



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 11, 2008**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, February 11, 2008, at 9:50 a.m., there were present:

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

Supervisor Michael Frey, Sully District, arrived at 9:51 a.m.

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 10 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; 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 MATTER1. **MOMENT OF SILENCE** (9:50 a.m.)

(BACs) Supervisor Foust asked everyone to keep in thoughts Ms. Martha Glennan, who died at her home on January 21. Ms. Glennan was an advocate for the rights of the disabled. Ms. Glennan was a polio survivor who also had chronic arthritis and became dependent on a wheelchair in 1982. She taught at Churchill Road Elementary School and Hutchison Elementary School. She worked as a curriculum specialist for the County until her retirement in 1985, then she founded project WORD, an organization that offered information and advocacy for disabled people in Northern Virginia. Ms. Glennan was the past chairman of the Fairfax Area Disabilities Services Board and was on the committee that developed the County's strategic plan for long-term care. She was named Fairfax County Citizen of the Year in 1994 by the Fairfax County Federation of Citizens Associations, and in 1998 she received the Fairfax County Human Rights Commission's Human Rights Award.

Supervisor Bulova asked everyone to keep in thoughts the family and friends of Ms. Marilyn Praisner, who died recently. Ms. Praisner was a member of the Montgomery County Council.

AGENDA ITEMS2. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. CHRIS KARDELIS, MR. OWEN KYER, AND MR. RICKY MARSH** (9:53 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to Mr. Chris Kardelis, Mr. Owen Kyer, and Mr. Ricky Marsh, employees of the Department of Public Works and Environmental Services, for their courageous efforts during a fire on December 26, 2007. Supervisor Smyth seconded the motion and it carried by a vote of nine, *Supervisor Hyland not yet having arrived.

On behalf of the Fire and Rescue Department, Chairman Connolly moved approval of the Certificates of Valor from the Fairfax County Fire and Rescue Department recognizing these wonderful workers for demonstrating exceptional courage and valor on the December 26, 2007. Supervisor Smyth seconded the motion and it carried by a vote of nine, *Supervisor Hyland not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(*Upon his arrival, Supervisor Hyland asked to be recorded as voting "AYE" on the motions.)

3. **PROCLAMATION DESIGNATING FEBRUARY 2008 AS "EARNED INCOME TAX CREDIT AWARENESS MONTH" IN FAIRFAX COUNTY** (10:01 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate February 2008 as "*Earned Income Credit Awareness Month*" in Fairfax County. Chairman Connolly seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING FEBRUARY 17-23, 2008, AS "ENGINEERS WEEK" IN FAIRFAX COUNTY** (10:09 a.m.)

Supervisor Foust moved approval of the Proclamation to designate February 17 - 23, 2008, as "*Engineers Week*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

5. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:17 a.m.)

Chairman Connolly noted that the Board did not have its Legislative Committee meeting on Friday because most of the Members were in Richmond on Thursday for the Virginia Municipal League/Virginia Association of Counties Day (VML/VACo Day)

Chairman Connolly, Chairman of the Board's Legislative Committee, briefed the Board on the status of select legislation.

Discussion ensued regarding the proffers bill SB 768. Chairman Connolly noted that VACo and the Northern Virginia Regional Commission voted to oppose the bill and that a substitute bill will be introduced on the floor of the senate today.

Supervisor Hyland noted and thanked Chairman Connolly for proposing the resolution and the language which was adopted by the Board of Directors of VACo.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information on the proffer legislation as soon as the Senate takes action today. Without objection, it was so ordered.

A brief discussion ensued regarding dangerous weapons legislation.

Discussion ensued, with input from Ellen Posner, Assistant County Attorney, regarding House Bill (HB) 1123 concerning an amendment to the tax code. She noted that the Legislative Committee is asking the Board to oppose HB 1123.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the 2008 Legislative Report No. 2 – Board Legislative Committee meeting of February 1, 2008, with the modification to oppose HB 1123. Vice-Chairman Bulova seconded the motion.

Discussion ensued, with input from Ms. Posner, regarding abusive driver fees.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding which members of the Northern Virginia Delegation of the General Assembly are supporting this appeal.

A brief discussion ensued, with input from Katie Boyle, Legislative Assistant, regarding payday lending.

Chairman Connolly asked unanimous consent that the Board direct staff to provide an update on payday lending when it reports on the proffer legislation later in the meeting. Without objection, it was so ordered.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board received an update on actions of legislation. See Clerk's Summary Item #55.)

DMS:dms

6. **ADMINISTRATIVE ITEMS** (10:38 a.m.)

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

Supervisor Frey asked to amend the motion to pull Admin 5 and reschedule it one month later, and this was accepted.

The question was called on the motion, as amended, with the exception of Admin 5, 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 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) REVENUE BONDS FOR THE BENEFIT OF MASON HOUSING, INCORPORATED

(BONDS)

(R)

Adopted the Resolution authorizing the EDA to issue up to \$47 million in revenue bonds pursuant to the plan of financing of Mason Housing, Incorporated.

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 REVIEW APPLICATION (HUNTER MILL DISTRICT)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-H06-20-1	FiberTower Replace existing antennas, and add new antennas and cabinets 2610 Reston Parkway (Fox Mill Fire Station Number 31) (Hunter Mill District)	April 14, 2008

ADMIN 3 – DESIGNATION OF A PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individual, identified with the corresponding registration number, as a Plans Examiner to participate in the Expedited Land Development Review Program:

- Stephen William Siebert (278)

ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

(R) Approved the request that the following streets be accepted into the State System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cascades Estates Lots, Section 12B-1	Dranesville	Seneca Road (Route 602) (Additional ROW only) Stonehouse Place Chimney Ridge Place
Lorton Town Center, Landbay “K”	Mount Vernon	Lewis Chapel Road Lorton Road (Route 642) (Additional ROW only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Mount Vernon Mews	Mount Vernon	Bercherer Road Old Mount Vernon Road (Route 623) (Additional ROW only)
Windsong South	Providence	Windsong South Road Ariana Drive

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-SU-039, DENNIS O. AND KAREN M. HOGGE (SULLY DISTRICT)

(NOTE: Earlier in the meeting, this item was pulled and rescheduled for one month later. See page 4.)

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2005-MV-005, TRUSTEES OF EPIPHANY LUTHERAN CHURCH OF MOUNT VERNON (MOUNT VERNON DISTRICT)

(AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 2005-MV-005 to January 11, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – APPROVAL OF A “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS, MULTI-WAY STOP AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD, PROVIDENCE, LEE, AND DRANESVILLE DISTRICTS)

- (R)
- Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on the following roads:
 - Waterline Drive between Fairfax County Parkway and Lee Chapel Road (Springfield District)
 - West Street between Lee Highway and Fairfax County limits (Providence District)
 - Approved a multi-way stop at the following intersections:
 - Clermont Drive and Kerrybrooke Drive (Lee District)

- Clermont Drive and Glenwood Drive (Lee District)
- Adopted a Resolution authorizing the installation of “Watch for Children” signs on the following streets:
 - Cobble Mill Road (Dranesville District)
 - Delta Glen Court (Dranesville District)
 - Colvin Forest Drive (Dranesville District)
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE LANDSDOWNE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **March 10, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Landsdowne CPD, in accordance with current CPD restrictions. The proposed district expansion would encompass the following streets:

- Bold Lion Lane (Route 8423), from View Lane to the cul-de-sac inclusive.
- Morning Glen Lane (Route 8421), from View Lane to the cul-de-sac north and from View Lane to the cul-de-sac south.
- Morning Ride Circle (Route 8430), from Morning View Lane to Morning Ride Circle.
- Morning Ride Court (Route 8433), from Morning Ride Circle to the cul-de-sac inclusive.
- Old Coach Court (Route 8422), from Morning Glen Lane to the cul-de-sac inclusive.
- Old Marsh Lane (Route 8431), from Morning Ride Circle to the cul-de-sac inclusive.

- Old Parsonage Court (Route 8432), from Morning Ride Circle to the cul-de-sac inclusive.
- View Lane (Route 8420), from Morning View Lane to Beulah Street.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5B, TO ALLOW LARGE AREA COMMUNITY PARKING DISTRICTS (CPD)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 10, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 81 (Motor Vehicles and Traffic), Section 82-5B, to allow large area CPDs without a petition process.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE MOUNT VERNON COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 10, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Mount Vernon CPD, in accordance with current CPD restrictions. The proposed district establishment would encompass all public secondary streets in residential areas within the Mount Vernon District including the previously established CPDs of Beechwood, Burgoyne Forest, Landsdowne, Newington, Newington II, Riverview, and Southrun.

7. **A-1 – FISCAL YEAR (FY) 2008 FOREST PEST MANAGEMENT SUPPRESSION SYSTEM** (10:38 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and direct staff to take the actions concerning the FY 2008 Forest Pest Management Suppression Program, as outlined in the Board Agenda Item dated February 11, 2008. Supervisor Bulova seconded the motion.

Discussion ensued, with input from Troy Shaw, Program Coordinator, Department of Public Works and Environmental Services (DPWES), regarding the monitoring and treatment of the hemlock woolly adelgid.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to include the monitoring of the hemlock woolly adelgid in the County and in surrounding areas, as well as include periodic reports on the status

of the hemlock woolly adelgid and appropriate treatment of the species if needed. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross called the Board's attention to handwritten page 57 of the Board Agenda Item, and discussion ensued, with input from Mr. Shaw, regarding distribution of the map for each Supervisor pertaining to their individual districts.

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

8. **A-2 – SPECIAL USE PERMIT FOR ITT CORPORATION, ADVANCED ENGINEERING AND SCIENCES** (10:43 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized issuance of a Special Use Permit to ITT Corporation, Advanced Engineering and Sciences, pursuant to the Code of the County of Fairfax, Chapter 62 (Fire Protection), Section 3304.1.

9. **A-3 – SPECIAL USE PERMIT FOR BAE SYSTEMS, INCORPORATED** (10:44 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized issuance of a Special Use Permit to BAE Systems, Incorporated, pursuant to the Code of the County of Fairfax, Chapter 62 (Fire Protection), Section 3304.1.

10. **A-4 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) HIDTA TASK FORCE** (10:44 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between the FCPD and the DEA HIDTA Task Force.

11. **A-5 – ADOPTION OF A SUSTAINABLE DEVELOPMENT POLICY FOR COUNTY CAPITAL FACILITIES PROJECTS** (10:45 a.m.)

(P) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Sustainable Development Policy that will be applicable to County capital facilities development projects. Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Discussion ensued, with input from Carey F. Needham, Chief, Building Design Branch, Planning and Design Division, Department of Public Works and Environmental Services (DPWES), regarding the inclusion of non-profit organizations and other County agencies.

Discussion ensued further, with input from Anthony H. Griffin, County Executive, regarding the silver standard and the Leadership in Energy and Environmental Design (LEED) rating system into the design, construction, renovation, and operations of County facilities.

Discussion continued, with input from Jimmie D. Jenkins, Director, DPWES, and Mr. Griffin, regarding the Energy Star Standard.

Discussion continued, with input from Mr. Needham and James W. Patteson, Director, Land Development Services, DPWES, regarding the cost of the certification process, whether the two to four percent for the construction cost includes the certification process, the payback period for green buildings, the life span and the return on investment on County buildings, and the energy and water savings accrued on LEED silver buildings.

Supervisor Gross called the Board's attention to page 42 of the Board Agenda Item, and discussion ensued concerning schools' becoming green buildings and mandating that all buildings abide by the same standards.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information about the savings associated with reusing plans and whether the savings are relatively significant over the environmental costs of redesigning buildings. Without objection, it was so ordered.

Following further discussion regarding buildings falling short of their lifespan and LEED being classified as a commercial program that sells itself, Supervisor Frey asked to amend the motion to continue to push LEED to be as innovative and creative as possible. This was accepted.

Following discussion, with input from Mr. Griffin, concerning the biannual reports of the buildings, Supervisor Gross amended her motion to change the biannual reporting to annual reporting to the Environment Committee, and this was accepted.

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

12. **A-6 – APPROVAL TO EXTEND THE INTERIM HUNTINGTON FLOOD INSURANCE GRANT PROGRAM AND TO MODIFY INCOME ELIGIBILITY GUIDELINES FOR THE PROGRAM (MOUNT VERNON DISTRICT)** (11:12 a.m.)

Supervisor Hyland moved that the Board direct staff to keep the current interim flood insurance grant program to reimburse qualified residents of the Huntington community for the cost of flood insurance the same and not modify it. This motion, the second to which was inaudible, carried by unanimous vote.

13. **A-7 – AUTHORIZATION TO EXECUTE THE SPH SPRINGFIELD STATION LLC AGREEMENT REGARDING CONTRIBUTION FOR TRANSPORTATION ASSOCIATION OF GREATER SPRINGFIELD (TAGS) SERVICE (LEE DISTRICT)** (11:13 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to execute the SPH Springfield Station LLC Agreement to provide annual payments to TAGS Service. Supervisor Hyland seconded the motion and it carried by unanimous vote.

14. **I-1 – APPROVAL OF A REIMBURSEMENT AGREEMENT WITH BASHEER/EDGEMOORE-MOUTOUS, LLC FOR THE WOLFTRAP FIRE STATION (DRANESVILLE DISTRICT)** (11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated February 11, 2008, requesting authorization for staff to execute the Reimbursement Agreement with Basheer/Edgemoore-Moutous, LLC in the amount of \$153,000 to provide construction services for the Wolftrap Fire Station.

15. **I-2 – CONTRACT AWARD – McLEAN STREETSCAPE DEMONSTRATION PROJECT PHASE II (DRANESVILLE DISTRICT)** (11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated February 11, 2008, requesting authorization for staff to award a contract to Tessa Construction and Tech Company, LLC in the amount of \$388,727 for the construction of McLean Streetscape Demonstration Project Phase II, Project Number 008912, Fund 315, Commercial Revitalization Program.

The staff was directed administratively to proceed as proposed.

16. **I-3 –DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE REHABILITATION OF THE NOMAN M. COLE, JR. POLLUTION CONTROL PLANT (NMCPCP) TERTIARY CLARIFIER FACILITIES (MOUNT VERNON DISTRICT)** (11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated February 11, 2008, requesting authorization for staff to award a contract to the engineering firm Parsons in the amount of \$3,250,000 for engineering design and construction administration services for the NMCPCP Tertiary Clarifier Facilities Rehabilitation Project, Project X00911, NMCPCP – Plant Renovations, Fund 408, Sewer Bond Construction.

The staff was directed administratively to proceed as proposed.

17. **I-4 – PLANNING COMMISSION ACTION ON SPECIAL 2008 AREA PLANS REVIEW FOR AREAS IMPACTED BY FORT BELVOIR BASE REALIGNMENT AND CLOSURE (BRAC) ACTIVITIES** (11:15 a.m.)

The Board next considered an item contained in the Board Agenda dated February 11, 2008, announcing that the Planning Commission voted to support the recommendations of its Fort Belvoir/BRAC Committee regarding the time and substance of a special Area Plans Review cycle. The Planning Commission also requested authorization for staff to contact the Lee, Mount Vernon, and Springfield District Supervisors, and the Chairman of the Board, to request task force nominees.

Supervisor McKay called the Board's attention to page 57 of the Board Agenda Item, and discussion ensued, with input from Marianne Gardner, Chief, Policy and Plan Development Branch, Department of Planning and Zoning, regarding the flexibility of nominations being considered, the inclusion of the head of Route 1, the Area Plan Review Cycle, and the 768 Bill.

NV:nv

ADDITIONAL BOARD MATTERS

18. **ORDERS OF THE DAY** (11:17 a.m.)

Chairman Connolly reviewed the agenda for the day and noted that two of the afternoon public hearings would be deferred.

19. **CHILD ABUSE PREVENTION MONTH** (11:18 a.m.)

(BACs) Chairman Connolly stated that April is Child Abuse Prevention Month. Accordingly, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proclaim April as "*Child Abuse Prevention Month*" in Fairfax County and direct staff to invite representatives from the

Advisory Social Services Board and other applicable organizations to receive the proclamation at the March 10 Board meeting. Without objection, it was so ordered.

In response to an inquiry, Merni Fitzgerald, Director, Office of Public Affairs, indicated that this would be the fourth presentation scheduled for that date.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

20. **CONSIDERATION OF A PLAN AMENDMENT FOR THE McLEAN OPEN SPACE DESIGN STANDARDS (DRANESVILLE DISTRICT)**
(11:19 a.m.)

Supervisor Foust reported that last year members of the McLean Planning Committee identified a number of changes that should be made to update the McLean Open Space Design Standards that are part of the Area II volume of the Comprehensive Plan. He explained that the proposed amendment is an attempt to reflect changes in approved Virginia Department of Transportation standards; changes in the availability of prescribed lighting fixtures, and changes in lighting standards that are designed to support the “dark skies” initiatives. In addition, the proposed amendment would allow the community to secure improved streetscape amenities. Staff was given a copy of these proposed changes several months ago and is now prepared to bring them forward for consideration by the Planning Commission and Board.

Accordingly, Supervisor Foust moved that the Board:

- Authorize consideration of a Plan amendment for the McLean Open Space Design Standards to update these design standards so that they better reflect current lighting and fixture standards and provide for improved streetscape amenities in the McLean Community Business Center.
- Direct staff to schedule the public hearing as soon as possible so that the revised design standards can be adopted prior to the 2008-2009 North County Area Plans Review.

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

21. **RECOGNITION OF MR. DOUGLAS GRANEY FOR RECEIPT OF IMPORTANT EDUCATION AWARD (DRANESVILLE DISTRICT)**
(11:20 a.m.)

Supervisor Foust reported that Douglas Graney, a political science and philosophy teacher at Herndon High School, has received national recognition for his outstanding and creative instructional expertise, attention to diversity, community

engagement, advocacy for the teaching profession, and leadership in professional development.

Supervisor Foust said that Mr. Graney was one of five national finalists for the 2008 National Education Association Member Benefits Award for Teaching Excellence. This award celebrates the best in America's public schools and recognizes individuals for their work in making public schools great. As a national finalist, Mr. Graney received "The Horace Mann Award for Teaching Excellence."

Accordingly, Supervisor Foust asked unanimous consent that the Board direct staff to invite Mr. Graney to appear before the Board to be thanked and recognized for this extraordinary accomplishment and his outstanding work as a County school teacher. Without objection, it was so ordered.

22. **TWO OUTSTANDING WOODSON HIGH SCHOOL STUDENT-ATHLETES (BRADDOCK DISTRICT)** (11:21 a.m.)

Supervisor Bulova called the Board's attention to two notable student-athletes at Woodson High School: Meg Thaxton and Lindsey Butler.

Ms. Meg Thaxton was recently named All-Examiner Field Hockey Player of the Year in the Washington, DC Metropolitan Area. She was previously named First Team All-State, Second Team All-Met, First Team Northern Region, and First Team All-Liberty District, and she was named to the All-Northern Region Tournament Team. On the lacrosse field this season, she was First Team All-District and Second Team All-Region and was named to the Northern Region Tournament Team.

Ms. Lindsey Butler had a similar list of field hockey accomplishments. This past season, Lindsey was First Team All-Washington Examiner, First Team All-Met, Digitalsports.com Defensive Player of the Year, and Most Valuable Player for Woodson High School Field Hockey. She was also First Team All-Fairfax Extra, First Team All-State, First Team All-Region, and First Team All-District.

Ms. Thaxton and Ms. Butler accomplished all this while maintaining GPAs well over 3.0. Ms. Butler is also a National Merit Commended Student and a National Achievement Semi-Finalist.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Ms. Thaxton and Ms. Butler, their families, and teammates to appear before the Board, to be recognized for their accomplishments. Without objection, it was so ordered.

23. **MARTIN LUTHER KING JR. HOLIDAY** (11:23 a.m.)

Supervisor Bulova said that on January 21, the County and nation observed a holiday to recognize the achievements of Dr. Martin Luther King Jr., a leader in the American civil rights movement. Dr. King dedicated his life to raising public consciousnesses to end racial segregation through boycotts, speeches, marches, and acts of civil disobedience.

Supervisor Bulova said that Dr. King's perseverance brought the civil rights movement to the forefront of the US sociopolitical arena and earned him the Nobel Peace Prize. He is remembered today as one of the greatest orators in American history.

Supervisor Bulova stated that one of her constituents pointed out that there really was no official County observance of Martin Luther King Jr. Day by the County and suggested that even a reading of one of his speeches would have been a fitting way to recognize his contributions. For a County that is literally "knee deep" in history, she asserted that very few official events are celebrated to honor great American leaders or historical milestones, except in the form of annual holidays.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to investigate ways, perhaps through cross-departmental collaboration, to note the contributions of national heroes and to make these opportunities known to the public. Without objection, it was so ordered.

Following discussion regarding the specifics of this request, Supervisor Bulova cited the fact that the County's website did not have any official commemorations listed and that she envisioned that the staff could look for cross-County collaboration to indicate where some events are happening and publicize them.

Discussion continued regarding the celebration of Martin Luther King, Jr. Day, Monday holidays, as well as the celebration of Black History Month in February.

24. **SEVENTY-FIFTH ANNIVERSARY OF THE CIVILIAN CONSERVATION CORPS (CCC)** (11:30 a.m.)

Supervisor Bulova said March 31, 2008, marks the seventy-fifth anniversary of the legislation which started the CCC. It was through the "A Look Back at Braddock's" oral interviewing process for *Braddock's True Gold* that the task force learned from resident Bill Sheads about the CCC fire trail that transverses Lake Accotink Park and connects Keene Mill Road and Backlick Road.

Supervisor Bulova explained that the CCC, which had camps in every state and territory of the United States, helped single young men find employment and learn skills during the Great Depression. The County had two CCC camps, at Fort Belvoir and Fort Hunt. The nation benefited greatly from the conservation projects in Virginia; the CCC built Prince William Forest Park and Skyline Drive.

The Fort Belvoir CCC's African American enrollees worked on fire prevention and control. The Fort Hunt enrollees helped build the George Washington Parkway.

Noting that the unveiling of the historical marker at the CCC fire trail is planned for Saturday, April 5, at 2 p.m. at the Lake Accotink Park Visitor Center, Supervisor Bulova asked unanimous consent that the Board direct staff to publicize this event, and she invited interested Members of the Board to join her there. Without objection, it was so ordered.

25. **ASIAN-AMERICAN HISTORY PROJECT** (11:32 a.m.)

Supervisor Bulova said that on January 23, 2008, she hosted a meeting to kick off a project designed to capture and tell the history of Asian-Americans who have chosen the County as their home. Fairfax County Chief Demographer Anne Cahill set the stage for the meeting with a fascinating presentation about Asian immigration to the County. This project was initially suggested by Ms. Cora Foley of the Filipino American National Historical Society of Northern Virginia, and she will be playing a lead role in this effort.

Through oral history interviews and community projects, Supervisor Bulova said that the project will tell the stories of how, why, and when different Asian groups came to the US and to the County, where they have settled, and what their experiences and contributions have been to the County community. Products of the project may include articles, a book, a video, and a web presence. The target date for publication of a book is May 2010 to coincide with "*Asian American Heritage Month*" in Fairfax County.

Supervisor Bulova said that the project already has the support of the Fairfax County History Commission and members of her *A Look Back at Braddock* History Committee will be assisting in an advisory capacity. Accordingly, she asked unanimous consent that, if and when needed, the Board direct staff to:

- Provide some in-kind assistance for this project.
- Establish a gift fund for sponsors who contribute toward the Asian-American History Project, as has been done with *A Look Back at Braddock*.

Supervisor Bulova indicated that she welcomed the participation of her colleagues, their staff, and their constituents in this effort, and announced that the next meeting, on February 27, will be an orientation for individuals who wish to participate.

Without objection, it was so ordered.

26. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR PAT HERRITY** (11:34 a.m.)

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

EBE:ebe

27. **EXPEDITED BOARD PUBLIC HEARING FOR SEKAS HOMES, LIMITED – CORRECTION (HUNTER MILL DISTRICT)** (11:35 a.m.)

With reference to her written Board Matter on the subject, Supervisor Hudgins moved that the Board direct the:

- Department of Planning and Zoning to expedite the processing of Rezoning Application RZ 2007-HM-015.
- Department of Public Works and Environmental Services to accept for simultaneous and concurrent processing any plans as may be necessary in conjunction with the amendment proposed to Rezoning Application RZ 2007-HM-015.

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

28. **WISE COUNTY POWER PLANT** (11:36 a.m.)

In a joint Board Matter with Chairman Connolly, Supervisor Bulova, Supervisor Foust, and Supervisor Hyland, Supervisor Smyth said that on January 9, 2007, the Virginia Department of Environmental Quality (DEQ) issued a Public Notice on a draft permit authorizing Dominion Virginia Power (Dominion) to construct and operate a 668 megawatt (gross electrical generating capacity) coal-fired electric power plant in Wise County, Virginia. While this plant is projected to generate enough electricity to power 146,000 homes annually, it is also expected to be one of the top ten air pollution sources within Virginia. The DEQ is seeking public comment on its draft air emissions permit through February 27, 2008.

While the region would benefit from the availability of new sources of electricity generation, Supervisor Smyth asserted that the plant's emissions may potentially pose health risks to County residents, jeopardize the region's ability to demonstrate attainment of the federal air quality standards, and severely damage the County's ongoing efforts to reduce air pollutants and greenhouse gas emissions. Despite the plant's location in southwest Virginia, its emissions may

affect the County. Given the prevailing winds, as much as six million tons of particulate matter and ozone-forming pollutants are expected to drift over the region throughout the summer and fall – the very months that pose the greatest challenge to the County in meeting federal air quality standards.

Moreover, while the draft permit proposes limits on the emissions of certain pollutants, including particulate matter, nitrogen oxides, sulfur dioxide, and carbon monoxide, Supervisor Smyth said that the draft permit does not address the projected 5.4 million tons of carbon dioxide (CO₂) that the plant is expected to emit annually. This omission is troubling as carbon dioxide is recognized as a greenhouse gas that is a major contributor to global climate change and, according to an April 2007 decision of the US Supreme Court, is a pollutant that can be regulated within the federal 1990 Amendments to the Clean Air Act.

Therefore, Supervisor Smyth moved that the Board direct staff to review the DEQ's draft permit and prepare comments for Board consideration at the February 25, Board meeting. She further moved that these comments should address the following:

- Whether the DEQ draft permit requires the applicant to commit to the best available control technology (BACT) for emission reductions.
- Whether DEQ has conducted the broader environmental analysis that federal rules require.
- The implications of the plant's emissions for County and regional air quality.

Supervisor Smyth asked that the County Executive's Office work closely with staff in consideration that these comments will likely be required to be submitted after the deadline has passed for submission of items to the Board's February 25 meeting.

Supervisor Hudgins seconded the motion.

Following discussion regarding air pollutants on the environment, Supervisor Gross asked to amend the motion to direct staff to provide the requested information by Friday, February 22, to ensure adequate time for review, and this was accepted.

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

PMH:pmh

29. **CERTIFICATE OF RECOGNITION FOR MS. KRISTIN SKOWRONSKI (MASON DISTRICT)** (11:54 a.m.)

Supervisor Gross said that the US Environmental Protection Agency (EPA) Region III office recently completed its review of the 2007 President's Environmental Youth Award (PEYA). An Environmental project entitled "Reducing Phosphate Pollution" by Kristen Skowronski of Rachel Carson Middle School in Herndon was chosen by a panel of EPA judges as the Second Runner-up.

Supervisor Gross asked unanimous consent that the Board direct staff to prepare a certificate of recognition to be sent to Ms. Skowronski along with a letter of congratulations for her wonderful achievement. Without objection, it was so ordered.

30. **PUBLIC SAFETY TELECOMMUNICATIONS WEEK** (11:54 a.m.)

Supervisor Gross said that the idea to designate a specific week to honor public safety 9-1-1 call takers and dispatchers was initiated in 1981 by a 9-1-1 dispatcher in California in 1981. In 1991, the Association of Public-Safety Communications Officials (APCO) was successful in convincing Congress of the need for a national proclamation establishing the second full week in April as "National Public Safety Telecommunications Week." In 1994, Congress formally, and on a permanent basis, adopted the proclamation. The Department of Public Safety Communications is the largest public safety communications center in Virginia and one of the 50 largest in the United States and is highly respected locally and nationally.

Therefore, Supervisor Gross asked unanimous consent that the Board proclaim April 13-19, 2008, as "*Public Safety Telecommunications Week*" in Fairfax County, and direct staff to invite representatives from the Department of Public Safety Communications to be recognized with the proclamation at the March 31 Board meeting. Without objection, it was so ordered.

31. **HONORING MS. PAT DIEHL (MASON DISTRICT)** (11:55 a.m.)

Supervisor Gross said that Ms. Pat Diehl worked for the Office for Children (OFC) for nearly 29 years. She has held almost every position available in OFC's School Age Child Care (SACC) program. She has been a supervisor, substitute coordinator, and assistant director. Her organizational ability, talent for motivating staff, and her creative, insightful programming have benefited tens of thousands of school age children and their parents over the years. Ms. Diehl led the staff in charting new initiatives, and expanding and growing opportunities for children and staff. Through her leadership she revealed her sense of fun and her

total commitment to the SACC program, the children, and their families. Ms. Diehl recently retired, but her service and commitment will not be forgotten.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite Ms. Diehl to appear before the Board to be recognized for her years of service to children, their families, and the County. Without objection, it was so ordered.

32. **APPOINTMENT TO COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION** (11:56 a.m.)

(APPT) Supervisor Gross moved that the Board confirm the appointment of Ms. Nicole Gage as the Inova Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Hyland seconded the motion and it carried by unanimous vote.

33. **OAKTON HIGH SCHOOL – FORTIETH ANNIVERSARY (SULLY DISTRICT)** (11:57 a.m.)

Jointly with Chairman Connolly, Supervisor Hudgins, and Supervisor Smyth, Supervisor Frey said that this year Oakton High School is celebrating its fortieth anniversary. The doors opened for students in the fall of 1967, even before all of the finishing touches were complete. However, a rich tradition and impressive history has been compiled over these 40 years.

In the spirit of celebration, a committee of volunteers including parents, faculty, administrators, and alumni are planning a wonderful schedule of events to highlight the 40 years and to invite folks who are part of the history -- past, present, and even future -- to gather and reflect on the contributions that Oakton High School and its talented staff over the years, have meant to their lives.

The events will include a fashion show highlighting each of the decades of Oakton, a golf tournament, a showcase at the school, and culminate with a benefit gala on Saturday, April 5.

Accordingly, jointly with Chairman Connolly, Supervisor Hudgins, and Supervisor Smyth, Supervisor Frey asked unanimous consent that the Board direct staff to:

- Invite John Banbury, Oakton's current principal, and all former Oakton High School principals, to the Board meeting on March 31 to be recognized for the many achievements and the outstanding educational experience that has been provided to students for the past 40 years and looking forward to continuing the tradition for the next 40 years.

- Assist in publicizing the Oakton High School Fortieth Anniversary Celebration through appropriate means.

Without objection, it was so ordered.

34. **ANGELMAN SYNDROME FOUNDATION** (11:59 a.m.)

Supervisor Frey said that on May 17 the Angelman Syndrome Foundation will hold its annual walk-a-thon in 19 cities nationwide, including the DC area, which will kick off at Westfields in Chantilly at 10:15 a.m. The foundation, a national organization of families, caregivers, and professionals, was formed to advance the awareness and treatment through education, information, research and support of Angelman's Syndrome. Named after Dr. Harry Angelman in 1965, he was the first physician to recognize certain developmental irregularities in young patients. This disorder, which now can be diagnosed within the first year of birth, has been often misdiagnosed as cerebral palsy, autism, or other ailments. He noted that Angelman Syndrome is a genetic disorder caused by an abnormal gene dysfunction. It affects males, females, and all ethnic groups equally. There are estimated to be between 1000 and 5000 cases in the US and Canada.

Therefore, Supervisor Frey asked unanimous consent that the Board proclaim May 17 as "*Angelman Syndrome Awareness Day*" in Fairfax County, and direct staff to invite representatives of the Foundation to appear before the Board at its May 5 meeting to receive this Proclamation. Without objection, it was so ordered.

35. **POLICE AND FIRE WORLD OLYMPICS ENDORSEMENT** (12 Noon)

Supervisor Frey said that two years ago the Board endorsed the application by the Police and Fire Departments to host the 2013 World Games. Although the International Organizing Committee was impressed with the County's proposal, it ultimately decided to award the 2013 Games to Europe. Nevertheless, it encouraged the County to apply again to host the 2015 Games.

Supervisor Frey asserted that having the World Games here would be a tremendous coup to the County and would bring well-deserved recognition to the public safety personnel. The application is supported by both Chief Mastin and Chief Rohrer; consequently, Supervisor Frey moved that the Board endorse the application by the Police and Fire Departments. Chairman Connolly seconded the motion.

Following discussion and a query by Anthony H. Griffin, County Executive, regarding funding, the question was called on the motion, and it carried by unanimous vote.

36. **MASON NECK AND THE GEORGE MASON INSTITUTE FOR CONFLICT ANALYSIS AND RESOLUTION (MOUNT VERNON DISTRICT)** (12:04 p.m.)

Supervisor Hyland said that George Mason University (GMU) is in the planning stages for constructing and operating a conflict resolution center in the Mason Neck area of the Mount Vernon District. When complete, the "Point of View" Center at Institute for Conflict Analysis and Resolution (ICAR) will have cottages for overnight guests, with additional meeting rooms, a library and scenic overlook. When complete, the university hopes to make this center a regional facility where groups can study and work towards "the development of theory, research, and practice that interrupts cycles of violence."

Land for this center was gifted to the university in 2000 by a landowner in the area. Along with the gift of 120 acres, a permit for a 250,000 gallon per day wastewater treatment plant was deeded with the land. Supervisor Hyland said that he and the Mason Neck community are greatly unnerved by the capacity of the wastewater permit, and are concerned other adjacent properties may try to connect to the system when, and if, it is brought online. It has been the consistent Policy of the County not to extend public sewer onto Mason Neck to preserve its natural beauty and ecological diversity, which includes a large concentration of American bald eagles, blue herons, and also the site of the southernmost stand of eastern hemlock on the Potomac River.

Also, on January 9, 2008, in a concurrent review between the Commonwealth of Virginia Department of Environmental Quality and Fairfax County staff, it was determined that "the Environmental Impact Report (submitted by GMU) does not provide adequate information necessary to determine the extent of impacts on the environment." The State requested more information and extended the review period for the EIR based upon these findings. County staff also raised numerous concerns about environmental impacts such as storm water management and waste water treatment.

GMU has made a strong commitment to ensure outreach to the community, and recently stated "there are no plans for a 250,000-gallon sewage treatment plant. If soil studies dictate that a treatment plant is the only viable solution, it would be designed to be environmentally responsible and the minimum size required to serve only the site considered for the Point of View retreat." The community appreciates this commitment.

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

- Send a letter to GMU that states the Board's concern about the large capacity permit.
- Share more information about the ecological diversity of the area.

- Request that the university provide information in response to staff's finding in the January 4, 2008, concurrent review.
- Express the continued need for community input and involvement in the planning process.

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

37. **SUNRISE OF OX ROAD OUT-OF-TURN PLAN AMENDMENT (MOUNT VERNON DISTRICT)** (12:07 p.m.)

Supervisor Hyland said that Tax Map parcel 106-2 ((1)) 8 is located on Ox Road, Route 123, north of the Laurel Hill property and contains one single-family residence. The approximately five acre parcel is planned for low density residential use, which is consistent with the development of most of the area. However, the adjacent properties along Ox Road consist of two, non-residential uses, the Shoppes at Lorton, a community shopping center, and the New Hope Church, that is currently under construction.

The size of this parcel and the current zoning could result in a small, five-unit subdivision, which may not be the best use given the two, adjacent non-residential uses. Sunrise Senior Living, Incorporated has approached planning staff and Supervisor Hyland's office about locating a new assisted living facility on this property. This type of redevelopment could be accomplished in a manner that would complement the design of the adjacent uses and could be coordinated with the surrounding community through a better planning effort. In addition, the redevelopment could exemplify the innovative techniques of green building through the Leadership in Energy and Environmental Design (LEED) Silver standards, which would be in line with recent Board actions. Further consideration of site design, building orientation, and substantial open space dedication could support this objective. However, the proposed density associated with this type of facility would not be in conformance with the current Comprehensive Plan recommendations for low density residential use. The applicant has been in close communication with the adjacent neighborhood, and the broader South County community, which have both been receptive to this initial step. The applicant will continue to cooperate and work with the community as the amendment proceeds.

Therefore, Supervisor Hyland moved Board consideration of a plan amendment for Tax Map parcel 106-2 ((1)) 8. This proposed amendment would allow for the consideration of an assisted living facility on the parcel, which could be designed in such a manner to include green building techniques and to work with and complement the surrounding uses and view sheds. Supervisor Bulova seconded the motion and it carried by unanimous vote.

38. **ELECTION ISSUES** (12:09 p.m.)

Supervisor Hyland referred to the requirement that Chief Election Officers must drive to the Government Center on election night to return voting materials used at precincts. He noted that this is a hardship on those officers.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this issue to the Electoral Board for review and to report its findings in a timely manner.

Following a brief discussion, with input from Anthony H. Griffin, County Executive, regarding the materials, without objection, it was so ordered.

39. **THOMAS A. EDISON HIGH SCHOOL (LEE DISTRICT)** (12:12 p.m.)

Supervisor McKay said that the athletic teams of Thomas A. Edison High School won district championships in six of the seven sports played during the fall 2007 season. These included football, volleyball, boys cross country, cheerleading, field hockey, and golf. Not only did these student athletes excel in their sports, but many of them also maintained 3.5 or above grade averages.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite select members of these teams, their coaches, principal Gregory Croghan, and other interested parties to a future Board meeting for formal recognition and that the appropriate certificates be prepared to present to each team. Without objection, it was so ordered.

40. **WAYFINDING PROGRAM FOR ROUTE 1 (LEE DISTRICT)** (12:13 p.m.)

Jointly with Supervisor Hyland, Supervisor McKay said that the Southeast Fairfax Development Corporation (SFDC) in coordination with the County, and the Virginia Department of Transportation (VDOT) have been working for the past year on developing a Wayfinding program for Richmond Highway (Route 1). The 7.5 mile Richmond Highway corridor will see visual image enhancements as a result of this marketing initiative. To qualify with VDOT, the local jurisdiction must submit a request in writing for consideration.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Chairman to send a letter to Mr. Raymond J. Khoury, P.E., a State Traffic Engineer from the Traffic Engineering Division, to request that he consider the Richmond Highway Wayfinding program as an experiment to the Virginia Wayfinding program. Without objection, it was so ordered.

41. **HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED (LEE DISTRICT)** (12:14 p.m.)

Jointly with Supervisor Hyland, Supervisor McKay said that Hilltop Sand and Gravel Company, Incorporated (“Hilltop”) is the owner of over 100 acres located in the northern quadrant of Beulah Street and Telegraph Road. The use of the property has varied over the years from a sand and gravel operation to a nine hole golf course. Hilltop envisions turning a portion of the property located at the intersection of Beulah Street and Telegraph Road into a mixed-use development. The approximately 33 acres are currently zoned to the I-3 and R-1 Districts, and are contemplated for development with a mix of uses including retail, office, and residential. In addition, the applicant is interested in building a private recreation facility including needed ballfields. Most importantly development is anticipated to include a well-known national retail grocery tenant. The property is currently planned for private recreation or residential use at densities of 2-3 and 3-4 dwelling units per acre. To realize this mixed-use development, an amendment is necessary to the Comprehensive Plan.

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

- Process an amendment to the Lehigh Community Planning Sector (RH4) and the Newington Community Planning Sector (S6) of the Comprehensive Plan for approximately 33 acres located at the intersection of Beulah Street and Telegraph as identified on the Fairfax County tax map records as 100-1 ((1)) 9 pt., 11A, 11A1, 14 and 15.
- Accept and concurrently process rezoning and special exception applications, and any related applications as may be necessary to implement the authorized Comprehensive Plan Amendment.
- Determine whether this amendment would qualify for review under the special BRAC study underway.
- Given time constraints with the proposed tenant, ensure the proposed amendment is processed most expeditiously either as a part of the study or as a stand alone out-of-turn plan amendment.

This motion should in no way prejudice the full review of this application and does not preclude the applicant from adherence to all adopted standards in any way. Supervisor Hyland seconded the motion.

Following discussion regarding the proposal, Supervisor Hyland asked unanimous consent that the Board direct staff to involve the Newington Civic Association in the planning process. Without objection, it was so ordered.

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

42. **GRAFFITI (LEE DISTRICT)** (12:18 p.m.)

Supervisor McKay said that last week a constituent contacted his office about his first-hand experience in following current County guidelines to report graffiti.

Currently on the Fairfax County website, residents are instructed to contact the Police Department by calling the non-emergency number to report any type of graffiti.

According to this first-hand account, there is confusion within the police department about how to take graffiti reports. This resident called the non-emergency number, as instructed, and provided detailed information on graffiti in her neighborhood. Supervisor McKay characterized the response she received as an unnecessary run-around that caused her to have to contact other police officials at the district police station just to ensure somebody was following up.

Supervisor McKay expressed his frustration with the response this citizen received by calling the non-emergency number and following the instructions provided by the Police Department.

Therefore, Supervisor McKay moved that the Board direct the Chief of Police and the Gang Coordinator to make a full review of graffiti reporting procedures and protocol and report its findings and recommendations to ensure all calls that report graffiti are taken seriously and receive follow-up as soon as possible. In this case, the Gang Unit and the Franconia District Station did a good job ensuring the graffiti was documented but the intake process for the constituent call was disturbing. Supervisor Hyland seconded the motion.

Supervisor Gross asked to amend the motion that the Board direct staff to provide a report on the process for removal of graffiti on public property, and this was accepted.

Supervisor McKay asked unanimous consent that the Board direct staff to provide a report, previously requested by Supervisor Hyland regarding blight removal and State code provisions. Without objection, it was so ordered.

A brief discussion ensued with input from Anthony H. Griffin, County Executive, regarding removal of graffiti.

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

43. **STRIKE TEAM** (12:21 p.m.)

Supervisor McKay said that the County's Strike Team is a coordinated neighborhood enforcement effort that brings together the expertise of zoning,

property maintenance, building code, fire, police, and health officials to protect the health and safety of neighborhoods. Most importantly the team is designed to address the proliferation of illegal boardinghouse activity in single family homes. Each week the Strike Team issues a report showing the number of cases it is investigating Countywide. This report is proof that this issue is a Countywide problem and that illegal boardinghouse landlords do not limit their activities to just one supervisory district.

Supervisor McKay said that concerns about boardinghouse activity in Lee District neighborhoods are the subject of the majority of contacts to his office. Because this issue is of such great importance to his constituents, Supervisor McKay said that he has scheduled a ride-along with the Strike Team on February 21 to experience firsthand the challenges the County staff face enforcing the ordinance.

Supervisor McKay noted that he looks forward to reporting to the Board on his first-hand experience doing inspections with the Strike Team. He encouraged Board Members to contact the Strike Team for a ride-along in their districts too.

44. **PUBLIC INFORMATION MEETING REGARDING FORT BELVOIR (LEE DISTRICT)** (12:23 p.m.)

Supervisor McKay announced that a public information meeting regarding Fort Belvoir is scheduled for Thursday, February 28 from 6:30 p.m. until 9 p.m. at the Forestdale Elementary School. He added that it is a construction public meeting.

Supervisor McKay noted that the MOA between the Virginia Department of Transportation and the US Army has not yet been signed. He asked unanimous consent that the Board:

- Direct staff to monitor this issue and report to the Board on whether the agreement is signed.
- Take action on February 25 to reinforce its well known position on this issue, if the agreement is not signed.

Without objection, it was so ordered.

45. **RECESS/CLOSED SESSION** (12:25 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. BearingPoint, Inc. v. Board of Supervisors of Fairfax County, Virginia, Case No. CL-2007-00015670 (Fx. Co. Cir. Ct.) (Providence and Lee Districts)
 - 2. Augusta E. Jackson v. Fairfax County Government, Case No. 1:07-cv-850 LMB/TRJ (E.D. Va.)
 - 3. Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
 - 4. Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Greenwood Homeowners Association, Case No. CL-2008-0000219 (Fx. Co. Cir. Ct.) (Lee District)
 - 5. Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Deutsche Bank National Trust Company, Trustee, Case No. CL-2007-0013317 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 6. Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)
 - 7. Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr., Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)

8. Eileen M. McLane, Fairfax County Zoning Administrator v. Monica Peredo, Roxana Tania Peredo, and Alicia Linares, Case No. CL-2008-0000617 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

And in addition:

- Board of Zoning Appeals Appeal Applications A 2006-PR-028 and A 2006-PR-052

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

DET:det

At 3:25 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:25 p.m.)

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

47. **AUTHORIZATION OF AN APPEAL TO THE CIRCUIT COURT** (3:25 p.m.)

Supervisor Smyth moved that the Board authorize an appeal to the Circuit Court from the January 29, 2008, decision of the Board of Zoning Appeals in *Appeals Applications A2006-PR-028* and *A 2006-PR-052*, concerning property located at 8741 Cherry Drive and 3029 Chichester Lane (Tax Map Number 49-3 ((6)) lots 111A and 112A [formerly lots 111, 112, and 113]) in the Fairhill-on-the-Boulevard subdivision. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS48. **FIRST RESPONDERS ASSIST LOUISA COUNTY, VIRGINIA** (3:27 p.m.)

Chairman Connolly announced that the County dispatched some of its first responders, fire and rescue officers, to Louisa County, Virginia, to assist in battling a 500 acre brush fire. He noted that a number of other Northern Virginia jurisdictions were also responding.

49. **GRAND OPENING OF THE CHESTERBROOK ASSISTED LIVING FACILITY (DRANESVILLE DISTRICT)** (3:28 p.m.)

Supervisor Foust stated that yesterday Chairman Connolly attended the grand opening of the Chesterbrook Assisted Living facility. He noted that the residents and others involved in the event were very grateful for the Board's efforts to make that project come to fruition. He invited Members of the Board to visit to see a template for how public and private partnerships can work together to provide affordable and senior housing.

Supervisor Hudgins commended the community and the partnership for their wonderful housing effort and stated that it stood as an example of what can be done in the future for senior living.

50. **MOUNT VERNON DISTRICT TOWN MEETING** (3:30 p.m.)

Supervisor Hyland stated that the reason that he has not reported on the Mount Vernon District Town meeting was because he was still awaiting the results of the survey that was conducted at the beginning of the meeting. He noted that it was very successful and thanked Board Members who attended.

AGENDA ITEMS51. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-18 (FAIR LAKES CENTER ASSOCIATES, LP) (SPRINGFIELD DISTRICT)****AND****PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-05-01 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT)** (3:31 p.m.)

The application property is located on the south side of Fair Lakes Parkway, approximately 500 feet west of Fair Lakes Circle, Tax Map 55-2 ((4)) 12, 16, 19, and 26A.

Mr. Francis A. McDermott 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. Jon M. Peterson
- Mr. Jeffrey H. Saxe
- Mr. James W. Todd

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

- Mr. John M. Peterson

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

- Mr. Jon M. Peterson
- Mr. Francis A. McDermott

Mr. McDermott 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.

Discussion ensued concerning the Transportation Demand Management (TDM) program, roadside contributions and stormwater with input from Kris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ). Discussion continued concerning various provisions incorporated in the proposal, green buildings, parking and clarification of the Land Use Committee's objection to the parking egress.

Following the public hearing, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Herrity moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-18, subject to the proffers dated January 22, 2008.
- Approval of Conceptual Development Plan Amendment Application CDPA 82-P-069-05-01.

- Modification of PFM Standard 12-0702.1B2 to permit reduction of the minimum planting width requirement from eight to six feet, as shown on the CDPA/FDPA and as described in the proffers.
- Modification of the transitional screening and barrier requirements on the south side of the property adjacent to I-66, in favor of the existing landscaping.

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

(NOTE: On February 7, 2008, the Planning Commission approved Final Development Plan Amendment Application FDPA 82-P-069-13-10, subject to the development conditions dated January 24, 2008, with condition number two modified to read as follows: “LID measures, such as infiltration trenches, shall be incorporated into the final site design, as determined feasible by the applicant and the Department of Public Works and Environmental Services at the time of site plan review.”)

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SU-007 (COMMERCE BANK, NA) (SULLY DISTRICT)**
(3:56 p.m.)

Chairman Connolly announced that the public hearing on Special Exception Application SE 2007-SU-007 had been deferred indefinitely.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-V-035 (HUNTWOOD, LLC) (MOUNT VERNON DISTRICT)** (3:57 p.m.)

Chairman Connolly announced that the hearing on Special Exception Amendment Application SEA 84-V-035 had been deferred until **April 28, 2008, at 4 p.m.** Discussion ensued with input from Jan Brodie, Deputy County Attorney, concerning deferrals.

ADDITIONAL BOARD MATTERS

54. **LAND EXCHANGE** (3:58 p.m.)

Supervisor Smyth inquired as to whether the land swap involving the Fairfax City Regional Library would incorporate the new location in Providence District.

A brief discussion ensued.

(NOTE: Later in the meeting, the Board held a public hearing on this item. See Clerk’s Summary Item #56.)

55. **ACTIONS OF THE VIRGINIA LEGISLATURE ON BILL SB 768**
(3:59 p.m.)

(NOTE: Earlier in the meeting, there was discussion regarding Bill SB 768. See Clerk's Summary Item #5.)

Chairman Connolly announced that he had just been handed the substitute bill on proffers currently being considered by the Virginia legislature. He noted that, according to staff, it contained the following provisions:

- Cash proffers in favor of impact fees were eliminated.
- Off-site proffers were eliminated.
- Inadequate impact fees.

He concluded by noting that many of the County's concerns about the legislation had not been resolved, but that there would be further examination of the legislation.

Supervisor Smyth asked unanimous consent that staff circulate their comments about this proposal. Without objection, it was so ordered.

AGENDA ITEMS

56. **4 P.M. – PH REGARDING THE LAND EXCHANGE BETWEEN THE CITY OF FAIRFAX AND THE BOARD OF SUPERVISORS FOR THE RELOCATION OF THE FAIRFAX CITY REGIONAL LIBRARY** (4 p.m.)

(R) (NOTE: Earlier in the meeting, there was a brief discussion regarding land exchange. See Clerk's Summary Item # 54.)

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 issue of January 31, 2008.

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

Discussion ensued concerning whether the property was located in Providence District with input from Teresa G. Lepe, Project Manager, Department of Public Works and Environmental Services.

Following the public hearing, Supervisor Smyth moved adoption of the Resolution approving the land exchange between the City of Fairfax and the Board of Supervisors. 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.”

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SOLID WASTE AND RECYCLING FACILITY DEFINITIONS** (4:03 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 24 and January 31, 2008.

Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission, and set forth in the staff report dated November 19, 2007. 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.”

58. **BOARD ADJOURNMENT** (4:05 p.m.)

The Board adjourned.

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