARKWAY TO OLD KEENE MILL ROAD (SPRINGFIELD DISTRICT)**  
(12:03 p.m.)

Supervisor Herrity moved that the Board endorse the design plans for widening Rolling Road from 0.369 miles north of the Fairfax County Parkway (Route 7100) to Old Keene Mill Road (Route 644) to four lanes, generally as presented at the June 12, 2008, public hearing, with the conditions outlined in the Board Agenda Item dated August 4, 2008, with the following change to Item 5: replace “provide on-street parking” with “**eliminate** on-street parking.” Supervisor Foust seconded the motion.

Discussion ensued, with input from Katharine Ichter, Director, Department of Transportation, regarding the change.

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

18. **A-8 – APPROVAL OF CONDITIONS NECESSARY FOR FAIRFAX COUNTY TO APPLY FOR AND ACCEPT FIVE FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTS FOR THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE AND ONE GRANT FOR THE SPRINGFIELD CENTRAL BUSINESS DISTRICT (CBD) PARK-AND-RIDE LOT (LEE AND MOUNT VERNON DISTRICTS)** (12:06 p.m.)

On motion of Supervisor Hyland, the second to which was inaudible, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved an amendment to the County's agreement with the Economic Development Authority (EDA), specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant numbers E2006-BUSP-1012, E2006-BUSP-1013, E2006-BUSP-1031, E2007-BUSP-0609, E2007-BUSP-0610, and E2006-BUSP-1026; and directed staff to ask the EDA to approve the amendment at its next meeting.
- Authorized the Department of Transportation to apply for, execute grant agreements for, and accept funding, if received, from the FTA for the Richmond Highway Public Transportation Initiative and Springfield CBD Park-and-Ride Lot. The total funding of \$5,109,268 for the Richmond Highway Public Transportation Initiative consists of \$4,087,414 in FTA funding and a required 20 percent local cash match of \$1,021,854. The local cash match requirement will be met using \$500,000 in general obligation bonds approved by the voters for transportation purposes and \$521,854 in funds available in Fund 124, County and Regional Transportation Projects. The total funding of \$1,237,500 for the Springfield CBD Park-and-Ride Lot consists of \$990,000 in FTA funding and a required 20 percent local cash match of \$247,500. The local cash match requirement will be met using \$100,000 in general obligation bonds approved by the voters for transportation purposes and \$147,500 in funds available in Fund 124, County and Regional Transportation Projects. If the actual awards received or required local cash match is significantly different from the application amounts, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the awards administratively as per Board Policy.
- Authorized staff to take all necessary measures to ensure County compliance with the conditions of the FTA grants, as authorized by Virginia law.



19. **A-9 – APPROVAL OF A SUPPLEMENTAL PROJECT AGREEMENT AND FUNDING FOR THE WIDENING OF SPRING HILL ROAD (ROUTE 684) FROM ROUTE 7 TO INTERNATIONAL DRIVE (HUNTER MILL AND PROVIDENCE DISTRICTS)** (12:07 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the supplemental project agreement, in substantial form, for Virginia Department of Transportation Secondary Road Funds totaling \$9,779,000. The Board previously approved \$7.7 million for this project. An additional \$1.1 million is anticipated from Fairfax Water and \$2.1 million is anticipated from the Virginia Department of Transportation (VDOT). The estimated cost for VDOT is \$21,000. The total project estimate is now \$10.9 million. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Ellen Posner, Assistant County Attorney, and Larry Ichter, Chief, Transportation Design Branch, Plans and Design Division, Department of Public Works and Environmental Services, regarding the difference between this item and the one to be discussed in closed session.

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

20. **A-10 – FISCAL YEAR (FY) 2008 YEAR-END PROCESSING** (12:08 p.m.)

(SAR) On motion of Supervisor Bulova, seconded by Supervisor McKay, and carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” the Board concurred in the recommendation of staff and:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2008 for the interim period from July 1 until the Board approves the FY 2008 Carryover Review, which is scheduled for action on September 8, 2008.
- Approved SAR AS 08148 for the one General Fund agency requiring additional appropriations for FY 2008.

21. **A-11 – AUTHORIZATION FOR LETTER OF REQUEST TO THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES TO PERMIT THE USE OF BAIT UNDER CHAPTER 17, SECTION 29.1-529 G OF THE CODE OF VIRGINIA** (12:08 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to send the required certified letter requesting authorization from the Director of the Virginia Department of Game and Inland

Fisheries to use bait in conjunction with the presently permitted sharpshooting option of the adopted Fairfax County Integrated Deer Management Program.

22. **A-12 – APPROVAL OF CRITERIA FOR THE PURCHASE OF FORECLOSED HOMES BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) AND PROPOSED SUPPORT FOR NON-PROFIT INVOLVEMENT IN THE FORECLOSURE INITIATIVE** (12:09 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve:

- The criteria to be used by the Department of Housing and Community Development to identify up to 10 foreclosed homes for purchase by the FCRHA.
- The proposed support of non-profit involvement in the foreclosure initiative.

Supervisor Bulova seconded the motion.

Supervisor Hudgins called the Board's attention to the last bulleted item under the Required Criteria, and asked to amend the motion to include the following at the end of the sentence:

- "...without approval of the District Supervisor or Chairman."

This was not accepted.

Discussion ensued, with input from Ms. Sampson, regarding the silver lining initiative, the criteria for purchasing the foreclosed homes, and the legal requirements with the use of Community Development Block Grant (CDBG) funding.

Supervisor Herrity called the Board's attention to bulleted item 4 under the Required Criteria, and asked unanimous consent to change the sentence to read as follows: "Properties must pass a preliminary home inspection **to ensure that there are no major structural defects.**" Without objection, it was so ordered.

Further discussion ensued, with input from John Payne, Deputy Director, Real Estate, Department of Housing and Community Development, regarding the required and guideline criterion.

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

23. **I-1 – CONTRACT AWARD – CONTRACT AMENDMENT FOR FULL ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR NEWINGTON DVS MAINTENANCE FACILITY (MOUNT VERNON DISTRICT)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated August 4, 2008, requesting authorization for staff to award a contract amendment to Gauthier Alvarado and Associates, Incorporated, in the amount of \$4,013,599 for architectural and engineering design and construction administration services for a replacement building for the Newington DVS Maintenance Facility, Project 07A001, in Fund 311, County Bond Construction.

Supervisor McKay asked unanimous consent that the Board direct staff to include the street name and address with the Information Items. Without objection, it was so ordered.

Discussion ensued, with input from Ken Lim, Engineer III, Department of Public Works and Environmental Services, regarding the change.

The staff was directed administratively to proceed as proposed.

24. **I-2 – CONTRACT AWARD – SEWER CAPACITY IMPROVEMENTS AT FENWICK ROAD AND ESSEX AVENUE (PROVIDENCE AND LEE DISTRICTS)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated August 4, 2008, requesting authorization for staff to award a contract to Bradshaw Construction Corporation, in the amount of \$1,742,500 for the construction of the Sewer Capacity Improvements at Fenwick Road and Essex Avenue, Project X00906, Sewer Line Enlargement, Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

25. **I-3 – CONTRACT AWARD – STRYKER AVENUE SANITARY SEWER EXTENSION AND IMPROVEMENT (HUNTER MILL DISTRICT)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated August 4, 2008, requesting authorization for staff to award a contract to William B. Hopke Company, Incorporated, in the amount of \$1,124,070.65 for the construction of the Stryker Avenue Sanitary Sewer Extension and Improvement, Project X00826, Extension Projects in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

26. **I-4 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS’ RECESS**  
(12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated August 4, 2008, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts during the period between the August meeting and the first meeting in September. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

The staff was directed administratively to proceed as proposed.

27. **I-5 – PLANNING COMMISSION ACTION ON APPLICATION 2232-M08-4, FAIRFAX COUNTY PARK AUTHORITY (MASON DISTRICT)** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated August 4, 2008, announcing the Planning Commission’s approval of Application 2232-M08-4, Fairfax County Park Authority. The application sought approval by the Park Authority to amend the Master Plan for improvements to Pine Ridge Park, as outlined in the Board Agenda Item. The property is located at 3401 Woodburn Road, Annandale, on Tax Map 59-1 ((1)) 20.

28. **ORDERS OF THE DAY AND DEFERRAL OF PUBLIC HEARING (PROVIDENCE DISTRICT)** (12:25 p.m.)

Following an inquiry to David P. Bobzien, County Attorney, regarding the expected length of closed session, Chairman Connolly announced that the Board would present Board Matters following closed session at 3 p.m.

Supervisor Smyth announced her intent to defer the 3:30 p.m. public hearing on Rezoning Application RZ 2006-PR-013 and Special Exception Application SE 2006-PR-005.

(NOTE: Later in the meeting, at the appropriate time, this public hearing was deferred. See Clerk’s Summary Item #63.)

29. **RECESS/CLOSED SESSION** (12:27 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. *Suzanne Garbarino v. Margaret J. Kennedy, Case No. CL-2008-0004277; Tyler Armel v. Brian Harold Kennedy, et al., Case No. CL-2008-0004288 (Fx. Co. Cir. Ct.) (Sully District)*
  - 2. *Reena Sangwan v. Fairfax County Department of Family Services, Record No. 081017 (Supreme Court of Virginia)*
  - 3. *Louise Root v. D.L. Cook, Case No. CL-2008-0002380 (Fx. Co. Cir. Ct.)*
  - 4. *Forrest J. Hatcher and Marva K. Hatcher v. Fairfax County Park Authority, Case No. CL-2008-0005228 (Fx. Co. Cir. Ct.) (Providence District)*
  - 5. *Janet Lyon Haight, Conservator of the Estate of Jay Richard Lyon v. Robert Carlson, et al., Case No. 2008-0000671 (Fx. Co. Cir. Ct.)*
  - 6. *Eugenia B. White v. Fairfax County Government, Court No. 1:07-cv-696 (E.D. Va.)*
  - 7. *Michael C. Judge and Doris Y. Judge v. Fairfax County Board of Supervisors, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)*
  - 8. *John Alexander v. John Catron, Fairfax County, Fairfax County Police Department, and Mendota Insurance Co., Case No. 2008-0007057 (Fx. Co. Cir. Ct.)*

9. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
10. *Tavores Wade v. PFC Romon Robinson, PFC Anthony Taormina, PFC Daniel Griffith, Mount Vernon District Station, and County of Fairfax, Virginia*, Case No. 1:07-cv-694 (E.D. Va.)
11. *The Rotonda Condominium Unit Owners Association v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2005-0006708 (Fx. Co. Cir. Ct.) (Providence District)
12. *Franklyn St. Hilaire v. Donnel A. Clark and County of Fairfax*, Court No. GV-08-020039 (Fx. Co. Gen. Dist. Ct)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. TWG Huntington, LLC*, Case No. CL-2007-0013577 (Fx. Co. Cir. Ct.) (Lee District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tracey Barnes*, Case No. CL-2008-0001999 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Hernandez and Reina Villalobos*, Case No. CL-2007-0012868 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fidel M. Zoleta and Emilia M. Zoleta*, Case No. CL-2008-0006904 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C. Barrios*, Case No. CL-2008-0004626 (Fx. Co. Cir. Ct.) (Mason District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
19. *T.W.P. Enterprises, Inc., Trading as T.W. Perry v. Antonio Pereira, et al.*, Case No. CL- 2008-0005401 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos A. Gonzalez and Ada I. Gonzalez*, Case No. CL-2008-0004630 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo A. Menacho and Guillermo C. Menacho*, Case No. CL-2008-0008880 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Zavala and Lorena N. Alvarada*, Case No. CL-2008-0009441 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Zelaya*, Case No. CL-2008-0007334 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Velasquez and Halley Ruis Falcone*, Case No. CL-2008-0008038 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry Martin*, Case No. CL-2008-0008078 (Fx. Co. Cir. Ct.) (Sully District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tuckerwyatt, L.L.C.*, Case No. CL-2008-0008358 (Fx. Co. Cir. Ct.) (Providence District)

27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara Lynn Mulhall and Lawrence E. Mulhall*, Case No. CL-2008-0008941 (Fx. Co. Cir. Ct.) (Providence District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yongping Hu and Qin Wan*, Case No. CL-2008-0009033 (Fx. Co. Cir. Ct.) (Braddock District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirna Moreno*, Case No. CL-2008-0009111 (Fx. Co. Cir. Ct.) (Lee District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khoa Nguyen*, Case No. CL-2008-0009339 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Efrain Abreu Jurado*, Case No. CL-2008-0009341 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz*, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Magnis Ibeth Zelaya-Gonzalez*, Case No. CL-2008-0009331 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martha Tabares*, Case No. CL-2008-0009440 (Fx. Co. Cir. Ct.) (Mason District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibne Khuldoon*, Case No. CL-2008-0009516 (Fx. Co. Cir. Ct.) (Lee District)



37. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- Board of Zoning Appeals Appeal Application A2008-LE-030
- Easement Granted by Seville Homes, LLC, to the Fairfax County Park Authority, the Northern Virginia Conservation Trust, and the Board of Supervisors of Fairfax County
- Elias Serrano v. Jose C. Letona Crespín, Case No. CL-2007-0010119

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

**DS:ds**

At 2:53 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

#### **ACTIONS FROM CLOSED SESSION**

30. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:53 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 Smyth seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

31. **APPOINTMENT OF DIRECTOR OF HUMAN RIGHTS AND EQUITY PROGRAMS** (2:54 p.m.)

Supervisor Gross moved the appointment of Mr. Kenneth Saunders to the position of Director, Human Rights and Equity Programs, Grade E-8, at a starting salary of \$123,500 effective September 2, 2008. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Gross asked unanimous consent that the Board direct staff to request Mr. Saunders to be present at the next Board Meeting to be welcomed and congratulated on his appointment. Without objection, it was so ordered.

32. **BOARD OF ZONING APPEALS, APPEAL APPLICATION A-2008-LE-030 (LEE DISTRICT)** (2:54 p.m.)

Supervisor McKay moved that the Board authorize the County Attorney to file a petition for writ of certiorari in the Fairfax County Circuit Court, on behalf of the Board and the Zoning Administrator, to appeal the decision of the Board of Zoning Appeals on July 29, 2008, in Appeal Application A-2008-LE-030, as outlined by the County Attorney in closed session. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

33. **ELIAS SERRANO VERSUS JOSE C. LETONA CRESPIN, CASE NUMBER CL-2007-0010119** (2:55 p.m.)

Supervisor Hyland moved that the Board authorize settlement of *Serrano versus Crespin*, Fairfax County Circuit Court Case Number CL-2007-0010119, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

34. **SETTLEMENT OF ROTONDA CONDEMNATION CASE (PROVIDENCE DISTRICT)** (2:55 p.m.)

Supervisor Smyth moved that the Board authorize settlement of *The Rotonda Condominium Unit Owners Association versus Board of Supervisors of Fairfax County, Virginia*, CL-2005-0006708 (Fairfax County Circuit Court), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

35. **WAIVER AUTHORIZATION OF THE COUNTY'S VIRGINIA WORKERS' COMPENSATION ACT LIEN (SULLY DISTRICT)** (2:56 p.m.)

Supervisor Frey moved that the Board authorize the waiver of the County's Virginia Workers' Compensation Act lien in *Suzanne Garbarino versus Margaret J. Kennedy*, Fairfax County Circuit Court Case Number CL-2008-0004277, and *Tyler Armel versus Brian Harold Kennedy, et al.*, Fairfax County Circuit Court Case Number CL-2008-0004288, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

NV:nv

**ADDITIONAL BOARD MATTERS**36. **IMPROVING SAFETY AND COMMUTE TIMES ON THE WASHINGTON AND OLD DOMINION (W&OD) TRAIL** (2:56 p.m.)

In a joint Board Matter presented with Supervisor Foust, Supervisor Hudgins, and Supervisor Smyth, Chairman Connolly noted that the W&OD Trail is the heart of Northern Virginia's bicycling infrastructure. One simple step the County can take to improve trail crossings to alert drivers of pedestrians is to install "Yield to Pedestrians" signs at intersections of the trail.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor Foust, Supervisor Hudgins, and Supervisor Smyth, moved that the Board direct staff in the Department of Transportation to install "Yield to Pedestrian" signs at the following W&OD Trail intersections:

- Sandburg
- Cedar
- Hunter Mill
- Buckthorn
- Sunrise Valley
- Sunset Hills
- Michael Faraday
- Whiele

Supervisor Foust and Supervisor Herrity seconded the motion.

Following discussion regarding safety for bicyclists and pedestrians, Supervisor Smyth asked to amend the motion to direct staff to examine other types of signs to catch drivers' attention and encourage them to slow down. This was accepted.

Following further discussion regarding safety at stop signs, the question was called on the motion, as amended, which carried by unanimous vote.

37. **BACKGROUND CHECKS FOR MENTORING PROGRAM PARTICIPANTS** (2:59 p.m.)

With reference to his written Board Matter regarding the mentoring program, Chairman Connolly said that some people involved with the program brought an issue to his attention. He discovered that as part of its “Mentor Works” program, the School Division will begin collecting fingerprints and conducting background checks on every prospective mentor and others associated with schools on a routine basis to ensure the safety of the children and the program’s continued viability. He noted that the School Division is requiring prospective mentors to report to the School’s Gatehouse Administration building in Merrifield for the forms and processing. He said that he informally contacted the Police Department and staff there indicated a willingness to set dates at the various police stations for this purpose to make the process more convenient for these volunteers.

Chairman Connolly moved that the Board direct the County Executive and the Chief of Police to work with the School Division to facilitate a solution which will enable the Schools to continue offering high quality mentoring services and also provide prospective mentors with additional locations for background checks to better accommodate them. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

38. **EMERGENCY PREPAREDNESS MONTH: FAIRFAX PREPARES** (3 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim September 2008 as “*Emergency Preparedness Month*” in Fairfax County and direct staff to invite the appropriate representatives from the Office of Emergency Management and the Citizen Corps Council to be recognized with the proclamation at the September 8 meeting. Without objection, it was so ordered.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, and Catherine A. Chianese, Assistant County Executive, regarding the schedule, Chairman Connolly stated that the September 8 meeting would start at 9 a.m.

39. **ADOPTION AWARENESS MONTH** (3:01 p.m.)

Jointly with Supervisor Herrity, Chairman Connolly asked unanimous consent that the Board proclaim November 2008 as “*Adoption Awareness Month*” in Fairfax County and direct staff to invite the appropriate representatives and families associated with the Department of Family Services to be presented with a proclamation at the November 17 Board meeting. Without objection, it was so ordered.

40. **FUNDRAISER FOR THE MUSCULAR DYSTROPHY ASSOCIATION (MDA) “FILL THE BOOT” BY COUNTY FIREFIGHTERS** (3:01 p.m.)

Chairman Connolly reminded the Board that on Labor Day weekend, the fifty-fourth annual “Fill the Boot” campaign will take place in the County. This campaign is held in the US and Canada every year in an effort to raise funds for the MDA. County firefighters have held a high precedent for raising more funds than any other locality in the 2007 campaign. The MDA and Jerry’s Kids have benefited from the International Association of Firefighters as its members have helped to raise over \$200 million toward the cause. The Board hopes that everyone will come out to support those in need and help the County firefighters set a new record in 2008.

Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to promote and publicize this event through Channel 16 and other appropriate media outlets. Without objection, it was so ordered.

41. **MEMORANDUM REGARDING THE STATUS OF THE TYSONS SPECIAL STUDY** (3:03 p.m.)

(BACs)

Chairman Connolly called to the Board’s attention a memorandum from James P. Zook, Director, Department of Planning and Zoning (DPZ), dated August 4 with the subject line titled “Status of Tysons Special Study.” Discussion ensued with input from Anthony H. Griffin, County Executive; Clark Tyler, Chairman, Tysons Corner Transportation and Urban Design Study Coordinating Committee; and Mr. Zook, regarding the proposed schedule, public input, proposed density and vision for the area, and draft text.

Chairman Connolly asked unanimous consent that the Board direct the committee to work with staff to draft Plan text language. Following further discussion regarding the plan for Tysons and an analogy with Reston, without objection, the request was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

42. **REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING (HUNTER MILL DISTRICT)** (3:29 p.m.)

Supervisor Hudgins said that Gregor, LLC has filed a Proffered Condition Amendment application and Final Development Plan Amendment to allow the retention of the existing three-story office building as a development option on property zoned PDC. The property is located at Tax Map Number 017-4((1)), Parcel 1. The applicant recently received approval to redevelop the property with new residential uses, but did not retain flexibility to continue using the property for office use until such time as the redevelopment occurred. This oversight resulted in the property becoming a nonconforming use. The applicant proposes to correct this situation, along with gaining approval for minor expansions of less

than 12,000 square feet to the existing buildings and has requested concurrent and expedited processing. They are also committed to maintaining many of the historic elements of the property, which includes the historic A. Smith Bowman Manor House.

Therefore Supervisor Hudgins moved that the Board direct the:

- Department of Planning and Zoning to schedule an expedited Board date for the public hearing on Proffered Condition Amendment Application PCA 78-C-098-03 and Final Development Plan Amendment Application FDPA 78-C-098-04.
- Department of Public Works and Environmental Services to accept for simultaneous and concurrent processing any site/building plans concurrent with Proffered Condition Amendment Application PCA 78-C-098-03 and Final Development Plan Amendment Application FDPA 78-C-098-04.

Supervisor Hudgins noted 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 in anyway.

This motion, the second to which was indistinguishable, carried by unanimous vote.

43. **MUEHLENBECK AWARD** (3:31 p.m.)

Supervisor Hudgins said that the Alliance for Innovation brings together more than 500 local government leaders from throughout the US and the world to share best practices and honor those jurisdictions that have developed innovative solutions to local challenges. The Thomas H. Muehlenbeck Award recognizes only one local government in the US for a program that demonstrates outstanding achievements.

Supervisor Hudgins announced that on June 5, the Fairfax County Magnet Housing program was selected from among 82 nationwide entries to receive the prestigious 2008 Thomas H. Muehlenbeck Award from the Alliance for Innovation for Excellence in Local Government. This award not only recognizes the good work and innovation of the Department of Housing and Community Development (HCD) but the partners in this effort as well. Champion Awards were given to the Board and other County organizations, including the Redevelopment and Housing Authority, Police Department, Fire and Rescue Department, Sheriff's Office, and Fairfax County Public Schools. Inova Health System and key agency staff were recognized.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite HCD and Magnet Housing program representatives to appear before the Board to be recognized for this significant accomplishment. Without objection, it was so ordered.

Chairman Connolly noted for the record that the award was for a workforce housing initiative.

44. **FILING OF SPECIAL EXCEPTION AND 2232 APPLICATIONS ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (HUNTER MILL AND PROVIDENCE DISTRICTS)** (3:33 p.m.)

Supervisor Hudgins said that utility work and other preparation continues for the Metrorail extension through Tysons Corner to Wiehle Ave in Reston. To further this process, the Board needs to authorize the filing of special exception and 2232 public facility applications on property owned by the Board, specifically, land proposed for the Tysons East and the Wiehle Metro Rail Stations. The special exception applications will be Category 6 Special Exception requests for electrically-powered regional rail transit facilities.

Supervisor Hudgins noted that the proposed Tysons East station is in the Providence District and the specific properties are as follows: Tax Map Numbers 30-3((28))B3 and C1, part and 30-3((5))A1, B1, C1, D, E, and portions of Old Springhouse Road. Specifically, the Metro station itself, as well as the associated north and south pedestrian entrance pavilions and the kiss-and-ride lot are to be located on Board property associated with the Tysons East station.

The proposed Wiehle Station is in the Hunter Mill District and the specific property is Tax Map 17-4((1))17A. The northern pedestrian entrance pavilion and the structured and open air parking are located on Board property associated with the Wiehle Station.

Therefore, jointly with Chairman Connolly, Supervisor Hudgins moved that the Board, as owner of the property, authorize the filing of special exception and 2232 public facility applications on behalf of WMATA on the properties identified by WMATA in coordination with the Virginia Department of Rail and Public Transportation. These properties are specifically identified as follows: Tax Map 17-4((1))17A, Tax Map Numbers 30-3((28))B3 and C1, part and 30-3((5))A1, B1, C1, D, E, and portions of Old Springhouse Road.

Supervisor Hudgins noted that approval of this motion should not be construed as a favorable recommendation of this application by the Board and does not relieve the applicant of compliance with the provision of any applicable ordinances, regulations, or adopted standards. Supervisor Hyland seconded the motion, which carried by unanimous vote.

45. **HUNTER MILL DISTRICT APPOINTMENTS** (3:35 p.m.)

(APPTS) Supervisor Hudgins moved the reappointment of Mr. Robert Dim as the Fairfax Representative #5 to the Southgate Community Center Advisory Board. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Ms. Lin Wagener as the Hunter Mill District representative to the Commission on Aging. Supervisor Hyland seconded the motion, which carried by unanimous vote.

46. **EVERGREEN LANE (MASON DISTRICT)** (3:36 p.m.)

(A) Supervisor Gross said that Evergreen Lane is a street which forms the eastern boundary of a portion of the Annandale Commercial Revitalization District in the Mason District. It has long been regarded by citizens of the Annandale community as the "line of demarcation" between the stable residential neighborhoods located on the east side of Evergreen Lane and the commercial uses located on the west side. However, over the years there has been increasing pressure for the adaptive reuse and replacement of the existing older homes on the east side of Evergreen Lane with more commercial uses, and there have been a number of applications for special exceptions, as well as a long series of zoning violations on these properties, which has been a constant concern of the community.

Supervisor Gross explained that in April 2000, as part of the Area Plans Review (APR) cycle, a request for a Plan Amendment to permit an option for a slightly higher residential density for a small group of properties along the eastern side of Evergreen Lane was processed and approved by the Board. It was the hope of the community that this type of development would ensure the residential use of these properties and alleviate concerns about the impact of further commercial encroachment on their community.

Supervisor Gross reported that on June 3, 2002, the Board approved a rezoning to the PDH-5 District for 2.68 acres of land located at the intersection of Evergreen Lane and Alpine Drive in the Mason District. The application area was a consolidation of six lots, upon which the developer, Seville Homes, proffered to construct a total of 12 single-family detached residences at a density of 4.47 dwelling units per acre (du/ac).

Supervisor Gross said that subsequent to the approval of the rezoning, the developer completed acquisition of five of the six lots, but was unable to settle on the sixth lot. Despite the failure to complete the consolidation, the developer began the subdivision process and applied for and was granted permits to construct three "model" homes on three of the existing lots. The subdivision plans were taken through final review, but were never sent to bonding or recorded. Nevertheless, construction on these homes began and continued sporadically over the next few years, subject to numerous Code violations, until a



stop work order was finally issued several years ago. Since that time there has been no further work on the properties, and the properties have not been properly maintained, causing a further hardship for the neighbors who have had to continually live with highly undesirable conditions over the years.

Supervisor Gross stated that in April of this year, four of the original six lots went through a foreclosure sale, and have now been acquired by a number of different individuals; it is her understanding that the fifth lot is scheduled to be foreclosed upon today. Consequently, there are now six property owners who own lots bound by a Conceptual/Final Development Plan and proffers which would be extremely difficult, if not impossible, to fulfill; without fulfilling the proffers, nothing further can be done to any of these properties and residential use permits (RUPs) cannot be issued for any of the existing houses, leaving at least one of the purchasers currently homeless.

Supervisor Gross said that there is a public interest to be served by amending the approved zoning for these properties in the most expeditious manner possible. The Comprehensive Plan recommends that these properties be developed at a density between two and six du/ac as a transition between the stable residential neighborhoods to the east of Evergreen Lane and the commercial development on the west side of Evergreen Lane.

Asserting that the public necessity, convenience, general welfare, and good zoning practice require such action, Supervisor Gross moved that the Board:

- Initiate a Board's Own Motion application for the properties described as Tax Map 71-2 ((2)) 27-29 and 71-2 ((4)) 4-6, to rezone these properties from the PDH-5 District to the R-5 District, consistent with the intent of the Comprehensive Plan.
- Direct staff to initiate a special permit application for an Error in Building Location for the existing house located on Lot 27, which does not meet the front yard setback along Alpine Drive.
- Direct staff to schedule this action to occur as expeditiously as possible, with a public hearing by the Board to be scheduled for October 20.

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

Supervisor Gross acknowledged the efforts of Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, regarding this issue.

47. **ECONOMIC STIMULUS CHECKS** (3:41 p.m.)

Supervisor Gross said that on Friday, August 1, *The Washington Post* ran an article in the Metro section entitled "\$23 Million in Stimulus Checks Are Unclaimed." In this time of tight fiscal belt-tightening, she expressed her surprise at reading that more than 77,900 low-income senior citizens, disabled veterans, and other residents of the Washington Metropolitan area have not filed to receive economic stimulus checks that they are eligible to receive. Even more surprising is that almost 21,000 are from Northern Virginia.

With reference to her written Board Matter, Supervisor Gross noted that there are many different reasons why funds have not been claimed, including the fees that were charged by the Northern Virginia Transportation Authority for taxes and fees that were collected in January and February 2008.

Supervisor Gross said that the Department of Finance works to return unclaimed money to the rightful owners. Due diligence is exercised in attempting to locate the rightful owners. If this does not work, a report is submitted, along with the money, to the State of the owner's last known address. An online form is available to assist individuals and businesses to check for unclaimed funds held by the County.

As noted in the written Board Matter, information about the federal economic stimulus rebate is available at [www.irs.gov](http://www.irs.gov), the Commonwealth of Virginia's Web site to search for unclaimed property can be found at [www.VAMoneysearch.org](http://www.VAMoneysearch.org), and the County's Web site for searching for unclaimed property is located at [www.fairfaxcounty.gov/finance/unclaimedmoney](http://www.fairfaxcounty.gov/finance/unclaimedmoney).

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing these resources to County offices, libraries, community groups, civic/homeowner associations, and public schools. Those eligible need to know that there is unclaimed money out there and how it can be claimed. Without objection, it was so ordered.

48. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA O. SMYTH** (3:44 p.m.)

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

**DET:det**

49. **MOTION TO EXPEDITE SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-S-109-02, BURKE HEALTH AND REHABILITATION CENTER (BRADDOCK DISTRICT)** (3:44 p.m.)

(A) Supervisor Bulova stated that the Burke Health and Rehabilitation Center was an existing facility located at 9640 Burke Lake Road that had a special exception to

operate a medical care facility to which they wanted to add a small addition to the existing building and modify an existing fire lane to add additional parking. She said that the applicant, Medical Facilities of America 29 LP, had filed Special Exception Amendment Application SEA 85-S-109-02 in order to achieve that objective and that they had also submitted a parking reduction request, both of which were under review by staff.

To allow the application to continue to proceed, Supervisor Bulova moved that the Board authorize a public hearing on Special Exception Amendment Application SEA 85-S-109-02 to be held on November 17, 2008. She noted that the applicant was aware that this motion did not relieve them of any obligation, ordinance, or standards, and would not prejudice the consideration of the application in any way. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

50. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR PATRICK S. HERRITY** (3:45 p.m.)

Supervisor Herrity announced that he had no Board Matters to present today.

**PMH:pmh**

51. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MS. ROBIN RENTSCH (DRANESVILLE DISTRICT)** (3:46 p.m.)

Jointly with Chairman Connolly, Supervisor Foust announced that Ms. Robin Rentsch will be retiring from the area. He referred to his written Board Matter which outlined her many accomplishments in the environmental arena.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Ms. Rentsch to appear before the Board to be recognized for her extraordinary contribution to improving the quality of life for all County residents. Without objection, it was so ordered.

52. **PERMEABLE SURFACE TRAILS** (3:48 p.m.)

Supervisor Foust said that the Great Falls Trail Blazers has brought to his attention that there are some differences between the County's Public Facilities Manual (PFM) and the Countywide Trails Plan that are preventing the County from implementing its preference for natural surface or stone dust trails in Great Falls outside the Great Falls Village Center.

After much coordination with the Trail Blazers and the Great Falls Citizens Association (GFCA), the County recognized the desire to have pervious surface, multi-use trails in the Great Falls community. Consistent with this desire, the County's Trails Plan calls for six to eight feet stone dust or natural surface trails where trails are shown in Great Falls. However, the County PFM requirement

applicable to R-1 zoning calls for five-foot concrete sidewalks where there is no trail shown on the Trails Plan. The PFM refers to sidewalks only. Adding trails as an option in Section 8-01-01 of the PFM would give the County the ability to require a trail when a development comes to the County for approval in areas where this is the preferred pedestrian access.

Requiring sidewalks and not having the ability to require pervious surface trails will result in more impervious surfaces, which will impact the quality of stream waters that flow into the Potomac, further degrade the natural landscape, and undermine the scenic and historic status of Georgetown Pike. It will also deprive the Great Falls residents of the multi-use trails that they prefer.

Supervisor Foust referred to a letter contained in his written Board Matter from Eleanor Weck, Chair of Trail Blazers and Co-Chair of the GPCA'S Environmental Committee. The letter includes examples of specific areas along Georgetown Pike that would have concrete sidewalks along the road boundary if developed under current County requirements.

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

- Report with recommendations regarding what can be done to require installation of stone dust or natural surface trails in Great Falls in lieu of the sidewalks that are currently required.
- Encourage developers to construct six-foot to eight-foot stone dust or natural surface trails in lieu of the required sidewalk until the County can require stone dust or natural surface trails in the Great Falls area.

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

53. **FORECLOSURE CRISIS** (3:50 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Board Summary Item #22.)

Supervisor McKay said that the criteria for the purchase of foreclosed homes by the Redevelopment and Housing Authority that was approved today completes the three-pronged approach to mitigating the foreclosure crisis. Counseling homeowners in distress, purchasing up to ten foreclosed houses, and the Silver Lining loan initiative will help individuals who may have been victimized by predatory lending.

Supervisor McKay expressed concern for other victims—people who live next door to the now vacant and unkempt houses. He referred to his written Board and addressed other issues resulting from the foreclosure crisis.

Therefore, Supervisor McKay moved that the Board refer these issues to staff for review and analysis of the County's legal ability to enact such ordinances with a report by the first Board meeting in September. Supervisor Foust seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

54. **SOUTH KINGS HIGHWAY/HARRISON LANE PUBLIC HEARING AUTHORIZATION (LEE DISTRICT)** (3:53 p.m.)

- (A) Supervisor McKay said that the Board has a road improvement project identified as the South Kings Highway/Harrison Lane Project Number 4YP012 in the four year transportation program. This project consists of the installation of a turn lane on South Kings Highway eastbound from South Benson Drive to Harrison Lane, being approximately 400 linear feet, and westbound from Queens Road to Harrison Lane, being approximately 300 linear feet, including some re-grading of existing yards, driveways, installation of a new storm drainage system, and one new traffic control signal at the intersection of South Kings Highway and Harrison Lane.

The construction of this project requires the acquisition of seven Deeds of Dedication, 2 storm drainage easements, 1 traffic signal equipment easement, 12 grading agreement and temporary construction easements, 10 Verizon easements and 10 Dominion Virginia Power easements, and 4 letters of permission in the Lee District. Although the Land Acquisition Division (LAD) has been negotiating to acquire these land rights since July 21, to date, it has been unable to reach a resolution due to property owner concerns about the project. Unfortunately, this project has been ongoing since July 2004. Repeated deferrals to move forward on the project have meant increases in project costs. Thus, condemnation is necessary.

Since pursuant to section 15.2-1904 and 15.2-1905 (2003) of the *Virginia Code* a public hearing is required before property interests can be acquired in such an accelerated manner, Supervisor McKay moved that the Board direct staff to advertise a notice of public hearing for those certain land rights necessary for the construction of Project 4YP012. The LAD will provide the documents appropriate for the necessary advertisement for a public hearing on **September 22, 2008, at 4 p.m.** Vice-Chairman Bulova seconded the motion.

Following discussion, regarding the date that negotiations have been ongoing, the question was called on the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

55. **SPRINGFIELD COMMUNITY BRIDGEWALK (LEE DISTRICT)** (3:56 p.m.)

Supervisor McKay said that on Tuesday, August 26, at 7:30 p.m., members of the Springfield community will march over Veterans Bridge in the heart of the Springfield Revitalization District and hold a community celebration at the

American Legion end of the bridge. The celebration will feature music by the Kings Park Concert Band, food from local restaurants, and—quite possibly—a few notables will feel the urge to say a few words.

This community building event began seven years ago to mark the installation of new lighting on the Amherst Avenue Bridge in central Springfield. Veterans Bridge (also known as the Amherst Avenue Bridge) crosses over Old Keene Mill Road and links both sides of Springfield's commercial revitalization area. The bridge is a gateway to central Springfield. With its acorn lights, wide sidewalks, pedestrian stairway, and attractive façade, it dovetails with the community's vision for a revitalized Springfield and is an attractive gateway to the central business district.

Supervisor McKay invited Board Members to join him on August 26 and see how they celebrate community in Lee District, and asked unanimous consent that the Board direct the Office of Public Affairs to advertise this event. Without objection, it was so ordered.

56. **LEE DISTRICT NEIGHBORHOOD RESOURCE FAIR** (3:57 p.m.)

Supervisor McKay invited Board Members and the public to the Lee District Neighborhood Resource Fair, scheduled for Saturday, September 20, at the Franconia Governmental Center, located at 6121 Franconia Road, from 9 a.m. until 11 a.m. Neighbors, civic association members, and HOA representatives are invited to come for advice and assistance from county staff on tough neighborhood issues. This event is planned to help neighbors with the issues that are impacting them including:

- Property Maintenance and Use
- Vacant and Blighted Properties
- Parking Issues on Public Streets
- Junk Vehicles on Streets and Private Property
- Trash
- Building without Permits
- Police and Safety Concerns
- Grass Height Enforcement
- Health Concerns and Hoarding
- Streetlight Upgrades and New Installations
- Traffic Calming and Street Maintenance

This is an opportunity for neighbors to get information and assistance directly from the staff charged with overseeing programs to address their neighborhood concerns.

Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to advertise this event. Without objection, it was so ordered.

57. **AEROSPACE CORPORATION (SULLY DISTRICT)** (3:58 p.m.)

Supervisor Frey said that the Aerospace Corporation intends to construct its east coast headquarters on Westfields Parcel 35. Its representatives have been diligently pursuing resolution of certain site considerations with the Department of Planning and Zoning prior to acceptance of its proffered condition amendment and special exception applications, and in so doing, have delayed its anticipated development timeframe. In an effort to recapture some of the time, they have requested concurrent processing of the site plans as well as a date certain for the public hearings before the Board. The applications are currently under review by staff. The public hearing before the Planning Commission is set for late fall.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing and establish a date certain for the Board public hearing to occur prior to the end of the year for Proffered Condition Amendment Application PCA 78-S-063-06 and Special Exception Application SE 2008-SU-026. The applicants understand that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards. Vice-Chairman Bulova seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

58. **RENAMING THE MOUNT VERNON MENTAL HEALTH CENTER TO COMMEMORATE THE LIFE OF STATE SENATOR JOSEPH V. GARLAND, JR. (MOUNT VERNON DISTRICT)** (3:59 p.m.)

(BACs) Supervisor Hyland said two weeks ago, Mount Vernon and all of Virginia mourned the passing of State Senator Joseph V. Gartlan, Jr., who represented Virginia's Thirty-Sixth Senate District for 28 years. He referred to his written Board Matter which outlined Senator Garlan's many accomplishments.

Therefore, Supervisor Hyland moved that the Board:

- Rename the Mount Vernon Mental Health Center after State Senator Gartlan.
- Direct the County Executive to consult with the Community Services Board in selecting an appropriate name.

Chairman Connolly seconded the motion and it carried by unanimous vote.

DS:ds

**AGENDA ITEMS**

59. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2007-SU-014 (BO HWAN SUK, SUN OK SUK & FAIRFAX COUNTY PARK AUTHORITY) (SULLY DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT PCA 74-2-150 (FAIRFAX COUNTY PARK AUTHORITY) (SULLY DISTRICT)**  
(4:02 p.m.)

- (O) The application property is located on the east side of Old Centreville Road approximately 20 feet south of its intersection with Braddock Road, Tax Map 54-4 ((1)) 81 and 82; 54-4 ((8)) (6) K pt.

Mr. Ilryong Moon reaffirmed the validity of the affidavit for the record for Rezoning Application RZ 2007-SU-014.

Ms. Kay Rutledge reaffirmed the validity of the affidavit for the record for Proffered Condition Amendment Application PCA 74-2-150.

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

- Mr. Ilryong Moon
- Mr. Sang K. Park

Supervisor Bulova disclosed the following campaign contribution which she had received in excess of \$100 from:

- Mr. Ilryong Moon

Discussion ensued, with input from Shelby Johnson, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding the affidavits dates.

Mr. Moon 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, Supervisor Frey stated he had items for the record.

Ms. Johnson presented the staff and Planning Commission recommendations.



Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 74-2-150. Supervisor Bulova seconded the motion and it carried by unanimous vote.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-SU-014, from the R-1, R-5, HC, and WS Districts to the C-3, R-5, HC, and WS Districts, subject to the proffers dated June 20, 2008. Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

Supervisor Frey moved:

- Modification of the transitional screening width along the northern and eastern property boundaries, from 35 feet to 25 feet, in favor of the existing vegetation with supplemental plantings, as shown on the Generalized Development Plan (GDP).
- Waiver of the transitional screening requirements adjacent to the proposed Stormwater Management/BMP facility to the south, in favor of the supplemental plantings as shown on the GDP.
- Waiver of all barrier requirements.

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

60. **3:30 P.M. – PUBLIC HEARING ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA B-846-03 (RESTON SQUARE HOTEL LLC) (HUNTER MILL DISTRICT)** (4:17 p.m.)

The application property is located on the north side of Sunrise Valley Drive between Reston Parkway and Roland Clarke Place and south of Dulles Toll Road. Tax Map 17-4 ((31)) H.

Mr. Benjamin F. Tompkins 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:

- William G. Thomas, a partner in the law firm of ReedSmith, LLP
- Mr. Thomas W. Greeson
- The Reed Smith Political Action Committee (PAC)

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

- Carol C. Honigberg, a partner in the law firm of ReedSmith, LLP

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, introduced Kelli-Mae Goddard-Sobers, a new staff coordinator. On behalf of the Board, Chairman Connolly warmly welcomed her.

Ms. Goddard-Sobers gave a brief description of the application and site location.

Mr. Tompkins 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, Ms. Goddard-Sobers presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Development Plan Amendment Application DPA B-846-03, subject to the development conditions dated July 18, 2008. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Bulova being out of the room.

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-008 (RADLEY AUTOMOBILES, INCORPORATED) (MASON DISTRICT) (4:22 p.m.)**

The application property is located at 5900 Seminary Road, Tax Map 61-2 ((20)) 3A, 4, and 15.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed the following campaign contribution which she had received in excess of \$100 from:

- Ms. Karen Radley

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

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2008-MA-008, subject to the development conditions dated July 24, 2008.
- Modification of the trail and streetscape requirements along Seminary Road and Center Lane, in favor of that shown on the SE Plat.

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

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-HM-008 (PHILIP AND MELINDA R. PON) (HUNTER MILL DISTRICT)**  
(4:30 p.m.)

(O) The application property is located on the north side of Old Courthouse Road between Arabian Avenue and Burlwood Court, Tax Map 28-4 ((1)) 5.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Supervisor Hudgins submitted items for the record.

Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-HM-008, from the R-1 District to the R-2 District, subject to the proffers dated August 1, 2008.
- Waiver of the sidewalk requirement and modification of the trail width requirement along Old Courthouse Road, in favor of the trail depicted on the Generalized Development Plan.

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

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-PR-013 (WASHINGTON PROPERTY COMPANY, LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2006-PR-005 (WASHINGTON PROPERTY COMPANY, LLC) (PROVIDENCE DISTRICT)** (4:39 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2006-PR-013 and Special Exception Application SE 2006-PR-005 until **September 8, 2008, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, Supervisor Herrity, and Supervisor Hyland being out of the room.

64. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), MAP OF CHESAPEAKE BAY PRESERVATION AREAS, REGARDING RESOURCE PROTECTION AREA BOUNDARIES ON MAP PAGES 47-2 (PROVIDENCE DISTRICT) AND 110-1 (MOUNT VERNON DISTRICT)** (No time)

As listed in the agenda, the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 118 (Preservation Bay Preservation Ordinance), was deferred until **September 22, 2008, at 4 p.m.**

65. **4 P.M. – PH ON A PROPOSAL TO ABANDON A SEGMENT OF HOOES ROAD (ROUTE 636) (LEE DISTRICT)** (4:39 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 July 17 and July 24, 2008.

Katharine D. Ichter, Director, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by 26 speakers, Supervisor McKay submitted items for the record.

Supervisor McKay moved adoption of the Order to abandon a segment of Hooes Road (Route 636). Supervisor Hyland seconded the motion.

Following a brief discussion regarding the application, the question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland,

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

66. **4 P.M. – PH ON PROPOSED FISCAL YEAR (FY) 2010  
TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS**  
(5:55 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 July 17 and July 24, 2008.

Carl Winstead, Transportation Planner, Department of Transportation (DOT), presented the staff report.

Discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, DOT, regarding the submission deadline and funding.

Following the public hearing, which included testimony by three speakers, Supervisor Bulova asked unanimous consent that the Board direct staff to, in assembling recommendations to come before the Board in September, consider the overpass for the Norfolk Southern Railroad at the Burke Centre VRE Garage. Without objection, it was so ordered.

Chairman Connolly announced that the record would remain open for written testimony.

67. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS  
AND BUSINESSES ON ISSUES OF CONCERN** (6:12 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 July 17 and July 24, 2008.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and included testimony by the following individual:

- Mr. Neal McBride regarding lines of business.

With regard to a portion of Mr. McBride’s testimony regarding the South County Middle School (SCMS), Supervisor Herrity asked unanimous consent that the

Board direct the County Executive to evaluate the SCMS Public/Private Partnership proposal.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the request to direct the County Executive to evaluate all the options, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor McKay asked to amend the request to include that the Board direct the County Executive to provide an update on the status of the Kingstowne Library, and this was accepted.

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

68. **BOARD ADJOURNMENT** (6:20 p.m.)

The Board adjourned.

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