



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

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

**MONDAY  
February 25, 2008**

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**04-08**

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**DET:det**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, February 25, 2008, at 9:36 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; 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 MATTERS**1. **OPENING ANNOUNCEMENT** (9:36 a.m.)

Chairman Connolly announced that the Board would be receiving the County Executive's proposed Fiscal Year 2008 budget at today's meeting.

2. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Herrity announced that Springfield District lost one of its outstanding citizens, Mr. Alec Monroe, last week. Supervisor Herrity stated that Mr. Monroe was known as the Mayor of Little Rocky Run, where he served as the homeowners association president for five years, and that he also started the Springfield District Council West and served as its chair for three years.

Supervisor Herrity asked unanimous consent that the Board take a moment of silence in his honor. Without objection, it was so ordered.

3. **ORDERS OF THE DAY** (9:37 a.m.)

Chairman Connolly announced that as soon as the Board finished morning business, it would immediately go into closed session so that Supervisor Herrity could represent the Board at Mr. Monroe's funeral this afternoon.

**AGENDA ITEMS**4. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. LINDSEY BUTLER AND MS. MEG THAXTON (BRADDOCK DISTRICT)** (9:38 a.m.)

Supervisor Bulova moved approval of the Certificates of Recognition presented to Ms. Lindsey Butler and Ms. Meg Thaxton for their notable athletic accomplishments while maintaining a grade point average over 3.0. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MARCH 2008 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (9:42 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate March 2008 as "*Alternative Dispute Resolution Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO DR. ROOSEVELT CALBERT (HUNTER MILL DISTRICT)** (9:49 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Dr. Roosevelt Calbert for 37 years of leadership and dedication to promoting

academic excellence of minorities in the fields of science, math, and engineering, culminating in the honor of being the first County resident to be inducted into the Hall of Fame for Historically Black Colleges and Universities. Supervisor Bulova seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. SHIN NAN GOTO AND MS. AKIKO GOTO (BRADDOCK DISTRICT)** (9:58 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Shin Nan Goto and Ms. Akiko Goto for their nine years of dedicated service and charitable work organizing members of the NOVA Family Church to raise funds for nonprofit organizations by raking leaves in the Kings Park community, resulting in raising more than \$12,000 for projects all over the world ranging from Hurricane Mitch Relief in Honduras to support for an orphanage and school in Nakuru, Kenya. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

NV:nv

8. **10 A.M. – PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2009 BUDGET BY THE COUNTY EXECUTIVE** (10:05 a.m.)

Chairman Connolly briefed the Board on a State Budget amendment that would adversely affect the County.

(NOTE: Later in the meeting, the Board discussed General Assembly activities. See Clerk's Summary Item #9.)

Anthony H. Griffin, County Executive, expressed appreciation to all of the staff involved with preparation of the budget, and he proceeded to present the FY 2009 Budget, which he characterized as "complex."

Discussion ensued.

Supervisor Bulova, Chair, Board's Budget Committee, distributed copies of the agenda for the March 8 budget workshop and discussed the process. She also called the Board's attention to the FY 2009 Budget Schedule as follows:

<b><u>Date</u></b>	<b><u>Item</u></b>
Saturday, March 8	Budget Workshop 9 a.m. – 4 p.m., Laurel Hill Golf Club
Monday, March 10	Regular Board Meeting Tax Rate and FY 2008 Third Quarter Review Authorized for Advertisement

Friday, March 28	Budget Committee Meeting 1–3 p.m. Rooms 9 and 10 Human Services, Capital Improvement Plan, and Questions and Answers
Monday – Wednesday March 31, April 1, 2	Public Hearings on the Budget, 7 p.m. School Board presentation April 1 at 6 p.m.
Thursday – Monday April 3-7	Budget Chair conducts individual meetings with Supervisors
Friday, April 18	Budget Committee Meeting 3 p.m. Rooms 9 and 10 Pre-Mark-up
Monday, April 21	Budget Mark-up 10 a.m.
Monday, April 28	Budget Adoption of FY 2009 Budget 10 a.m.

Further discussion ensued, with input from Mr. Griffin, regarding GASB 45 funding requirements and the Code Enforcement Strike Force.

With reference to a total figure of \$15 million, Supervisor Frey asked unanimous consent that the Board direct staff to provide a breakdown between raises for employees in public safety and those on the pay-for-performance system. Following input from Mr. Griffin, without objection, it was so ordered.

Further discussion ensued regarding transit funding, the Virginia Railway Express, the Code Enforcement Strike Force, foreclosures, the location of the budget workshop, and the State budget, with input from Mr. Griffin.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide an analysis of unfunded mandates once the budget is complete. Following input from Mr. Griffin, without objection, it was so ordered.

Discussion continued, with input from Mr. Griffin, regarding the rainy day fund, transportation funding, and the commercial real estate tax rate.

Chairman Connolly expressed appreciation to Mr. Griffin.

DET:det

9. **10:15 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**  
(11:18 a.m.)

(NOTE: Earlier in the meeting, the Board discusses some actions by the General Assembly. See Clerk's Summary Item #8.)

Chairman Connolly presented the report on General Assembly activities which included a brief synopsis of actions on the proffer bill, homestead exemption legislation, and the County's zoning enforcement bills. Chairman Connolly stated the County's opposition to House Bill HB 1123, a real estate exemption for public service corporations, which would impact revenue for the Northern Virginia Transportation Authority (NVTa). He also noted passage of legislation that would expand NVTa membership for towns and expressed concern that it could dilute the County's voting representation on the Authority. Chairman Connolly concluded his presentation with remarks on the budget, specifically his concern about how the State would do rebenchmarking in the future with the resulting cost in State aid to localities for education.

Discussion ensued with input from Katie Boyle, Legislative Assistant, Office of the County Executive, concerning the anticipated cost to the County. Chairman Connolly thanked his colleagues and staff for attending the reception in Richmond and stated that he thought it was a very worthwhile effort with many substantive conversations accomplished.

Following discussion regarding Senate Bill SB 768, legislation abolishing the proffer system, and the implementation of the homestead exemption, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved adoption of the Legislative Report. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

EBE:ebe

10. **11:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:24 a.m.)

(APPTS)

(BACs)

**A. HEATH ONTHANK AWARD SELECTION COMMITTEE**

Supervisor Herrity moved the reappointment of Mr. Philip Rosenthal as the Springfield District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville, Mount Vernon, and Sully District Representatives.

**ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointments of the Lee and Mount Vernon District Representatives.

**AIRPORTS ADVISORY COMMITTEE**

Supervisor Hudgins moved the reappointment of Mr. Richard Kraft as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mason District Representative.

**ANIMAL SERVICES ADVISORY COMMISSION**

Chairman Connolly moved the reappointment of Mr. Phillip S. Church as the At-Large Chairman's Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Ms. Jane Lichter as the Braddock District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Lucinda Stewart as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Brock Benson as the Lee District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Michelle Hupp as the Mason District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Gina Marie Lynch as the Mount Vernon District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Allison Volpert as the Providence District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Robin Kasten-Daryanani as the Sully District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Springfield District Representatives.

#### **ATHLETIC COUNCIL**

Supervisor Herrity moved the reappointment of Ms. Jacqueline Stephens as the At-Large Diversity Alternate Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Gross asked unanimous consent that the Board direct staff to provide a recommendation regarding the creation of a seat for a representative for senior athletics. Without objection, it was so ordered.

#### **BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Dranesville District Representative.

#### **BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

Supervisor Frey moved the appointment of Mr. John B. Scott as the Alternate #3 Representative. Supervisor Hyland seconded the motion which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Christopher Fox as the Design Professional #5 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Alternate #4 and Design Professional #6 Representatives.

#### **BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS**

Supervisor Herrity moved the reappointment of Mr. Ryan Davis as the Professional #3 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

#### **CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointments of the Hunter Mill and Mason District Representatives.

**CHILD CARE ADVISORY COUNCIL**

Chairman Connolly moved the reappointment of Ms. Eileen Filler-Corn as the At-Large Chairman's Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Ms. Tamara Derenak as the Lee District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence District Representative.

**CITIZENS CORPS COUNCIL, FAIRFAX COUNTY**

The Board deferred the appointment of the Mason District Representative.

**COMMISSION FOR WOMEN**

Supervisor McKay moved the reappointment of Ms. Emily McCoy as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

The Board deferred the appointments of the At-Large Minority, Lee, Mason, and Mount Vernon District, and the Religious Community Representatives.

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**

Supervisor Hudgins moved the reappointment of Ms. Pamela Abston as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Jim Edwards-Hewitt as the Mason District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

**CONFIRMATIONS:**

Supervisor Hudgins moved the confirmation of the following appointments:

- Ms. Suzette Herod as the North County Regional Representative for the Low Income #1



- Mr. Abdalla M. Abdalla as the Central County Regional Representative for the Low Income #2
- Ms. Cam Tu Vu as the Central County Regional Representative for the Low Income #3
- Mr. Normand Fisette as the AARP Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

### **COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)**

The Board deferred the appointment of the At-Large #3 Representative.

### **ENGINEERING STANDARDS REVIEW COMMITTEE**

#### **CONFIRMATIONS:**

Supervisor Bulova moved the confirmation of the following appointments:

- Mr. Bob Kohnke as the Northern Virginia Soil and Water Conservation District Representative
- Ms. Jean Packard as the League of Women Voters Representative

Supervisor Hudgins and Supervisor Smyth jointly seconded the motion, which carried by unanimous vote.

### **ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)**

Supervisor Hyland moved the appointment of Mr. Larry Zaragoza as the Mount Vernon District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #2 and Sully District Representatives.

### **FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointments of the At-Large #1, At-Large Chairman's, and the Lee and Springfield District Representatives.

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)**

The Board deferred the appointment of the At-Large #2 Representative.

**GEOTECHNICAL REVIEW BOARD****CONFIRMATIONS:**

Supervisor Bulova moved the confirmations of the following appointments:

- Mr. Edward DeSantis as the Washington Area Council of Engineering Laboratories Representative
- Mr. Emad E. Saadeh as the Virginia Society of Professional Engineers Representative
- Mr. James G. Collin as the American Society of Civil Engineers Representative

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

**HUMAN RIGHTS COMMISSION**

The Board deferred the appointments of the At-Large #4 and #6 Representatives.

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE****CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment:

- Mr. Bob Mitchell as the Northern Virginia Technology Council Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS  
ADVISORY COUNCIL**

The Board deferred the appointment of the Dranesville, Lee, and Springfield District Representatives.

**CONFIRMATIONS:**

Supervisor Hyland moved the confirmation of the following appointments:

- Ms. Gina Marine as the Court Appointed #1 Representative
- Ms. Kathryn Untiedt as the Court Appointed #2 Representative
- Mr. Luis Perez as the Court Appointed #4 Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

**LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE**

Supervisor Hyland moved the following reappointments:

- Mr. Timothy Sargeant as the At-Large #1 Representative
- Mr. Douglas Wrenn as the At-Large #2 Representative
- Mr. Robert W. Cosgriff as the At-Large #3 Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

**ROAD VIEWERS BOARD**

Supervisor Herrity moved the reappointment of Mr. Joseph Bunnell as the At-Large #1 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

**SMALL BUSINESS COMMISSION**

The Board deferred the appointment of the At-Large #2 and #3, and the Providence and Springfield District Representatives.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointments of the Citizen Member #3, Landlord Member #3, and Tenant Member #1 Representatives.

**TRAILS AND SIDEWALKS COMMITTEE**

The Board deferred the appointments of the At-Large Chairman's, Hunter Mill, Mason, and Springfield District Representatives.

**CONFIRMATIONS:**

Supervisor Bulova moved the confirmation of the following appointment:

- Mr. Mark Tipton as the Federation of Citizens Associations Representative
- Ms. Ann Pimley as the Fairfax Area Disability Board Representative

Supervisor Hudgins seconded the motion which carried by unanimous vote.

**TRANSPORTATION ADVISORY COMMISSION (TAC)**

The Board deferred the appointment of the At-Large Representative.

**TREE COMMISSION**

The Board deferred the appointment of the Mason District Representative.

**TRESPASS TOWING ADVISORY BOARD****CONFIRMATION:**

Supervisor Foust moved the confirmation of the following appointment:

- Mr. Steven Lescallett as the Law Enforcement #1 Representative

Supervisor Herrity seconded the motion, which carried by unanimous vote.

**WETLANDS BOARD**

The Board deferred the appointment of the Springfield District Representative.

**AD HOC COMMITTEES****FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES**

Supervisor Frey moved the appointment of Ms. Cheryl Repetti as the Sully #2 District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Lee #1 and #2, and Providence #1 District Representatives.

DS:ds

11. **ADMINISTRATIVE ITEMS** (11:35 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) and the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), Regarding Trash and Recycling, High Density Polyethylene Pipe, Inspection Requirements for Storm Drain Pipe, Shared Utility Easements, Service Drives, and Editorial Changes to the PFM. Discussion ensued, with input from John Friedman, Director, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services, regarding high density polyethylene piping.

Supervisor Hudgins called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Appendix G, to Establish the Herndon-Monroe Temporary Residential Permit Parking District (RPPD), District T-HM (Hunter Mill District). Supervisor Hudgins thanked staff for scheduling this item in a timely fashion.

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

**ADMIN 1 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING REGIONAL NON-RAIL TRANSIT FACILITIES**

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 19, 2008, at 8:15 p.m., and before the Board on **April 28, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding regional non-rail transit facilities.

**ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (PROVIDENCE AND MOUNT VERNON 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-P07-65	T-Mobile Northeast LLC Rooftop antennas 2071 Chain Bridge Road (Providence District)	April 26, 2008
FS-V07-63	Verizon Wireless Antenna colocation on existing tower 9128 Belvoir Court (Mount Vernon District)	April 28, 2008

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING TRASH AND RECYCLING, HIGH DENSITY POLYETHYLENE PIPE, INSPECTION REQUIREMENTS FOR STORM DRAIN PIPE, SHARED UTILITY EASEMENTS, SERVICE DRIVES, AND EDITORIAL CHANGES TO THE PFM**

- (A) (R) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 13.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 26, 2008, and before the Board on **April 28, 2008, at 4 p.m.** to consider proposed amendments to the PFM and the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and

Chapter 112 (Zoning Ordinance), regarding trash and recycling, high density polyethylene pipe, inspection requirements for storm drain pipe, shared utility easements, service drives, and editorial changes to the PFM.

**ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM  
(PROVIDENCE, LEE, AND HUNTER MILL DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Avondale Glen Phase 2	Providence	Derosnec Drive
		Waples Mill Road (Route 665) (Additional ROW Only)
		Waples Mill Road (Route 665) (Additional ROW Only)
		Interstate 66 (Westbound) (Additional ROW Only)
Briarwood Trace Section 1	Providence	Swanee Lane (Route 3238)
		Zimple Drive (Route 4947) (Additional ROW Only)
		Interstate 66 (Additional ROW Only)
		Swanee Lane (Route 3238) (Additional ROW Only)
Hawthorne LLC	Lee	Cinder Bed Road (Route 637) (Additional ROW Only)
Part of Lot 6 Woodland Associates LTD	Hunter Mill	Wood Oak Drive (Route 6534)

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF POTOMAC AVENUE (ROUTE 1501) (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 4 p.m.** to consider the vacation and abandonment of a portion of Potomac Avenue (Route 1501).

**ADMIN 6 – INSTALLATION OF “NO PARKING” SIGNS ON THE NORTH SIDE OF MATHY DRIVE FROM PERSIMMON CIRCLE TO THE CITY OF FAIRFAX LINE (PROVIDENCE DISTRICT)**

- (Rs)
- Adopted the Resolution authorizing installation of “No Parking” signs on the north side of Mathy Drive from Persimmon Circle to the City of Fairfax line.
  - Directed staff to install the signs at the earliest possible date.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE HERNDON-MONROE TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT T-HM (HUNTER MILL DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Herndon-Monroe Temporary RPPD, District T-HM.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), REGARDING ELECTION PRECINCTS**

- (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, Chapter 7 (Elections), regarding election precincts.



**ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)  
AS 08101 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)  
TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF  
VIRGINIA – GOVERNOR’S OPPORTUNITY FUND FOR THE  
VOLKSWAGEN OF AMERICA CORPORATION**

- (SAR) Approved SAR AS 08101 for the EDA to accept grant funding in the amount of \$1.5 million from the Commonwealth of Virginia as part of the Governor’s Opportunity Fund for the Volkswagen of America Corporation. This grant will assist the County with the relocation of Volkswagen America, Incorporated. No local cash match is required.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING  
ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF  
FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE  
DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES AND THE  
AVAILABILITY FEES**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 31, 2008, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), to revise the sewer service charges and availability fees.

12. **A-1 – AUTHORIZATION TO REALLOCATE AND DISBURSE FUNDS  
FROM THE PENNY FOR AFFORDABLE HOUSING FUND, FOR THE  
ACQUISITION AND PRESERVATION OF UNITS AT EAST MARKET  
BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING  
AUTHORITY (FCRHA) (SPRINGFIELD DISTRICT)** (11:39 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and authorized the reallocation of \$145,395 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing of three units at East Market by FCRHA.

13. **A-2 – AUTHORIZATION TO REALLOCATE AND DISBURSE FUNDS  
FROM THE PENNY FOR AFFORDABLE HOUSING FUND, FOR THE  
ACQUISITION AND PRESERVATION OF UNITS AT HALSTEAD BY  
THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING  
AUTHORITY (FCRHA) (PROVIDENCE DISTRICT)** (11:39 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and authorized the reallocation of \$176,514 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing for the acquisition of the four units at Halstead by FCRHA.

14. **A-3 – AUTHORIZATION TO REALLOCATE AND DISBURSE FUNDS FROM THE PENNY FOR AFFORDABLE HOUSING FUND FOR THE ACQUISITION AND PRESERVATION OF UNITS AT STOCKWELL MANOR BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (DRANESVILLE DISTRICT)**  
(11:40 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and authorized the reallocation of \$183,000 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing for the acquisition of three units at Stockwell Manor by FCRHA.

15. **A-4 – AUTHORIZATION TO REALLOCATE AND DISBURSE FUNDS FROM THE PENNY FOR AFFORDABLE HOUSING FUND, FOR THE ACQUISITION AND PRESERVATION OF UNITS AT NORTHAMPTON BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (LEE DISTRICT)** (11:40 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and authorized the reallocation of \$214,000 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing for the acquisition of four units at Northampton by FCRHA.

16. **A-5 – CHANGES TO THE FAIRFAX COUNTY SUPPLIER DIVERSITY PROGRAM** (11:41 a.m.)

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

- Approve the updated Fairfax County Supplier Diversity Program to become effective upon approval.
- Approve a name change from the Fairfax County Small and Minority Business Enterprise Program to the Fairfax County Supplier Diversity Program in accordance with industry standard. The program has been modified to incorporate the addition of the Vendor Relations Division within the Department of Purchasing and Supply Management, and service disabled veteran businesses as part of the community the County serves.

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, regarding set-aside disbursements, and women and minority-owned business disparities.

Supervisor Hudgins asked to amend the motion to direct staff to report with information regarding how the County might conduct a disparity study to determine how the County measures and whether it should utilize what has been available to other jurisdictions around the region on a competitive basis for minority and women-owned businesses. This was accepted.

Following discussion, with input from Ms. Muse, regarding the name change, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to keep the name Fairfax County Small and Minority Business Enterprise Program. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

17. **A-6 – APPROVAL OF FINAL COMMUNITY IMPROVEMENT PROGRAM ASSESSMENTS FOR FAIRDALE (MASON DISTRICT)**  
(11:45 a.m.)

(Rs) On motion of Supervisor Gross, seconded by Supervisor Smyth, 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 adopted the Resolutions establishing the final assessments for the Fairdale Community Improvement Program project.

18. **A-7 – APPROVAL OF BUS SERVICE PLAN TO TRANSITION NON-REGIONAL METROBUS ROUTE 2W, LINE 12 ROUTES, AND LINE 20 ROUTES TO THE FAIRFAX CONNECTOR (BRADDOCK, DRANESVILLE, HUNTER MILL, SPRINGFIELD, AND SULLY DISTRICTS)** (11:45 a.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and adopt staff’s recommended Bus Service Plan for the Centreville, Chantilly, and Oakton areas and the recommended funding thereof. Supervisor Herrity and Supervisor Hudgins jointly seconded the motion.

Supervisor Herrity and Supervisor Frey thanked staff for their extensive efforts.

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

19. **A-8 – APPROVAL OF STRATEGIES TO MAINTAIN BEHAVIORAL HEALTHCARE AND OTHER PROGRAMS OF THE CENTER FOR MULTICULTURAL HUMAN SERVICES (CMHS)** (11:46 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and direct the County Executive and the Deputy County Executive to collaborate with CMHS and Northern Virginia Family Services to integrate, stabilize, and preserve critical behavioral health care services in the community. Supervisor Gross seconded the motion.

Discussion ensued, with input from Verdia Haywood, Deputy County Executive, regarding the process for financial monitoring and delivery of services.

Supervisor Hudgins amended her motion that the Board direct staff to provide a financial monitoring and progress report within one year.

Supervisor Gross asked to amend the amendment that the Board direct staff to provide the report within six months. This was accepted.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the timing for the report.

Discussion continued, with input from Mr. Haywood, regarding financing and grant opportunities.

Noting that he had previously requested information, Supervisor Frey asked unanimous consent that the Board direct staff to report with information regarding the efforts and funding provided by the County to all non-profit organizations within the County. Without objection, the request was reaffirmed.

Following further discussion, with input from Mr. Haywood, regarding grant funding, Supervisor Hyland expressed his concerns about the lack of information in the Board Agenda Item regarding:

- The current status of the organization.
- The funding already given to the organization.
- What needs to be done to put the organization in a position to merge.
- What is proposed to be done with the additional funding requested.

Following further discussion, with input from Mr. Haywood and Mr. Griffin, regarding funding, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the main motion, that prior to adoption of the Fiscal Year 2009 Budget, that the Board direct staff, as a condition of approval of this

item, to report with a plan of action to monitor all non-profit grant recipients to ascertain their solvency and financial accountability, which may include audits, independent reviews, and the like. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross clarified that the plan of action should include the monitoring schedule.

Following discussion, with input from Mr. Haywood, regarding obligations of the organization, Supervisor Bulova noted that it is not the organization that the County is trying to save, but the unique capabilities that the organization is able to provide.

Following discussion, with input from Mr. Haywood, regarding the timing of the merger and continuation of the delivery of services, Supervisor Smyth expressed her concern about cost effectiveness.

Following additional discussion, with input from Mr. Haywood and Mr. Griffin, regarding the organization and report timing, the question was called on the motion, as amended, and it carried by unanimous vote.

20. **A-9 – COMMENTS ON DRAFT AIR PERMIT FOR VIRGINIA CITY HYBRID ENERGY CENTER TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY** (12:34 p.m.)

Anthony H. Griffin, County Executive, announced that this item was withdrawn.

21. **I-1 – CONTRACT AWARD - GUNSTON COMMONS AND WELLINGTON 1 SEWAGE PUMPING STATION RENOVATIONS (MOUNT VERNON DISTRICT)** (12:35 p.m.)

The Board next considered an item contained in the Board Agenda dated February 25, 2008, requesting authorization for staff to award a contract to Alpha Construction Company, Incorporated, in the amount of \$227,000 for the construction of the Gunston Commons and Wellington 1 Sewage Pumping Station Renovations, Project Number I00351, Pumping Station Renovations, Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

22. **ORDERS OF THE DAY** (12:35 p.m.)

Chairman Connolly announced that the Board would recess and go into closed session and that Board Matters would be presented later in the meeting.

23. **RECESS/CLOSED SESSION** (12:35 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. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Record No. 07-2119 (United States Court of Appeals for the Fourth Circuit)
  - 2. *Carletta Alexander v. John T. Frey, et al.*, Court No. 1:07cv556 (E.D. Va.)
  - 3. *HBL, LLC v. County of Fairfax, Virginia, Board of Supervisors of the County of Fairfax, Virginia, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Case No. CL-2006-0015715 (Fairfax Co. Cir. Ct.); and *HBL, LLC v. Fairfax County Board of Zoning Appeals, Eileen M. McLane, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Case No. CL-2006-0015658 (Fx. Co. Cir. Ct.) (Providence District)
  - 4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Robert E. McKim and Alma S. McKim*, In Chancery No. 132298 (Fx. Co. Cir. Ct.) (Springfield District)

5. *William E. Shoup, Fairfax County Zoning Administrator v. Jenny O. Nguyen*, Case No. CH-2005-0002927 (Fx. Co. Cir. Ct.) (Providence District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sindia L. Johnston and Monticello Pump Service, Inc.*, Case No. CL-2007-0011606 (Fx. Co. Cir. Ct.) (Mason District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacinto Alcocer and Claudina Montano*, Case No. CL-2007-0011739 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Atilio A. Aguilar and Reina I. Segovia*, Case No. CL-2007-0014652 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richmond Highway, LLC*, Case No. CL-2007-0007958 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delia M. Reyes and Huber Bueno*, Case No. CL-2008-0000290 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne S. Kreiser*, Case No. CL-2008-0001585 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shahbaz H. Shaw*, Case No. CL-2008-0002099 (Fx. Co. Cir. Ct.) (Mount Vernon District)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelly Matos*, Case No. CL-2008-0001179 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daisy Hernandez*, Case No. CL-2008-0000404 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia, and Ronald L. Mastin, Fairfax County Fire Marshal v. Adela Cuellar Taylor*, Case No. CL-2008-0001917 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. 1997 Mobley Family Revocable Living Trust, et al.*, Case No. CL-2008-0002000 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar Solomon Villatoro, et al.*, Case No. CL-2008-0001699 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder S. Soto*, Case No. CL-2008-0001878 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
22. *Board of Supervisors of Fairfax County, Virginia, v. Parvis Azarmi-Por, et al.*, Case No. CL-2007-0012345 (Fx. Co. Cir. Ct.) (Springfield District)



And in addition:

- Zoning Ordinance Amendment Work Plan Regarding Adult Uses.

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

**DMS:dms**

At 2:34 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Herrity, and with Chairman Connolly presiding.

### **ACTIONS FROM CLOSED SESSION**

24. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:34 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 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.

25. **AMENDMENT TO THE COUNTY EXECUTIVE'S EMPLOYMENT AGREEMENT** (2:35 p.m.)

Supervisor Gross moved that the amended language in the County Executive's employment agreement be approved. Supervisor Gross stated that there was no material change from the existing agreement, but the amended language does clarify his compensation should he provide his own vehicle in lieu of the County providing him one. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Herrity being out of the room.

**NV:nv**

### **ADDITIONAL BOARD MATTERS**

26. **EMERGENCY PLANNING FOR ELECTIONS, PRECINCT WORKERS** (2:35 p.m.)

Chairman Connolly reminded the Board that the ice storm on Tuesday, February 12 created a series of challenges throughout Northern Virginia and the metropolitan region. Slick roadways contributed to a large number of accidents

and long travel delays – most notably causing traffic at the Springfield Interchange to come to a standstill in the heart of the evening rush hour. These treacherous conditions were a particular problem when citizens were being encouraged to show up at their local voting precincts to participate in an election, in this case the Republican and Democratic Presidential primaries.

Chairman Connolly noted receiving multiple reports of residents missing their opportunity to vote because they were caught in the ice-related back ups. Others were too worried about the icy conditions to venture out of their homes or work to vote in the first place. Those who did make it had to tread gingerly into the polling places, some of which were not properly treated with salt or sand.

Chairman Connolly said that in Virginia, a request to extend the voting hours was never formally made by either of the two statewide parties. Part of the issue had to do with the fact that the icy conditions were unique to Northern Virginia. It was nearly 60 degrees in the Hampton Roads area late that afternoon. He noted that even if a petition to the Circuit Court had been made, as required under State law, they might not have been able to find a judge in time to hear the request.

As everyone reflects on the events of that day, Chairman Connolly said that many questions come to mind about the management of the election process itself, and the advance preparations that were made by State and local election managers. As discussed earlier today, Chairman Connolly said that Governor Tim Kaine has initiated emergency legislation to allow for election hours to be extended in any county, city, or town if the Secretary of the State Board of Elections or the chair of either State political party petitions either the Richmond Circuit Court or the local Circuit Court. The emergency legislation is being jointly sponsored by Delegate Mark Cole of Fredericksburg (HB 1577) and Senator George Barker of Fairfax County (SB 796).

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board:

- Request the Fairfax County General Registrar and Electoral Board to refer any additional legislative remedies they see necessary beyond the Governor's proposed initiative to deal with emergencies on an election day to the Legislative Committee for consideration and distribution to the County's legislative delegation.
- Call on the Governor and the General Assembly to expedite the process of extending elections to allow *local* Electoral Boards to request the call to extend voting hours based on local weather, traffic, and voter-waiting issues.

Vice-Chairman Bulova seconded the motion, and discussion ensued on the motion and any resulting system of conveying the information to the precincts and the voters, long days for senior citizen poll workers, and the secure return of election materials, with input from Jackie Harris, General Registrar.

On behalf of the Board, Chairman Connolly expressed appreciation to Ms. Harris for a job well done, and he noted that she will be missed.

Vice-Chairman Bulova expressed appreciation to the election workers for their efforts.

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

27. **INVASIVE PLANT REMOVAL DAY** (2:48 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly asked unanimous consent that the Board proclaim April 12, 2008 as "*Invasive Plant Removal Day*" in Fairfax County and direct staff to invite the appropriate representatives from the Park Authority and any other appropriate representatives to appear before the Board to be recognized with the proclamation at the March 31 Board meeting.

Supervisor Gross asked to amend the request to ensure that participating community groups and volunteers be invited as well. Without objection, the request, as amended, was so ordered.

28. **MULTIPLE SCLEROSIS AWARENESS WEEK** (2:48 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly asked unanimous consent that the Board proclaim March 10-17, 2008, as "*MS Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives from the National Capital Chapter of the National Multiple Sclerosis Society to be recognized with the proclamation at the March 10 Board meeting. Without objection, it was so ordered.

29. **LANDSCAPE ARCHITECTS MONTH** (2:49 p.m.)

Chairman Connolly asked unanimous consent the Board proclaim April 2008 "*Landscape Architecture Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax County Park Authority and others as appropriate to be recognized with the proclamation at the March 31 Board meeting. Without objection, it was so ordered.

30. **BILL HUDSON DAY** (2:49 p.m.)

Chairman Connolly announced that Maestro Bill Hudson, the Fairfax Symphony Orchestra's (FSO) Music Director for 36 years, is retiring. Therefore, Chairman Connolly moved that the Board proclaim May 10, 2008, as "*Bill Hudson Day*" in Fairfax County in conjunction with his final performance and invite Mr. Hudson to be recognized with the proclamation at the May 5 Board meeting. Vice-Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Herrity being out of the room.

31. **TWENTIETH ANNUAL POTOMAC WATERSHED CLEANUP** (2:50 p.m.)

Chairman Connolly said that the Twentieth Annual Potomac Watershed Cleanup will be held on Saturday, April 5 from 9 a.m. until noon. He noted the importance of streams to the natural resource base of the County. The Fairfax Watershed network is an affiliation of dedicated organizations, agencies, and individuals that support and promote the improvement and protection of the County's streams and watersheds through outreach and education efforts.

Chairman Connolly said that the Alice Ferguson Foundation sponsors the cleanup and provides supplies. He said that last year 8000 volunteers across the region participated in the event, taking 291 tons of trash from the Potomac Watershed.

Jointly with Supervisor Gross, Chairman Connolly moved that the Board:

- Declare April 5 as "*Fairfax Clean Stream Day*" in Fairfax County.
- Reiterate its support of stream cleanup efforts throughout the region.
- Direct the Office of Public Affairs to disseminate this information to the public to encourage participation in this event.

Supervisor Gross seconded the motion.

Following discussion regarding the important efforts of the Alice Ferguson Foundation to make the Potomac River trash free by 2013, the question was called on the motion, which carried by a vote of nine, Supervisor Herrity being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

32. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR FOUST** (2:52 p.m.)

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

33. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR PAT HERRITY** (2:52 p.m.)

(NOTE: Earlier in the meeting, Supervisor Herrity left to attend a funeral on behalf of the Board. See Clerk's Summary Item #3.)

Chairman Connolly noted that no one had any Board Matters to present for Supervisor Herrity.

34. **REQUEST FOR FEDERAL FUNDING FOR THE FEDERAL WATERSHED PROGRAM (BRADDOCK AND SPRINGFIELD DISTRICTS)** (2:52 p.m.)

In a Board Matter prepared jointly with Supervisor Herrity, Supervisor Bulova said that during the 1970s and 80s, the County partnered with the Northern Virginia Soil and Water Conservation District, and the Soil Conservation Service [currently the Natural Resources Conservation Service (NRCS)] to design and construct six large flood control dams in the Pohick Creek watershed. These dams were designed to reduce flooding and provide water quality, wildlife habitat, and recreational benefits.

Supervisor Bulova said that recently, the NRCS implemented new standards for these types of dams to reduce the erosion of emergency spillways during large storms. In addition, the Commonwealth of Virginia recently modified the requirements to obtain operation and maintenance (O&M) permits for State-regulated dams. As a result, four dams (Royal Lake, Woodglen Lake, Lake Barton, and Huntsman Lake) require upgrades to obtain long-term O&M permits. The cost for each upgrade might be as high as \$3 million and is being split, 65 percent federal and 35 percent local.

To construct the required Royal Lake upgrades, Supervisor Bulova said that the County has received funding in excess of \$2 million through the Federal Watershed Programs. Joint projects are actively being pursued with the NRCS to complete Woodglen Lake and Lake Barton.

Supervisor Bulova said that President Bush's proposed Fiscal Year 2009 Budget has zeroed out funding for two of the three watershed program accounts, watershed operations and watershed planning, in the Federal Watershed Program. The proposed amount in the third account, watershed dam rehabilitation, is \$6 million, whereas the minimum adequate funding level for this important watershed account should be \$76 million.

Supervisor Bulova asserted that a lack of funding for this program, and the loss of 65 percent federal match opportunities, would have a significant financial impact on the County.

Therefore, on behalf of Supervisor Herrity and herself, Supervisor Bulova asked unanimous consent that the Board direct the County Executive, on behalf of the Board, to prepare and send letters of program funding support to the Congressional delegation, as well as the appropriate House and Senate committees and subcommittees.

Supervisor Gross asked to amend the request to courtesy copy all three of the Fairfax County Congressmen on the letter, copies of which were distributed to the Board, and this was accepted.

Chairman Connolly relinquished the Chair to Acting-Chairman Hyland and asked to amend the request to direct staff to prepare the letter for the signature of the chief elected official, and this was accepted.

Acting-Chairman Hyland returned the gavel to Chairman Connolly.

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

35. **NEIGHBORHOOD POOLS – ROUNDTABLE DISCUSSION SERIES (BRADDOCK DISTRICT)** (2:57 p.m.)

Supervisor Bulova reported that she recently convened a Braddock District Pools Roundtable Discussion Series to provide a forum to examine the difficulties some neighborhood pools are experiencing. She said that she is aware of two pools in Braddock that have “gone under,” unable to afford the costs of maintaining their older infrastructure and to attract sufficient membership.

Supervisor Bulova said that by all accounts, the series was very helpful and has resulted in a valuable networking opportunity for pool volunteers. She shared some of the recommendations and outcomes as follows:

- When attempting to build additions or make major repairs, pool volunteers shared that they often experienced expensive delays and difficulties going through the County's system. They were not aware of the County's Ombudsman for Religious and Community Groups, a service established several years ago by the Board to assist individuals with these kinds of projects. They were also not aware that they could avail themselves of a pre-submission conference which can help avoid costly misunderstandings.

Supervisor Bulova asked unanimous consent that Board direct that these programs be better advertised and promoted. Without objection, it was so ordered.

Supervisor Bulova expressed her appreciation to James Patteson, Jeff Blackford, Tom Nelson, and Tina Gum for their participation in the series. Dave Ellis, Fairfax County's Neighborhood and Community Building Coordinator, Office of the County Executive, gave the group some very helpful information about low

interest loans, grants, and financial assistance from several financial institutions. Some of these are Nations Community Bank, Bank of America, and others.

Noting that John Berlin of the Park Authority offered to host a Countywide seminar on pool management issues for community pools, Supervisor Bulova asked unanimous consent that the Board direct that this opportunity be widely advertised and promoted to neighborhood pool organizations. Without objection, it was so ordered.

Supervisor Bulova also noted that the group was very appreciative of having the participation of Kevin Greenlief, Director, Department of Tax Administration, in the discussions. In response to the request, Mr. Greenlief conducted extensive research of State law regarding tax status and potential opportunities for tax relief for pools that were built as a part of neighborhoods. Supervisor Bulova noted that he has identified language in State law which, in some circumstances, may provide opportunities for tax relief. He will be communicating this information when sending out tax assessment notices to pool organizations and letting them know what process they are required to take to apply for relief.

Discussion ensued regarding creative ways that pools have raised revenues such as allowing cellular telephone monopoles on their properties.

Supervisor Gross asked unanimous consent to also engage the Health Department because of the food service concessions. Without objection, it was so ordered.

Supervisor Bulova noted that Mr. Berlin's pool management seminar should also include lifeguarding and health regulations.

36. **LUTHERAN HOUSING SERVICES (BRADDOCK DISTRICT)** (3:03 p.m.)

Supervisor Bulova announced that Lutheran Housing Services, in partnership with Landmark, is building eight townhomes in the Burke Centre community and these homes are being built to universal design standards. The County is working with Lutheran Housing Services, Inova, and the Kellar Institute of George Mason University. There is interest in making these units available to veterans of the combat in Iraq and Afghanistan who may have been injured and disabled. Contracts are now being negotiated for those who may be interested in purchase. The project is located at the end of Oak Leather Drive in Burke. For more information, persons should call Lutheran Housing Services or Landmark Communities.

DMS:dms

37. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (3:05 p.m.)

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

38. **CLOSED RAMPS AND BRIDGES TO THE MIXING BOWL DUE TO SLEET AND FREEZING RAIN (LEE DISTRICT)** (3:05 p.m.)

Supervisor McKay reported that on February 12, 2008, sleet and freezing rain closed the ramps and bridges to the Mixing Bowl, effectively shutting down a good part of Lee District as well as the County's regional transportation network.

Supervisor McKay stated that ice is a fact of life in Northern Virginia, as are rapid shifts and changes in weather patterns and forecasts. He explained that during the planning stages for the Mixing Bowl construction, the Virginia Department of Transportation (VDOT) made the short-sighted decision to not include de-icing technology on the interchange's ramps and bridges, but did assure the County that during the winter months, equipment would be stationed on-site or close-in to handle any icing issues.

Supervisor McKay said that his approach falls far short of what is needed and he believes that VDOT needs to implement a formal policy change in how it responds to snow and ice forecasts for this critical interchange. Currently, when a forecast calls for ice and freezing rain, VDOT's stated policy, as set forth in its Northern Virginia Snow Removal publication, is to treat and plow high volume roads within 12 hours after a storm ends. He stated that that may make sense in the rest of Virginia, but it makes no sense for the County's congested Northern Virginia roads and certainly not for critical transportation interchanges such as the Mixing Bowl. Nor does it make sense for VDOT to attempt to get equipment to key interchanges once snow or freezing rain has already begun to fall. At that point, dangerous road conditions have already stalled traffic, making it difficult, if not impossible, to get equipment to where it is needed.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a letter for Chairman Connolly's signature emphasizing the Board's desire for a VDOT policy change and asking VDOT to report to the Board on changes to policy and operating procedures for handling snow and ice on the County's critical interchanges since the County cannot afford a replay of last week's shutdown. Without objection, it was so ordered.

39. **USE OF TECHNOLOGY FOR BOARDS, AUTHORITIES, AND COMMISSIONS (BACS) MEETINGS (LEE DISTRICT)** (3:07 p.m.)

(BACs) Supervisor McKay stated that on February 13, 2008, the day after the ice event that paralyzed the County's roads, the County cancelled the scheduled 5 p.m. Environmental Quality Advisory Council (EQAC) meeting at a time when appointees, including Supervisor McKay's own, were already on the road to the main government center where the meeting was to be held.

Supervisor McKay said that the County prides itself on using technology to make government more efficient, economical, and responsive to its citizens. That is all



the more reason why the County's appointees to BACs should not have to trek out to the main government center, especially when there is simple technology that can keep them off the roads. Video conferencing is a well established method for holding meetings and allowing individuals in far flung locations to actively participate just as they would if they were all sitting in the same conference room. This technology is not unknown to the County. Supervisor McKay went on to say that on February 12, 2008, he toured the new expanded courthouse facility and was impressed by how technology has been incorporated into this facility. He was particularly interested to learn that video conferencing is being used for, among other things, witness testimony. Surely, if video conferencing is acceptable to the court system, it ought to be acceptable to the County's citizen volunteers who faithfully offer their expertise to the County by serving on the County's BACs.

Moreover, video conferencing also offers advantages that meet the Board's stated priorities and would have far reaching financial, social, and policy effects. They include:

- Making the County more senior friendly. Many of the County's appointees are retired senior citizens who often find it unsafe to drive at night. With video conferencing, the County would continue to benefit from their experience and talents.
- Supporting the Cool Counties initiative. Fewer cars on the road conserves gasoline, lowers the carbon footprint, and improves air quality.
- Increasing volunteerism. In the fast-paced County, it is hard for people to find the time for work and family, much less volunteering. Removing some of the impediments (like long commutes on the County's congested roads) will make volunteering more attractive and more feasible to busy adults.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to provide the Board with an analysis of the options for using video conferencing for the County's meetings of BACs and provide a time frame and blueprint for implementing this new approach. Without objection, it was so ordered.

40. **TAX ASSISTANCE WORKSHOPS (LEE DISTRICT)** (3:10 p.m.)

Supervisor McKay stated that the Lee District would be hosting tax assistance workshops for seniors in the Community Room on March 21 and 27, 2008, from 10 a.m. to 2 p.m.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to publicize this event. Without objection, it was so ordered.

41. **BUDGET TOWN MEETINGS** (3:10 p.m.)

Chairman Connolly asked, that with all of the upcoming budget town meetings, that the Board keep Merni Fitzgerald, Director, Office of Public Affairs, informed of the meetings.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to prepare a list of the budget town meetings for the Board and to publicize the events. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

**PMH:pmh**

42. **RESTON HOSPITAL MAGNET AWARD (HUNTER MILL DISTRICT)** (3:11 p.m.)

Supervisor Hudgins said that for over 21 years, the Reston Hospital Center (RHC) has been a positive force in the community, exhibiting its mission – a passion for excellence and compassion in healthcare. It has expertly met the community's needs and has expanded its services and medical and technological capabilities year after year as the community has grown. In recognition of its commitment to excellence, RHC recently achieved the American Nursing Credentialing Center's Magnet status, an honor currently bestowed on only five percent of hospitals noted by the American Nurses Credentialing Center. RHC will be celebrating this notable achievement on March 4, 2008.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives of RHC to appear before the Board to be recognized for high standard of nursing excellence and community service. Without objection, it was so ordered.

43. **RESTON ASSOCIATION (RA) WATERESHED PLAN (HUNTER MILL DISTRICT)** (3:12 p.m.)

Supervisor Hudgins said that in April 2002, RA developed its own Watershed Plan to begin addressing the deterioration of streams on Reston community properties. While the Plan was funded by RA, implementation was found to be daunting. Charles Veatch of the Friends of Reston, in discussions with Wetland Solutions, began a process for identifying funding opportunities for this project.

On Tuesday, February 12, 2008, a groundbreaking ceremony took place for the beginning of the restoration and enhancement of the Snakeden Branch watershed. RA, Northern Virginia Stream Restoration LLC (NVSR), a subsidiary of Wetland Studies and Solutions Incorporation, and The Department of Public Work and Environmental Services (DPWES) collaborated to begin implementing this Plan.

RA worked closely with DPWES to address issues with site review regarding this new approach. RA and NVSR worked diligently and relentlessly in securing funding through the federally coordinated program known as stream mitigation banking. This program allows companies that impacted streams during the development of their land to buy credits from the NVSR Bank.

The restoration of the upper reaches of Snakeden Branch was part of a proffer associated with the United Christian Parish site approved by the Board on October 15, 2007. The developer coordinated with RA and the NVSR to permit the restoration on abutting property at 2222 Colts Neck Road. The Restoration Plan included the relocation of the existing pedestrian trail, supplemental landscaping, and restoration and stabilization of the stream.

The restoration of the entire 14 mile project is being coordinated by RA staff and the US Army Corps of Engineers, and the Virginia Department of Environmental Quality will oversee the project. During the first phase, there is a projected savings to the Reston residents of an estimated cost of \$65 to \$75 million.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives from RA, NVSR LLC, Friends of Reston, Wetland Solutions, United Christian Parish, and DPWES to appear before the Board to be commended for their creativity in securing funding, working diligently and relentlessly to educate residents and clusters, and coordinating efforts on this important environmental project. Without objection, it was so ordered.

44.

**EXPEDITED PUBLIC HEARING FOR PENDING PROFFERED  
CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN  
AMENDMENT APPLICATIONS FOR THE DUNN  
LORING/MERRIFIELD METRO CENTER (PROVIDENCE DISTRICT)**  
(3:15 p.m.)

Supervisor Smyth said that in late 2006 the Board approved the metro station mixed use redevelopment Rezoning/Final Development Plan Application RZ/FDP 2005-PR-039 and Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 88-P-030, Dunn Loring/Merrifield Metro Center. Subsequent to Board approval, the developer of the project was able to make some design refinements that require the submission of a PCA/FDPA to accommodate the improvements. Trammel Crow, the developer of the project, will be submitting the PCA/FDPA application as soon as possible and has requested expedited scheduling of the Board and Planning Commission public hearings to meet the metro garage construction schedule.

Therefore, Supervisor Smyth moved that the Board direct the Department of Planning and Zoning to schedule Planning Commission and Board public hearings for the first available dates once the PCA/FDPA application has been formally submitted and accepted by the County. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards,

and does not prejudice the consideration of the rezoning application in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

45. **PROVIDENCE DISTRICT SENIOR TAX RELIEF WORKSHOP**  
(3:16 p.m.)

Supervisor Smyth announced that her office will be hosting a senior tax relief workshop for the fifth year in a row on March 19 from 10 a.m. until 2 p.m.

The workshop will be held at the Providence District office located at 8739 Lee Highway, Fairfax, Virginia 22031. Residents are welcome to make an appointment for this event by calling the office at 703-560-6946.

Supervisor Smyth asked unanimous consent that the Board direct the Office of Public Affairs to publicize the workshop events as soon as possible. Without objection, it was so ordered.

46. **CAPITAL BELTWAY HIGH OCCUPANCY TOLL (HOT) LANES**  
(3:16 p.m.)

Supervisor Smyth said that a number of unresolved design details exist for the Capital Beltway HOT lanes project at a very late stage. She noted that these significant design issues, along with the belated notification to her about project changes that affect Providence District, leave her concerned about the HOT lanes project stakeholders' efforts to keep the Board and the Department of Transportation (DOT) staff informed of various developments.

Therefore, Supervisor Smyth moved that the Board direct DOT to:

- Clarify and further systematize its coordination with the HOT lanes project stakeholders to ensure effective and timely communications with the Board.
- Report on its efforts within 15 days.

Supervisor Hyland seconded the motion.

Following discussion, regarding coordination of transportation projects, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

47. **TWENTY-FIFTH ANNIVERSARY FOR THE DAR AL-HIJARAH ISLAMIC CENTER (MASON DISTRICT)** (3:22 p.m.)

Supervisor Gross announced that the Dar Al-Hijarah Islamic Center is celebrating its twenty-fifth anniversary on March 23. She asked unanimous consent that the Board direct staff to prepare a certificate of recognition in observance of its twenty-fifth anniversary for presentation at its dinner. Without objection, it was so ordered.

48. **BYLAWS FOR BOARDS, AUTHORITIES, AND COMMISSIONS (BACs)** (3:22 p.m.)

(BACs) Supervisor Gross said that Board has appointed a total of 86 BACs. Currently many of these entities do not have their own bylaws. In establishing a unified set of bylaws used by BACs where none currently exist, the Board will be able to increase the clarity of purpose of these groups and facilitate transparent participation by interested members of the public.

Therefore, Supervisor Gross moved that the Board direct the Clerk to use time during training sessions for staff liaisons to begin developing a set of "basic" bylaws for the County's BACs. These basic bylaws would then be presented to the Board for approval. Pending the approval of those bylaws, they could be applied to all the BACs that have not developed and adopted their own bylaws. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

49. **SIXTIETH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF THE FAIRFAX AREA (LWVFA)** (3:23 p.m.)

Supervisor Gross said that this year will mark the Sixtieth Anniversary of the LWVFA. This non-partisan political organization seeks to inform themselves, legislators, and the general public on the range of local, State, regional, and federal issues. They hold candidate debates and community forums on important issues, and publish a Voter's Guide to help inform citizens about candidates and election issues.

Sixty years of encouraging civic engagement in the political process is an important milestone that deserves to be recognized. The LWVFA will display a series of exhibits in the regional libraries from April through September of this year. One such exhibit will be unveiled at the George Mason Regional Library on April 16, from 7 p.m. until 8 p.m.

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

- The Office of Public Affairs and the Public Library system to publicize these exhibits so that residents, businesses, and local

cultural and social organizations will have a greater opportunity to experience these exhibits.

- Staff to invite LVFA to appear before the Board in April.

Without objection, it was so ordered.

50. **GIRL SCOUT WEEK** (3:25 p.m.)

Supervisor Gross said that despite the stereotype of Girl Scouts selling cookies, or Boy Scouts helping little old ladies across the street, scouting provides good role models for young people, leadership development, decision-making opportunities for both the individual and the group, and community service. Scouting produces fine young men and women who have developed the ethics and outstanding qualities to be leaders of tomorrow.

The first Girl Scout Troop was founded on March 12, 1912, by Juliette Gordon Low, in Savannah, Georgia. The Girl Scouts was chartered by the US Congress on March 16, 1950. Today, Girl Scouts' membership has grown from 18 members to 3.7 million members throughout the US, including US territories, and in more than 90 countries through USA Girl Scouts Overseas.

This March the Girls Scouts will be celebrating its ninety-sixth anniversary.

Therefore, Supervisor Gross asked unanimous consent that the Board proclaim the week of Sunday, March 9, 2008, through Saturday, March 15, 2008, as "*Girl Scout Week*" in Fairfax County and direct staff to invite representatives from the Girl Scout Council of the Nation's Capital and local Girl Scout troops to be recognized with the proclamation at the March 10 Board meeting. Without objection, it was so ordered.

There was a brief discussion, with input from Catherine Chianese, Assistant County Executive, regarding scheduling.

51. **RECOGNITION OF JUDITH ROSEN, DIRECTOR, OFFICE FOR CHILDREN** (3:26 p.m.)

Supervisor Gross said that "*A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove., but the world may be different because I was important in the life of a child.*" This quote is paraphrased from an essay of Dr. Forest E. Witeraft, a Boy Scout Executive, published in the October 1950 issue of Scouting Magazine.

Judith Rosen, Director, Office for Children, Department of Family Services, was awarded the 2008 Outstanding Service to Children Award from the Virginia Association for Early Childhood Education (VAECE). This award is presented to an individual who has made a significant contribution to the education and

development of young children in Virginia.

Supervisor Gross said that Ms. Rosen was the founding director of the Office for Children when it was established by the Board in 1975. Under her tenure as director for slightly more than 30 years, the Office for Children has positively impacted an estimated 500,000 children.

Therefore, Supervisor Gross moved that the Board applaud Ms. Rosen for her leadership and efforts with the Office of Children and thank her for her service to the community. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

52. **VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) DECISION TO LOWER RICHMOND HIGHWAY'S SPEED LIMIT (LEE AND MOUNT VERNON DISTRICTS)** (3:28 p.m.)

Jointly with Supervisor McKay, Supervisor Hyland said that recently they learned that VDOT has decided to lower the speed limit on Richmond Highway in the County from 45 miles per hour to 35 miles per hour from the City of Alexandria line south to near Old Mill Road. VDOT already scheduled the change to begin on March 10, 2008. These recommendations are based on a VDOT report entitled the "Northern Region Traffic Engineering Study," completed in September 2007. He said that they have serious concerns about the lack of public involvement in VDOT's decision making process. He added that they are also concerned about the conclusions and subsequent recommendations made by this study.

Supervisor Hyland stated that until last week, there was no communication between VDOT and the Department of Transportation (DOT). It was only at the urging of DOT that the State contacted both the Mount Vernon and Lee districts to deliver the study's recommendations. VDOT never advised the local police substation, who is opposed to the lowering of Richmond Highway's speed limit, or any citizen group representing people who use Richmond Highway every day. He said that they are also not aware of any contact between VDOT and the relevant State delegates and senators. This is not how a public agency should operate when it considers making a change affecting thousands of drivers on a daily basis. He expressed the opinion that VDOT should defer its final decision on this recommendation until the completion of planned pedestrian improvements and the completion of the Richmond Highway Transit Study. He said that any speed limit decision should only be made in the context of the completion of these two important transportation objectives. Public input is also crucial and should include the opinion and recommendations of local homeowner and civic associations, the affected police substations, DOT, the Transportation Advisory Commission, and the appropriate State leaders. He added that the analysis of other pending traffic and pedestrian studies, with the vetting by the local community, is the best way to proceed before making a final decision.

Supervisor Hyland said that it is also important to determine if the speed limit reductions recommended by VDOT will be effective in reducing pedestrian and vehicle crashes. The “Northern Virginia Traffic Engineering Speed Study” does not provide proof that a decreased speed limit is needed or productive. There are no similar studies cited with such results, and the link between speed and accident data is entirely corollary.

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

- Send a letter be sent to the Secretary of Transportation Pierce Homer stating the County’s request that this decision be deferred until pending Richmond Highway objectives are completed, and there is comment and outreach to the involved local parties.
- To refer the “Northern Region Traffic Engineering Study,” on which these recommendations are based, to DOT for review and comment.

Chairman Connolly seconded the motion.

Chairman Connolly relinquished the Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to meet with VDOT regarding the importance of communication with the Board and report their findings. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion continued, with input from Anthony H. Griffin, County Executive.

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

53.

**BELLE HAVEN WATERSHED FLOOD DAMAGE REDUCTION STUDY  
FEDERAL APPROPRIATION REQUEST (MOUNT VERNON DISTRICT)**

(3:34 p.m.)

Supervisor Hyland said that in September of 2003 a nine foot tidal surge from Hurricane Isabel inundated the Belle View and New Alexandria subdivisions of the County displacing hundreds of residents and caused millions of dollars in damages. Afterward, the County contracted with the US Army Corps of Engineers to study flood damage reduction in the Belle Haven watershed. The investigation is finally complete and the Corps of Engineers and Stormwater Planning staff have a five percent concept plan which will be presented to the community on March 18. Staff determined that a floodwall/levee combination, with a pumping station for interior drainage, would be feasible and cost-effective at an estimated cost of \$12.7 million. Unlike the Huntington Flood Study, the



Belle Haven study has a positive benefit cost ratio so it qualifies for funding as a Federal Project.

However, the project was not included in the Board's Federal Appropriation's request in December of 2007. The Congress is scheduled to begin appropriation discussion in early March and the Congressional delegation requests that all appropriation requests be submitted and endorsed by the Board prior to March 1.

Therefore, Supervisor Hyland asked unanimous consent that the Board:

- Support a request for a Federal appropriation to help fund a civil works project in the Belle Haven watershed.
- Direct staff to send the letter contained in his written Board Matter to the Congressional delegation advising them of the Board's request.

Without objection, it was so ordered.

54. **MOUNT VERNON COUNCIL RESOLUTION ON UNWANTED NEWSPAPER DELIVERY (MOUNT VERNON DISTRICT)** (3:36 p.m.)

Supervisor Hyland said that he received a resolution from the Mount Vernon Council requesting assistance to prohibit the delivery of unsolicited materials on private property, namely newspapers. Three years ago, the County Attorney rendered an opinion stating while a complete ban on the distribution of newspapers is unconstitutional; a prohibition of delivery where the private property owner has explicitly directed the publisher to stop such deliveries is constitutional. However, the County does not have enabling legislation from the State.

Therefore, Supervisor Hyland asked unanimous consent that the Board add a request for enabling authority to the Legislative Committee's agenda when the Board discusses its 2009 priorities. Without objection, it was so ordered.

Discussion ensued regarding the proposal, Supervisor Gross asked unanimous consent that the Board direct staff to research the request to determine if there will be an opportunity to move forward on this. Without objection, it was so ordered.

55. **BUDGET QUESTION – DETERMINING THE FISCAL IMPACT ON THE FISCAL YEAR 2009 BUDGET IF TAX RELIEF ASSET LIMITS ARE RAISED TO \$540,000** (3:37 p.m.)

Supervisor Hyland said that in 2006 the General Assembly passed legislation that allows local jurisdictions to raise tax relief asset limitations from \$340,000 to \$540,000. Subsequently, the Mount Vernon Council's Budget Committee

performed an exhaustive review of the impacts if the limit were raised and supported its increase.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to determine the impact on the County Executive's proposed budget if the Board were to amend the Code of the County of Fairfax and raise asset limits to \$540,000 and report their results. Without objection, it was so ordered.

56. **MOUNT VERNON'S TWENTY-FIRST ANNUAL TOWN MEETING SURVEY RESULTS (MOUNT VERNON DISTRICT)** (3:39 p.m.)

Supervisor Hyland said that every year at the Mount Vernon District Town meetings the Electoral Board allows him to pose a survey to the attendees. He noted that the results were included with his written Board Matter.

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**AGENDA ITEMS**

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-MA-013 (PNC BANK, NA) (MASON DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-024 (PNC BANK, NA) (MASON DISTRICT)** (3:39 p.m.)

(NOTE: On January 28, 2008, the Board deferred the public hearing on these items until February 25, 2008.)

The application property is located at 3516 South Jefferson Street, Tax Map 62-1 ((1)) 16E.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg 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 Amendment Application SEA 97-M-024, subject to the development conditions dated January 3, 2008.
- Approval of the 20 percent parking space reduction request associated with Special Exception Amendment Application SEA 97-M-024.
- Modification of the open space requirement associated with Special Exception Amendment Application SEA 97-M-024, subject to the development conditions.

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2007-MA-013, subject to the development conditions dated February 22, 2008.
- Waiver of the loading space requirement associated with Special Exception Application SE 2007-MA-013.
- Modification of the requirement associated with Special Exception Application SE 2007-MA-013 to construct a major paved trail along the frontage of Leesburg Pike in favor of a six-foot wide walkway with interlocking pavers, in accordance with the Leesburg Pike and Columbia Pike Streetscape Design Guidelines.

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SU-012 (PATRICE E. MCGINN) (SULLY DISTRICT) (3:49 p.m.)**

(NOTE: On January 28, 2008, the Board deferred the public hearing on this item until February 25, 2008.)

The application property is located at 11928 Waples Mill Road, Tax Map 46-1 ((1)) 32.

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

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion ensued, with input from St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, (ZED), Department of Planning and Zoning, (DPZ), and Mr. Martin, regarding the impact on the existing trees and vegetation on the site.

Following the public hearing, Mr. Williams presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2007-SU-012, subject to the development conditions dated February 21, 2008. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Catherine Lewis, Senior Staff Coordinator, ZED, DPZ, regarding what would be considered to be beyond intent of the special exception statute in terms of reduction of lot wood.

The question was called on the motion, which **CARRIED** by a recorded vote of seven, Supervisor Foust voting “NAY,” Supervisor Smyth abstaining, Supervisor McKay being out of the room.

59. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-S-053 (VIRGINIA ELECTRIC AND POWER COMPANY) (SPRINGFIELD DISTRICT)** (4:06 p.m.)

The application property is located at 13100 Moore Road, Tax Map 55-3 ((1)) 31A.

Mr. John Gattuso reaffirmed the validity of the affidavit for the record.

Mr. Gattuso 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.

Mr. Phil Sparks, Senior Manager, Dominion Virginia Power, provided details on the project.

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

Supervisor Herrity moved:

- Approval of Special Exception Amendment Application SEA 81-S-053, subject to the development conditions dated January 29, 2008.
- Modification of the transitional screening and barrier requirements to allow the use of existing vegetation, as shown on the SE Plat.

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

60. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-6-3, RELATING TO THE CONTROL OF THE COUNTY DEFERRED COMPENSATION PLAN** (4:17 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 February 7 and February 14, 2008.

Edward L. Long, Jr., Deputy County Executive and Chief Financial Officer, presented the staff report.

Discussion ensued, with input from Mr. Long, regarding clarification of who constitute members in charge of the County's Deferred Compensation Plan.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), relating to the control of the County Deferred Compensation Plan. Supervisor Bulova seconded 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.

61. **3:30 P.M. – PH TO CONSIDER AN ORDINANCE TO APPROVE A JOINT EXERCISE OF POWERS AGREEMENT THAT PROPOSES TO CREATE A TRUST FUND TO PROVIDE FOR THE COSTS OF POST-EMPLOYMENT BENEFITS OTHER THAN PENSIONS** (4:22 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 7 and February 14, 2008.

Edward L. Long, Jr., Deputy County Executive and Chief Financial Officer, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Ordinance approving a joint exercise of powers agreement for the creation of the Virginia Pooled Other-Post Employment Benefits (OPEB) Trust Fund in cooperation with the Virginia Municipal League/Virginia Association of Counties Finance Program and other jurisdictions in the Commonwealth of Virginia. Supervisor Bulova seconded 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.

62. **4 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT S07-CW-4CP ON STREAM PROTECTION** (4:24 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 February 7 and February 14, 2008.

Noel Kaplan, Senior Environmental Planner, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Mr. Kaplan and Shannon Curtis, Ecologist, Storm Water Planning Division, Department of Public Works and Environmental Services, regarding buffer protection.

Following the public hearing, which included testimony by five speakers, Mr. Kaplan presented the staff and Planning Commission recommendations.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of Policy Plan Amendment S07-CW-4CP, as recommended by the Planning Commission, which would provide general policy support for the protection and restoration of streams and buffers upstream of Resource Protection Areas and Environmental Quality Corridors. Supervisor Gross, Supervisor McKay, and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

63. **4 P.M. – PH ON A PROPOSAL TO ABANDON PART OF THE RIGHT-OF-WAY OF POPLAR TREE ROAD (SULLY DISTRICT)** (5:05 p.m.)

Supervisor Frey moved that the Board defer the public hearing on a proposal to abandon part of the right of way of Poplar Tree Road until **April 28, 2008, at 5 p.m.** The motion was multiply seconded and it carried by a vote of eight, Supervisor Herrity and Supervisor McKay being out of the room.

64. **4 P.M. – PH ON A PROPOSAL TO ABANDON PART OF THE RIGHT-OF-WAY OF PENIWILL DRIVE (MOUNT VERNON DISTRICT)**  
(5:06 p.m.)

Supervisor Hyland moved that the Board defer the public hearing on a proposal to abandon part of the right-of-way of Peniwill Drive until **March 31, 2008, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

65. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE WHITE OAKS COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:06 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 February 7 and February 14, 2008.

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

Supervisor Herrity submitted items for the record.

Following the public hearing, which included testimony by two speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the White Oaks CPD, in accordance with current CPD restrictions. The proposed establishment encompasses Shiplett Boulevard from Burke Lake Road to Andromeda Drive. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland being out of the room.

66. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE PINWOOD GREENS COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)** (5:12 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 February 7 and February 14, 2008.

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

Supervisor Smyth stated that she had submitted items for the record.

Following the public hearing, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Pinewood Greens CPD, in accordance with current CPD restrictions. The proposed establishment encompasses Hyson Lane from Lee Highway to the cul-de-sac inclusive; Snead Lane from Hyson Lane to Mary Street. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Foust, Supervisor Herrity, and Supervisor Hyland being out of the room.

67. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE ORANGE HUNT COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:14 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 February 7 and February 14, 2008.

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

Supervisor Herrity submitted items for the record.

Following the public hearing, which included testimony by two speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Orange Hunt CPD, in accordance with current CPD restrictions. The expansion encompasses Game Lord Drive, the entire length; Field Master Drive, from Sydenstricker Road to Conservation Drive; and Conservation Drive, from Antelope Place to Brian Michael Court. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland being out of the room.

68. **5 P.M. – PUBLIC COMMENT FROM COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:21 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 February 7 and February 14, 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 there were no speakers.

69. **BOARD ADJOURNMENT** (5:22 p.m.)

The Board adjourned.

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