



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

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

**MONDAY  
May 5, 2008**

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**11-08**

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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, May 5, 2008, at 9:38 a.m., there were present:

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

Supervisor Michael Frey, Sully District, arrived at 9:41 a.m.

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

**BOARD MATTERS**1. **ORDERS OF THE DAY** (9:38 a.m.)

Chairman Connolly announced that today was Cinco de Mayo as well Police Officers' Memorial Day for its fallen officers. He noted that there would be remembrances the entire week including today's memorial service. He asked that the Board be mindful during its deliberations as it would need to recess at 11:10 a.m. to be on time to honor the County's fallen officers.

2. **MOMENT OF SILENCE** (9:38 a.m.)

Chairman Connolly asked everyone to keep in thoughts the County's fallen officers.

**AGENDA ITEMS**3. **PROCLAMATION DESIGNATING MAY 11–17, 2008, AS "POLICE WEEK" AND MAY 15, 2008, AS "PEACE OFFICERS MEMORIAL DAY" IN FAIRFAX COUNTY** (9:39 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate:

- May 11–17, 2008, as "*Police Week*" in Fairfax County to honor those women and men for their vital public service.
- May 15, 2008, as "*Peace Officers Memorial Day*" in Fairfax County to honor those police officers and sheriff's deputies who made the ultimate sacrifice in service to the community including Deputy Sheriff George A. Malcolm; Police Officer Karen Bassford; Special Police Officer Hendrik "Sandy" Gideonse; Captain Tommy Bernal; Detective Vicky O. Armel; and Master Police Officer Michael E. Garbarino.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following remarks by Dave Rohrer, Chief of Police; Supervisor Frey, who requested the designation, stated that an open house at the Sully District office this past Saturday clearly demonstrated the special relationship between the community and the Police Department. He noted that hundreds of citizens attended to thank the officers for their efforts, express their sadness at the losses the department had suffered, but most importantly just to share the day with them.

4. **PROCLAMATION DESIGNATING MAY 17, 2008, AS "ANGELMAN SYNDROME AWARENESS DAY" IN FAIRFAX COUNTY** (9:49 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 17, 2008, as "*Angelman Syndrome Awareness Day*" in Fairfax County and urged all residents to learn about the syndrome and participate in activities that would lead to a greater understanding of this genetic disorder. Supervisor Bulova seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 2008 AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (9:58 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2008 as "*Older Americans Month*" in Fairfax County and urged all residents to promote and participate in activities that encouraged and enhanced opportunities for older adults. Supervisor Gross seconded the motion and it carried by unanimous vote.

**ADDITIONAL BOARD MATTER**

**Regional Chamber of Commerce award presented to Ms. Patricia Williams**

Supervisor Hudgins commended Patricia Williams, a member of the Long-Term Care Coordinating Council and the group being presented the proclamation, on being the recipient of a Regional Chamber of Commerce award for her dedication to the Council, which Supervisor Hudgins noted was just one part of the many great things that she does in the community. Chairman Connolly also congratulated Ms. Williams on behalf of the Board.

6. **PROCLAMATION DESIGNATING MAY 16, 2008, AS "BIKE TO WORK DAY" IN FAIRFAX COUNTY** (10:05 a.m.)

Chairman Connolly announced that this proclamation was requested by the entire Board but that the effort was led by Supervisor Hudgins who moved approval of the Proclamation to designate May 16, 2008, as "*Bike to Work Day*" in Fairfax County. Supervisor Bulova, Supervisor McKay, and Supervisor Smyth jointly seconded the motion.

Discussion ensued concerning the Dulles Rail Project and access to transit stations by cyclists, the growth of the event in the past four years, and the transition from biking being considered recreational to transit-oriented.

(NOTE: Later in the meeting, Chairman Connolly presented a Board Matter regarding Bike to Work Day. See Clerk's Summary Item #32.)

Supervisor McKay noted that at the Pedestrian Safety news conference last week, a telling example of how far the County had come in working with the Virginia Department of Transportation was comparing the Springfield Mixing Bowl Project, which has virtually no bicycle or pedestrian facilities, to the Woodrow Wilson Bridge Project area, which, as a result of the County's advocacy, has dramatic pedestrian and bicycle enhancements.

Chairman Connolly reminded the Board that as part of its comprehensive bicycle initiative, the County was about to print its first-ever bicycle map and noted that it had been requested by the Chairman of the US House of Representatives Committee on Transportation. In addition, he stated that the bus fleet had been retrofitted to carry bicycles and that the County was also in the process of connecting trails and pedestrian sidewalks. He further noted that a member of his staff, Zach Fields, was an avid cyclist who regularly cycled to meetings on his behalf.

7. **PROCLAMATION DESIGNATING MAY 10, 2008, AS "BILL HUDSON DAY" IN FAIRFAX COUNTY** (10:15 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 10, 2008, as "*Bill Hudson Day*" in Fairfax County and congratulated him on:

- Numerous achievements with the Fairfax Symphony Orchestra.
- Outstanding leadership in the community.
- Artistic contributions to the quality of life in the County.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **PROCLAMATION DESIGNATING MAY 6-12, 2008, AS "NURSE'S WEEK" IN FAIRFAX COUNTY** (10:22 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 6-12, 2008, as "*Nurse's Week*" in Fairfax County and urged all residents to celebrate nursing's accomplishments and efforts to improve the County's health care system. Supervisor Bulova, Supervisor Gross, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

9. **PROCLAMATION DESIGNATING MAY 2008 AS "COMMUNITY ACTION MONTH" IN FAIRFAX COUNTY** (10:31 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 2008 as "*Community Action Month*" in Fairfax County and acknowledged the continuing role of community action in collaborating with County agencies, nonprofit organizations and the private sector to provide economic and social opportunities that make a positive difference in the lives of residents with low income, ameliorate the effects of poverty, and promote self-sufficiency. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

**EBE:ebe**

10. **10 A.M. – PRESENTATION OF THE "FINAL REPORT OF THE GIRLS' FASTPITCH SOFTBALL EQUITY ACTION PLAN REVIEW TEAM"** (10:36 a.m.)

Emily McCoy, Chair and Lee District Representative, Commission for Women, presented the Final Report of the Girls' Fastpitch Softball Equity Action Plan Review Team. She also recognized Department of Community and Recreational Services staff: Karen Avvisato, Supervisor, Athletic Services Division; Jesse Ellis, Branch Manager, Athletic Services; and Lisa Woolfrey, Administrative Assistant, for all their help.

Supervisor McKay moved approval of the recommendations of the Softball Equity Action Plan Review Team, as shown on page 9 of the report, with the exception that Item One be directed to County staff for a full and complete fiscal impact of the associated cost. Supervisor Bulova seconded the motion.

Supervisor Gross noted that the report should be edited for accuracy regarding the District listings for some of the parks and schools.

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

**DMS:dms**

11. **ADMINISTRATIVE ITEMS** (10:53 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

**ADMIN 1– STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, HUNTER MILL, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)**

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

| <b><u>Subdivision</u></b>                       | <b><u>District</u></b> | <b><u>Street</u></b>   |
|---|------------------------|--|
| King’s Park Shopping Center                     | Braddock               | Burke Lake Road<br>(Route 645)<br>(Additional ROW Only)  |
| Wolf Trap Downs                                 | Hunter Mill            | Drewlaine Drive<br>(Route 1545)<br><br>Best Bower Court  |
| The Pavillion at Huntington<br>Metro Townhouses | Mount Vernon           | North Kings Highway<br>(Route 241)<br>(Additional ROW Only)<br><br>Fort Drive<br>(Route 1601)<br>(Additional ROW Only) |
| Hampton Estates                                 | Springfield            | Crofton Green Drive<br><br>Braddock Road<br>(Route 620)<br>(Additional ROW Only)                                       |
| MP Centreville Venture                          | Sully                  | Upperidge Drive<br>(Route 8349)<br><br>Centreville Road<br>(Route 28)<br>(Additional ROW Only)                         |

**ADMIN 2 – APPROVAL OF PROPOSED STREET NAME CHANGE OF ANNANDALE CENTER DRIVE TO TOM DAVIS DRIVE (BRADDOCK DISTRICT)**

Approved a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for a portion of Annandale Center Drive to Tom Davis Drive effective 30 days following approval, in accordance with Section 102-1-9 of the Code of the County of Fairfax, Virginia.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Robinson RPPD, District 17 (Braddock District). The proposed district expansion includes the following street block faces:

- Sideburn Road (Route 653) west side from Stallworth Court (Route 6995) to Braddock Road (Route 620).
- Sideburn Road east side from Stallworth Court to 4909 Sideburn Road.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE GOLF COURSE SQUARE COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Golf Course Square CPD, in accordance with current CPD restrictions.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE BURKE STATION SQUARE COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Burke Station Square CPD, in accordance with current CPD restrictions.

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

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Hillside CPD, in accordance with current CPD restrictions.

**ADMIN 7 – APPROVAL OF A MULTI-WAY STOP AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)**

- Approved a multi-way stop at the intersection of Olney Road and Lisle Avenue.
- Directed staff to request the Virginia Department of Transportation to install the approved measures as soon as possible.

**ADMIN 8 – AUTHORIZATION OF A PUBLIC HEARING ON A PROPOSAL TO ABANDON PART OF THE RIGHT-OF-WAY OF SANGER STREET (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2008, at 4 p.m.** to consider a proposal to abandon part of the right-of-way of Sanger Street.

**ADMIN 9 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) THROUGH THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT**

Authorized FCPD to apply for and accept funding, if received, from the DHS 2007 UASI through the Virginia Department of Emergency Management. Funding in the amount of \$255,729 will be used by the Police Department to coordinate training and other assistance to enhance security and overall preparedness of neighboring locations through the Assessment of Criminal Areas Management System project.



**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING THE EMPLOYEES’, POLICE OFFICERS, AND UNIFORMED RETIREMENT SYSTEMS – EXTENSION OF THE DEFERRED RETIREMENT OPTION PROGRAMS (DROP)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), regarding the Employees’, Police Officers, and Uniformed Retirement Systems to permit enrollment in DROP up to December 31, 2013.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING THE EMPLOYEES’ RETIREMENT SYSTEM – TECHNICAL CORRECTION TO COMPLY WITH IRS REGULATIONS REGARDING MANDATORY PAYMENTS OF REFUNDS TO FORMER EMPLOYEES**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 2, 2008, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), regarding amending the Employees’ Retirement System for the purpose of requiring completed applications before issuing payments of refunds to non-vested former employees.

**ADMIN 12 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO APPLY FOR AN ALLOCATION OF SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) MORTGAGE FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)**

Authorized HCD, on behalf of the Fairfax County Redevelopment and Housing Authority, to apply for an allocation of up to \$18 million in SARC mortgage funds from VHDA.

**ADMIN 13 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MASON AND SPRINGFIELD DISTRICTS)**

| <u>Application Number</u> | <u>Description</u>   | <u>New Date</u> |
|---------------------------|--|-----------------|
| FSA-M97-15-2              | Sprint-Nextel<br>Add dish antennas to rooftop<br>6200 Wilson Boulevard<br>(Mason District) | July 12, 2008   |

| <u>Application Number</u> | <u>Description</u>   | <u>New Date</u> |
|---------------------------|--|-----------------|
| FS-S08-5                  | T-Mobile Northeast LLC<br>Antenna colocation on existing<br>transmission tower<br>Near Compton Road<br>(Springfield District)          | July 13, 2008   |
| 2232-M07-11               | Nextel Communications of the Mid-<br>Atlantic, Incorporated<br>90-foot monopole (flagpole)<br>6501 Montrose Street<br>(Mason District) | July 14, 2008   |

12. **A-1 – APPROVAL OF A MODIFICATION TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) FIRST PRIORITY TRUST LOAN TO CHESTERBROOK RESIDENCES, INCORPORATED FOR THE DEVELOPMENT OF CHESTERBROOK RESIDENCES TO REFLECT INCREASE OF THE LOAN AMOUNT AND SUBORDINATION OF EXISTING FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) DEEDS OF TRUST TO SUCH AN INCREASED FIRST TRUST LIEN AMOUNT (DRANESVILLE DISTRICT) (10:54 a.m.)**

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the increased amount of the VHDA loan and the subordination of the existing FCRHA loans to the increased first trust lien amount. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Louise Milder, Associate Director, Real Estate Finance and Grants Management (REFGM), Department of Housing and Community Development (HCD), concerning the:

- Impact of the increased amount of the VHDA loan on the debt ratios.
- Projected rents coming into this project.
- Date of the last rent projections.

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

13. **A-2 – ADOPTION OF THE MIDDLE POTOMAC WATERSHEDS MANAGEMENT PLAN (DRANESVILLE AND PROVIDENCE DISTRICTS)** (10:55 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Middle Potomac Watersheds Management Plan. Supervisor Herrity seconded the motion.

Supervisor Smyth noted that the Middle Potomac Watersheds would be impacted by the high-occupancy toll (HOT) lane project and asked unanimous consent that the Board direct staff to provide more information and coordinate with the HOT lanes staff. Without objection, it was so ordered.

Chairman Connolly noted that 80 percent of the Tysons Corner area is without stormwater controls.

Supervisor Smyth asked unanimous consent that the Board direct staff to examine the role developers play in redevelopment and stormwater management. Without objection, it was so ordered.

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

14. **A-3 – TESTIMONY FOR PUBLIC HEARING ON COMMONWEALTH OF VIRGINIA'S SIX-YEAR IMPROVEMENT PROGRAM FOR INTERSTATE, PRIMARY, AND URBAN HIGHWAY SYSTEMS AND PUBLIC TRANSPORTATION FOR FISCAL YEAR (FY) 2009 THROUGH FY 2014** (10:59 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the letter to Commonwealth Transportation Secretary Pierce Homer, transmitting the recommendations of the Board and emphasizing its concerns regarding allocations to Interstate, Primary, and Urban Highway Systems and Public Transportation projects, facilities, and services. Supervisor Hudgins seconded the motion.

Supervisor Foust said that as shown in the State's Draft FY09 through FY14 Program for interstate and Primary Highways, the VDOT project to widen Route 7, which has been in the design phase for several years, now needs an additional \$8.7 million to proceed with the initial segment of construction between Rolling Holly Drive and Reston Avenue. Staff has suggested the use of the County's commercial and industrial property tax proceeds for transportation as a potential source of the bulk of this funding shortfall to allow the construction of this segment to proceed on schedule.

Since the Board endorsed the project design for Route 7 from Rolling Holly Drive to Reston Parkway on August 4, 2003, the Reston Avenue to Reston Parkway portion of the project has been removed from the initial construction phase due to earlier project cost increases. This reduction in project scope has reignited substantial community opposition to the construction of extended dual left turn lanes, proposed as part of the project, from eastbound Route 7 onto Georgetown Pike, which is a scenic byway. The community is concerned that terminating the initial Route 7 widening at Reston Avenue, a very short distance to the east of Georgetown Pike, will further encourage eastbound traffic from Maryland and Loudoun County to utilize Georgetown Pike as an alternate to Route 7.

Therefore, to address this community concern and to keep the Rolling Holly Drive to Reston Avenue project segment moving forward, Supervisor Foust asked to amend the motion to:

- Endorse using \$8 million from the County's commercial and industrial property tax proceeds to fund the bulk of the identified funding shortfall on this segment subject to the condition that VDOT revises the design to only extend the single left turn lane from eastbound Route 7 to Georgetown Pike as part of the construction.
- Direct staff to request VDOT not proceed to construct dual left turn lanes at this location until such time as (1) a detailed analysis of the need for the dual left turn lanes has been conducted and reviewed in detail with the Board and (2) Route 7 has been widened to six lanes further to the east, at least to Reston Parkway, as initially planned.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation (DOT), regarding the:

- Financial impact that would result from the amended motion.
- Existing list of projects that would be impacted.
- Transferring of funding to cover the project and keep it moving forward.
- Complete project extending out to Tysons Corner.
- Impact on traffic and the long term implications.
- Purpose of the dual left-turn lanes.

- Timing of the traffic signals.
- Alleviation of the back-up traffic on Route 7 and the safety implications.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved a substitute motion to direct staff to:

- Create new language that would address the issues raised in Supervisor Foust's amended motion.
- Address the need for more public input.
- Examine other alternatives.

Supervisor Gross seconded the motion.

Discussion ensued, with input from Ms. Ichter, regarding whether the new language would be available later in the day.

The question was called on the substitute motion, which **CARRIED** by a recorded vote of nine, Supervisor Foust voting "NAY."

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth called the Board's attention to handwritten page 9, Item 4, of the Board Agenda Item, and discussion ensued, with input from Ms. Ichter, regarding the timing of the Arlington Boulevard, from the Beltway to the Seven Corners project.

Chairman Connolly called the Board's attention to handwritten page 5 of the Board Agenda Item, and discussion ensued, with input from Ms. Ichter, regarding updating the Dulles Rail language.

The question was called on the main motion, which **CARRIED** by a recorded vote of nine, Supervisor Foust voting "NAY."

(NOTE: Later in the meeting, the Board clarified action on this item. See Clerk's Summary Item #53.)

15. **A-4 – ENDORSEMENT OF TRANSPORTATION PROJECT FUNDING STRATEGIES AND REVISED FISCAL YEAR (FY) 2009, FY 2010, AND FY 2011 PROJECT LISTS ASSOCIATED WITH REVENUE THAT MAY BE AUTHORIZED FOR THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) AND FAIRFAX COUNTY'S COMMERCIAL AND INDUSTRIAL REAL ESTATE TAX FOR TRANSPORTATION** (11:21 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Endorsed the funding strategies and revised lists of highway, transit, bicycle, and pedestrian projects for funding from FY 2009, FY 2010, and FY 2011 anticipated revenues. The funding for these projects includes three levels of estimated NVTA revenues and the County's commercial and industrial real estate tax for transportation. In preparing these funding scenarios, the commercial and industrial level is included as \$0.11 per \$100 valuation:
  - Approved immediate implementation of Scenario One, which utilizes the commercial and industrial tax.
  - Endorsed Scenarios Two and Three, as contingency plans if General Assembly action results in additional transportation funding, and direct staff to provide information on final NVTA funding levels, when this information is available.
- Authorized staff to begin planning for the issuance of \$50 million in Economic Development Authority transportation contract revenue bonds payable from commercial and industrial pledged revenues to provide one-time project funding in FY 2009.

16. **I-1 – CONTRACT AWARD – TEMPORARY NURSING SERVICES AND CONTINUOUS DUTY NURSING** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated May 5, 2008, requesting authorization for staff to award a contract to the following firms for providing temporary nursing services and continuous duty nursing to residents in the County:

- Medforce Incorporated
- MPS Healthcare Incorporated d/b/a Continuum Pediatric

- Interim Healthcare Staffing
- Maxim Staffing Solutions

The first year of the contract has a projected total of \$720,000 which is consistent with the current projection for this fiscal year.

The staff was directed administratively to proceed as proposed.

17. **I-2 – CONTRACT AWARD – OPERATION, MANAGEMENT, AND STAFFING OF THE PRIMARY HEALTH CARE CENTERS** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated May 5, 2008, requesting authorization for staff to award a contract to Molina Health Care of Virginia to provide operation, management, and staffing of the primary health care centers. The contract is a two year contract with four one-year renewal options. The total estimated amount of this contract for Fiscal Year 2009 is \$6,896,627.

The staff was directed administratively to proceed as proposed.

18. **I-3 – QUARTERLY STATUS REPORT ON THE BOARD’S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated May 5, 2008, regarding the quarterly status report on the Board’s Second Four-Year Transportation Program.

19. **I-4 – CONTRACT AWARD – MASTER DEVELOPER FOR THE ADAPTIVE REUSE OF THE FORMER LORTON REFORMATORY AND PENITENTIARY** (11:22 a.m.)

The Board next considered an item contained in the Board Agenda dated May 5, 2008, requesting authorization for staff to award a contract to The Alexander Company in the amount of \$150,000 to provide consultant services for the development of a Master Development Plan for the County’s former Lorton prison adaptive reuse site.

The staff was directed administratively to proceed as proposed.

20. **RECESS/CLOSED SESSION** (11:23 a.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *David P. Mugan v. Maria Isabel Salas Guevara and Soudy Chamanara*, Record No. 072541 (Va. Sup. Ct.)
  - 2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell and Christopher Wyvell*, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joun Suk Lim, et al.*, Case No. CL-2007-0015312 (Fx. Co. Cir. Ct.) (Providence District)
  - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Nutley Street, L.L.C.*, Case Nos. CL-2007-0010307 and CL-2007-0012668 (Fx. Co. Cir. Ct.) (Providence District)
  - 5. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leonor Lopez*, Case No. CL-2008-0002002 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Monica Peredo, Roxana Tania Peredo, and Alicia Linares*, Case No. CL-2008-



0000617 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta a/k/a Maria D'Angeles Argueta*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ivan Bladimir Delgadillo and Maria Del Carmen Delgadillo a/k/a Maria C. Delgadillo*, Case No. CL-2008-0004627 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hester E. Marshall*, Case No. CL-2008-0005399 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luz Lourdes Vargas*, Case No. CL-2008-0005011 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. MacArthur Weston*, Case No. CL-2008-0005012 (Fx. Co. Cir. Ct.) (Springfield District)

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

**DS:ds**

At 3:49 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Foust, and with Chairman Connolly presiding.

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

21. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:49 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried

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

### AGENDA ITEMS

22. **3:30 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109.1 (SOLID WASTE MANAGEMENT)** (3:49 p.m.)

(O) (NOTE: On April 28, 2008, the Board held a public hearing on this item and deferred decision until May 5, 2008.)

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 109.1 (Solid Waste Management), as recommended by the County Executive. Supervisor Bulova seconded the motion.

Discussion ensued, with input from Jimmie Jenkins, Director, Department of Public Works and Environmental Services (DPWES) and Jeffrey Smithberger, Director, Division of Solid Waste Collection and Recycling, DPWES, regarding issues raised at the public hearing held on April 28, 2008, and flow control.

Supervisor Herrity moved a substitute motion to:

- Adopt the proposed amendments to the Code of the County of Fairfax, Chapter 109.1 (Solid Waste Management), as recommended, except for the proposed amendments to Section 109.1-7-1(c)(4).
- Authorize advertisement of another public hearing on this matter and defer decision on this amendment for 90 days to allow the Board, the haulers, and the citizens of the County an opportunity to understand and evaluate the impact of this action.

Supervisor Frey seconded the motion.

A lengthy discussion ensued, with input from Mr. Jenkins, Mr. Smithberger, and Marilyn McHugh, Assistant County Attorney, regarding the substitute motion, flow control, and the ramifications of deferring decision on this matter.

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

The question was called on the main motion and it **CARRIED** by a recorded 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 voting “**NAY.**”

Supervisor Frey asked unanimous consent that the Board direct staff to send a letter to all haulers informing them of the adopted amendments and the implementation process. Without objection, it was so ordered.

### **ADDITIONAL BOARD MATTER**

23. **WELCOME TO BOY SCOUTS** (4:15 p.m.)

Supervisor Frey recognized the presence of Boy Scout Troop 160, representing the area around Navy Elementary School and, to the west, the Floris area. On behalf of the Board, he warmly welcomed them to the Board Auditorium.

### **AGENDA ITEMS**

24. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-LE-012 (LEE VILLAGE AT SILVER LAKE, LLC) (LEE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-LE-034-02 (LEE VILLAGE AT SILVER LAKE, LLC) (LEE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-L-030-12 (LEE VILLAGE AT SILVER LAKE, LLC) (LEE DISTRICT)** (4:17 p.m.)

- (O) The application property is located in the northeast quadrant of the intersection of Silver Lake Boulevard and Beulah Street, Tax Map 91-3 ((9)) 8B pt.

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

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

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

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-LE-012, from the PDH-8 District to the PRM District; approval of Proffered Condition Amendment Application PCA 82-L-030-12; and Proffered Condition Amendment Application PCA 1996-LE-034-2, subject to the proffers dated May 2, 2008, and approval of the combined Conceptual Development Plan for these applications.
- Modification of the transitional screening yard requirement, as shown in the combined Conceptual Development Plan Amendment and Final Development Plan Amendment.
- Waiver of the barrier requirements along Beulah Street and internal to Lee Village.
- Approval of a variance, pursuant to the provisions of Paragraph 8 of Section 16-401 of the Zoning Ordinance, to set the minimum age limit for the independent living facility at 55 years of age, rather than 62 years of age, as contained in Paragraph 1 of Section 9-306.
- To direct the Director of the Department of Public Works and Environmental Services to modify the loading space requirement to that shown on the proffered plan.

Supervisor Hyland seconded 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.

25. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-MA-016 (PNC BANK, NA) (MASON DISTRICT)** (4:32 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 2006-MA-016 until **May 19, 2008, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

26. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S08-II-M1, ADDRESSING THE MCLEAN COMMUNITY BUSINESS CENTER OPEN SPACE DESIGN STANDARDS (DRANESVILLE DISTRICT)** (4:33 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 April 17 and April 24, 2008.

Bernard Suchicital, Planner I, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Foust moved approval of Out-of-Turn Plan Amendment S08-II-M1, to update the McLean Community Business Center Open Space Design Standards, as recommended by the Planning Commission on April 10, 2008. Supervisor Smyth and Chairman Connolly jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

27. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ADVERTISING ON PUBLIC TRANSIT PASSENGER SHELTERS** (4:35 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 April 17 and April 24, 2008.

Discussion ensued, with input from Lorrie Kirst, Deputy Zoning Administrator for Amendments, Department of Planning and Zoning, regarding whether there was a need for deferral of this item

Ms. Kirst presented the staff report.

Following the public hearing, Supervisor Herrity submitted an item for the record.

Ms. Kirst presented the staff and Planning Commission recommendations.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding advertising on public transit passenger shelters, as recommended by staff and the Planning Commission. Supervisor Herrity seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “**AYE**,” Supervisor Frey and Supervisor Hyland voting “**NAY**.”

With reference to the Planning Commission's recommendation, Supervisor Gross stated she likes that the Planning Commission added that the District Board Member has the discretion to deselect any proposed shelter location. She said she hopes that the locations will be provided to District Supervisors in sufficient time to weigh the issue and whether it would be a good place for advertising.

NV:nv

### **ADDITIONAL BOARD MATTERS**

28. **PUBLIC OUTREACH REGARDING ZONING AND CODE ENFORCEMENT** (4:41 p.m.)

Chairman Connolly said that the Strike Team has done an outstanding job enhancing Zoning and Code Enforcement. To complement the Strike Team's efforts, he asserted that it would be helpful to have a robust public outreach campaign about Zoning and Code provisions.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff in the Office of Public Affairs to create an aggressive public outreach campaign to inform citizens of Code and Zoning laws to complement the ongoing efforts of the Strike Team. This campaign should include, but not be limited to, the distribution of a one page flyer summarizing violations related to Strike Team efforts.

Following a brief discussion regarding a more general zoning brochure, without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took additional action regarding the Strike Teams. See Clerk's Summary Item #38.)

29. **PRESCRIPTION MEDICATION DISCOUNT PROGRAM** (4:42 p.m.)

Chairman Connolly said that the steep climb in the cost of health care, particularly prescription medications, has placed a considerable burden on residents and employers in the County and across the nation. The County has previously considered prescription medication discount programs, including one sponsored by the National Association of Counties (NACo), but has opted not to use them based on cost or some use restrictions.

Chairman Connolly stated that a new web-based discount program known as YourRxCard recently had been brought to his attention. This is a 501(c)(3) (nonprofit) organization funded by the pharmaceutical industry to provide discounts to the uninsured and underinsured, but it also is made available to the general public. He said that it is his understanding that the company offers free prescription discount cards that are accepted at more than 55,000 pharmacies, including the major chains. The company says it offers discounts of up to 75

percent on more than 11,000 generic and name-brand medications. The company also indicates there are no deductibles, no waiting periods, and no pre-existing exclusions for users of its card.

Chairman Connolly said that it appears this service could be made available to all employees and residents of the County. The company has existing partnerships with Warrick County, Indiana, and five states, including Michigan, Ohio, Wisconsin, Indiana, and Illinois. Given the current situation with health care costs, he said that this could prove to be a useful benefit for the community.

Therefore, Chairman Connolly asked unanimous consent that the Board direct the County Executive to direct the Deputy County Executive for Human Services to convene a working group comprised of representatives from the departments of Health, Purchasing and Supply Management, Human Resources, Office of the County Attorney, Area Agency on Aging, and any other appropriate staff to examine the potential use of this discount medication program within the County and report with its findings.

Following discussion regarding the NACo-sponsored prescription drug card, Supervisor Hyland asked to amend the request to include direction to staff to also revisit the merits of that card, and this was accepted.

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

30. **PRINCIPLES FOR A TRANSPORTATION SOLUTION** (4:45 p.m.)

Chairman Connolly said that Governor Tim Kaine and leaders in the General Assembly are working to reach a compromise as they look to adequately fund Virginia's transportation needs. To achieve this, they intend to hold a Special Session of the General Assembly in the near future. At such time, the General Assembly will be looking to find a way to replace substantial revenue no longer available to the State and the Northern Virginia region. It is important that localities indicate any preferences that they have for the solution that is crafted.

Chairman Connolly said that the Northern Virginia Transportation Authority (NVTA) has allowed the localities within the region to work cooperatively and speak with a unified voice. The NVTA has drafted eight principles to help guide the legislature as it considers funding solutions. He said that endorsing these principles will help send a unified message about the needs of Northern Virginia and the County.

With reference to his written Board Matter on the subject, Chairman Connolly moved that the Board concur in and agree to (reaffirm) the eight principles. Vice-Chairman Bulova seconded the motion.

Supervisor Gross asked to amend the motion to forward the principles and letter to the Virginia Association of Counties' (VACo) Executive Committee and the lobbyists for VACo, and this was accepted.

Discussion ensued about the motion and Chairman Connolly noted that the cover letter would emphasize that this is a statewide issue.

Supervisor McKay asked to amend to motion to include in the cover letter that the Northern Virginia Transportation Commission also approved these principles, and this was accepted.

Following further discussion of the motion, the question was called on the motion, as amended, and it carried by unanimous vote.

31. **MATCHING GRANT FUNDING FOR MASON NECK TRAIL (LEE AND MOUNT VERNON DISTRICTS)** (4:50 p.m.)

In a joint Board Matter with Supervisor Hyland and Supervisor McKay, Chairman Connolly reported that the Virginia Department of Transportation (VDOT) advised County staff of concerns regarding a long-outstanding balance of Transportation Enhancement funds for a Richmond Highway Corridor (US Route One) pedestrian project, indicating that unless a plan of action for these funds is provided immediately, that the funding would need to be returned to the Federal Highway Administration (FHWA). Since the original grant application for this funding was approved, County staff has worked with Board Members representing the corridor to identify an eligible project. However, each of the multiple projects considered was later found to be ineligible for the enhancement funds, or alternative funds were obtained leaving the federal enhancement funding unneeded for the projects.

After much review and consideration, staff recommended that the enhancement funds or alternative funds originally allocated for the Richmond Highway enhancement project be transferred to the Mason Neck Trail project to further enhance that pedestrian project toward completion. Transfer of this \$450,000 in enhancement funding will require a 20 percent local cash match in the amount of \$112,500. Of this amount, staff has already identified \$81,185 in prior Mason Neck Trail overmatch funds, leaving a balance needed of \$31,315. He said that he and Supervisor Hyland have identified sufficient pedestrian discretionary funds to close this gap so that the funds do not have to be returned to FHWA and lost to the County. This would mean that a total of \$562,500 in additional funding can be allocated to the Mason Neck Trail.

Therefore, on behalf of Supervisor Hyland, Supervisor McKay, and himself, Chairman Connolly moved that the Board direct staff to take the necessary steps to effectuate this transfer of enhancement funds to the Mason Neck Trail and



authorize \$31,315 from available funds for the remainder of the required 20 percent match as follows:

- \$23,348 Project 009473 – WT001 Mount Vernon District Pedestrian Discretionary Account
- \$15,772 Project 009477 – WT002 Chairman's At Large Pedestrian Discretionary Account

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

32. **BIKE TO WORK DAY CHALLENGE** (4:53 p.m.)

(NOTE: Earlier in the meeting, the Board issued a proclamation on Bike to Work Day. See Clerk's Summary Item #6.)

Chairman Connolly announced that Bike to Work Day is Friday, May 16. He said that to support Bike to Work Day, this year he is initiating the Chairman's Bike to Work Challenge, a competition between agencies. He will award the County agency with the highest percentage of employees who bike to work on May 16 with a certificate at the Board meeting on June 2 and he hinted at a surprise award.

Chairman Connolly said that tabulations of employees participating in Bike to Work Day will be kept at the Fairfax Corner pit stop, so employees cycling to work should make sure to sign in. Located in front of Coastal Flats on Grand Commons Avenue in Fairfax Corner, this pit stop will be open from 6:30 a.m. to 9 a.m. He said that he would be there to greet participants.

Following discussion regarding non-Government Center employees, Chairman Connolly clarified that this competition is for all County work locations.

Following a suggestion from Supervisor Foust, Chairman Connolly announced that there would be awards both for the highest number of participants as well the highest percentage of participants.

Vice-Chairman Bulova clarified the required action as making employees aware of this opportunity.

33. **FAIRFAX COUNTY RECOGNIZED FOR THIRTY-FIRST CONSECUTIVE EXCELLENCE IN FINANCIAL REPORTING** (4:55 p.m.)

Chairman Connolly said that the Government Finance Officers Association (GFOA), a professional association of state and local finance officers in the United States and Canada dedicated to the sound management of government financial resources with over 17,100 members, recently awarded the County its

thirty-first consecutive Certificate of Achievement in Excellence in Financial Reporting for its Comprehensive Annual Financial Report. The GFOA's Certificate program was designed to promote and acknowledge excellence in financial reporting.

Therefore, Chairman Connolly asked unanimous consent that the Board congratulate the County's Chief Financial Officer, Edward L. Long, Jr., and the County's Director of the Department of Finance, Robert Mears, and anyone else that assisted them in this effort, for their diligent work on behalf of the residents of the County, in preparing and producing clear, comprehensive, straightforward, and award-winning financial reports. Without objection, it was so ordered.

34. **PROCLAMATION TO RECOGNIZE DELTA SIGMA THETA** (4:55 p.m.)

Chairman Connolly said that Delta Sigma Theta is a nonprofit public service sorority that was founded at Howard University in 1913. The group was formed with a strong emphasis on social activism. One of the sorority's first actions was to participate in the Women's Suffrage March in March 1913. Delta Sigma Theta has more than 250,000 members and 950 alumnae chapters.

The County Alumnae Chapter of Delta Sigma Theta was chartered on May 22, 1993, with 36 members. The Chapter has grown to 115 members in its fifteenth year of existence. The group has a "five point thrust" which consists of educational development, economic development political awareness and involvement, international awareness and involvement, and mental and physical health.

Therefore, Chairman Connolly asked unanimous consent that the Board recognize the Fairfax County Alumnae Chapter of Delta Sigma Theta for its 15 years of serving the community by directing staff to provide a proclamation for the May 22 anniversary. Without objection, it was so ordered.

35. **DIRECT SUPPORT PROFESSIONALS APPRECIATION WEEK** (4:56 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim the week of June 22-29, 2008, as "*Direct Support Professionals Appreciation Week*" in Fairfax County and direct staff to invite appropriate representatives from the Long Term Care Coordinating Council, the Department of Family Services, and the Health Department to be recognized with the proclamation at the June 2 Board meeting.

Discussion ensued regarding the scheduling, with input from Merni Fitzgerald, Director of Public Affairs.

Without objection, it was so ordered.

36. **HEPATITIS AWARENESS DAY** (4:58 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim June 14, 2008, as "*Hepatitis Awareness Day*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax-Falls Church Community Services Board, the Health Department, the Department of Fire and Rescue, and the Police Department to be presented with the proclamation at a Board meeting, if feasible. Without objection, it was so ordered.

37. **CANCELLATION OF THE JUNE 23 BOARD MEETING** (4:58 p.m.)

Chairman Connolly said that when the Board approved its schedule for 2008, it had planned to meet three times in June. One of those meetings is no longer necessary.

Therefore, Chairman Connolly moved the Board cancel its June 23 regularly scheduled meeting and direct the Office of Public Affairs to provide ample notice to the public and media. Supervisor Hyland seconded the motion.

Following discussion regarding the possible scheduling of a workshop on transportation issues or other committee meetings on that date, the question was called on the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

38. **BUILDING PERMITS EXACERBATE OVERCROWDING** (4:59 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding the strike teams. See Clerk's Summary Item #28.)

Supervisor Gross said that the enhanced Code Enforcement strike teams are working countywide to crack down on illegal boarding houses, overcrowding, and dangerous building code violations. She referred to her written Board Matter that provided details.

Supervisor Gross stated that construction permits for additions and expansions in some homes create excess residential capacity that can exacerbate instances of illegal multiple occupancy. The County could prevent some extreme cases by taking into account whether the proposed finished construction would or could possibly result in residential capacity that is dramatically inconsistent with other homes in the neighborhood. Areas that have an already high concentration of strike team complaints should be given an even closer look when a building permit is requested.

Therefore, Supervisor Gross moved that the Board direct the Permit Review Branch (or other appropriate reviewing agency) to more vigorously and rigorously review (within the legal framework allowed) building permit applications from neighborhoods that have concentrations of strike team cases. Supervisor Bulova seconded the motion.

Following discussion of the motion and overall review procedures, the question was called on the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

39. **PET FOOD** (5:04 p.m.)

Supervisor Gross said that she was contacted recently by a constituent who reported a very unsavory discovery at the PETCO store in Baileys Crossroads. He was shopping for dog food for the family pet and found rat or mouse droppings on and around the bags of Purina One dog food on the shelves. The bags had been chewed open, and it appeared that other rodent residue was present. Complaints to the store's management were received with some indifference.

Supervisor Gross explained that the problem here is not with the manufacture of the dog food. In fact, a comment to Nestlé Purina on its website brought a response that "we maintain stringent sanitation programs at our manufacturing plants." The problem centers on the ability of the seller to maintain similar sanitation levels. If the food was meant for human consumption, the Health Department at either the local or state level would have some jurisdiction. For pets, often viewed as simply a four-legged member of a two-legged family, little or no such protection of their food seems to exist.

Noting that this is an important issue for many constituents and their pets, Supervisor Gross asked unanimous consent that sanitary conditions for the sale of pet food, such as the one described above, be referred to appropriate County staff for follow-up and recommendations. Without objection, it was so ordered.

40. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR BULOVA** (5:05 p.m.)

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

41. **RUGBY VIRGINIA'S STATE HIGH SCHOOL RUGBY CHAMPIONSHIP (MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (5:05 p.m.)

In a joint Board Matter with Supervisor Hyland, Supervisor Herrity said that on June 7 the County will be hosting the first Virginia State High School Rugby Championship. The event will be held at South County Secondary School.

On behalf of the County, Supervisor Herrity expressed pride that Rugby Virginia and its sponsor, the Virginia National Guard, selected the County to host the first Rugby State Championship. It is a testament to the quality of the facilities and resources that the County has, as well as the kind of organizations that the County attracts because of the commitment to youth and youth sports.

To welcome Rugby Virginia and recognize the significance of rugby's first state championship, and to confirm the Board's commitment to its youth, Supervisor Herrity, jointly with Supervisor Hyland, asked unanimous consent that the Board declare June 7, 2008, as "*Rugby Day*" in Fairfax County and direct staff to prepare a proclamation for presentation at the event by Members of the Board. Without objection, it was so ordered.

42. **FORTIETH ANNIVERSARY OF VILLAGE WEST POOL (SPRINGFIELD DISTRICT)** (5:07 p.m.)

Supervisor Herrity said that Village West Pool has been serving the West Springfield community for the past 40 years. Since opening its doors in 1968, the pool has provided a summer refuge for hundreds of children and families. For the past 38 years, Village West has been home of the Vikings, its proud and strong swim team. He said that his family attended Village West when he was a child, and he spent most of his summers at the pool.

Through the dedication and devotion of its Board of Directors and loyal membership, Supervisor Herrity noted that Village West has survived through the years. On June 1, the pool will celebrate its fortieth anniversary and grand reopening after a \$150,000 renovation that was brought about by the hard work of numerous members of the community. To this day Village West continues to grow and remains a valuable asset to the West Springfield community.

Accordingly, Supervisor Herrity asked unanimous consent that this Board direct staff to prepare a proclamation recognizing this significant event. He invited the Board to attend the celebration on June 1 to present this proclamation. Without objection, it was so ordered.

43. **MOWING** (5:08 p.m.)

Supervisor Herrity noted that for the last month, he had been pursuing information on the mowing schedule from the Virginia Department of Transportation (VDOT). He said that VDOT will complete its first cycle of mowing within the next two weeks, weather permitted. Officials told him that there will not be a repeat of the last year's delays.

EBE:ebe

44. **MERRIFIELD REVITALIZATION AREA – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO ACQUIRE ALL NECESSARY LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ESKRIDGE ROAD IMPROVEMENTS** (5:09 p.m.)

- (A) Supervisor Smyth said that on January 28, 2008, the Board authorized the Land Acquisition Division (LAD) to initiate negotiations to acquire the necessary land rights to Eskridge Road for comprehensive plan improvements. Eskridge Road is a Private Developer Assistance Project, Project Number 263301. This project consists of improvements to existing Eskridge Road and construction of new segments from its intersection with Lee Highway (Route 29) to the southern boundary of Parcel 80A.

The construction of this project consists of approximately 1,850 linear feet of 4-lane undivided roadway, including a minimum 5-foot-wide sidewalk along the eastern edge. Improvements also include storm drains, sanitary sewer facilities, overhead utility, and water main installations along the length of the project, as well as several entrances to existing businesses.

The construction of this project requires the acquisition of one dedication, one grading and temporary construction easement, one storm drainage easement, and four utility easements within the Providence District. After exhausting its private efforts, Merrifield Mixed Use LLC requested assistance from the County to acquire all necessary land rights on, over, and across the relevant portions of Tax Map Numbers 049-3-01-0097 and 0096B. Supervisor Smyth stated that although LAD has been negotiating to acquire these land rights since April 1, 2008, as of this date, it has been unable to reach resolution due to an impasse in negotiations with the affected property owner; thus, condemnation is necessary.

Supervisor Smyth noted that, pursuant to Sections 15.2-1904 and 15.2-1905 (2003) of the *Virginia Code*, a public hearing is required before property interests can be acquired in such an accelerated manner by eminent domain proceedings.

Therefore, Supervisor Smyth moved that the Board authorize advertisement of a public hearing to be held before the Board on **June 30, 2008, at 4:30 p.m.** for those certain land rights necessary for the construction of Project 263301, Eskridge Road Improvements. Chairman Connolly seconded the motion and it carried by unanimous vote.

45. **NO BOARD MATTERS FOR LEE DISTRICT SUPERVISOR MCKAY** (5:12 p.m.)

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

PMH:pmh

46. **TELECOMMUNICATIONS PROVISIONS REVIEW** (5:12 p.m.)

Supervisor Frey said that the County's telecommunication Zoning Ordinance regulations were last amended in 2003, and while they are overall quite progressive, the industry has undergone a number of changes in the intervening years. As such, it may be appropriate to make some minor revisions to the telecommunication regulations to address the recent changes in technology. He said that based upon conversations that he has had with industry representatives, he believes that the changes have been significant enough to warrant a review of the relevant Zoning Ordinance provisions.

Therefore, Supervisor Frey moved that the Board direct the Planning Commission to undergo a review of the current telecommunication regulations to determine if minor adjustments are needed to address the recent changes in the telecommunications industry, and to solicit the appropriate input from citizens, industry, and staff. He added that based on the recommendations of the Planning Commission, the Board can then determine if amendments to the Zoning Ordinance are required. Supervisor Herrity seconded the motion.

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

47. **COOL HUNTER MILL DISTRICT INITIATIVE** (5:20 p.m.)

Supervisor Hudgins said that on April 19 the Cool Hunter Mill District initiative was introduced at the Reston Association Earth Day event. In an effort to bring heightened awareness of harm to the environment, residents, businesses, schools, and faith/community organizations are urged to evaluate what they are doing or will commit to do to reduce greenhouse gas emissions.

Supervisor Hudgins noted the national effort for counties to reduce global warming emissions 80 percent by 2050, and stated that the problem is not just a problem for government to solve. Global warming is no longer just a discussion of whether the climate is changing because of negative impact on the environment. The issue is what will be done to reduce the impact on the environment.

The Cool Hunter Mill District Committee, consisting of representatives from Fairfax Advocates for Better Bicycling, Reston Association, Reston Environmental Action, the Town of Vienna, and Wolftrap Foundation for the Performing Arts, identified small steps that can be adopted to assist in reducing greenhouse gas emissions and developed a survey to help participants support the County's initiative which can be found at <http://www.huntermill/coolhuntermill/>.

In support of this initiative, Reston Association created a Cool Hunter Mill District logo. Supervisor Hudgins offered this logo for consideration for the County's Cool County Initiative.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite representatives from the Cool Hunter Mill District Committee and the Department of Information Technologies to appear before the Board to be recognized for their dedication and commitment towards the "Cool Hunter Mill District Initiative" and their support of the Reston Association Earth Day activities. Without objection, it was so ordered.

48. **RESTON STREETLIGHT DEMONSTRATION PROJECT AND LIGHT EMITTING DIODES (LED) STREETLIGHTS (HUNTER MILL DISTRICT)** (5:22 p.m.)

Supervisor Hudgins said that in the late 1980s, the Board approved the use of up to 256 Metal Halide streetlights in a limited area of Reston (known as the Reston Streetlight Demonstration Project). Metal Halide lighting fixtures produce a metallic white light which is considered by many people to be more desirable than the orange light produced by High Pressure Sodium fixtures. The Metal Halide streetlights in Reston are only installed at selected intersections and commercial entrances rather than the continuous lighting approach used in the rest of the County, which limits the overall quantity of streetlights in use in Reston. Over the years the Board has increased the maximum quantity of Metal Halide streetlights to 274, to accommodate additional development in Reston. To date, a total of 269 Metal Halide lights have been installed. The quantity of Metal Halide streetlights needs to be increased to address the lighting requirements for additional developments in Reston and to maintain the uniformity of the lighting system throughout the existing areas of Reston approved for the use of Metal Halide streetlights. It is recommended that the cap for Metal Halide streetlights in Reston be increased to a maximum of 350 lights, thus allowing the ultimate installation of 76 additional Metal Halide lights above the current cap.

On a related note, Supervisor Hudgins reported that LED lighting technology is a new source of white light comparable to Metal Halide streetlights. LED lights may emerge as a more energy efficient and less maintenance intensive alternative to Metal Halide and other existing light types. Unfortunately, LED streetlights are not available at this time from Dominion Virginia Power, but appear to be a potentially attractive option to Metal Halide and possibly other lighting types. However, there is an immediate need to make additional Metal Halide lights available for new developments in Reston and the desire to evaluate the emerging energy efficient LED streetlights.

Therefore, Supervisor Hudgins moved that the Board:

- Increase the limit of Metal Halide Streetlights in Reston by 76 to a maximum of 350 units.



- Direct staff to work with Dominion Virginia Power and other appropriate groups to evaluate LED streetlight technology as a potential replacement for Metal Halide and possibly other street lighting types, including the potential establishment of pilot LED lighting projects in the County.

Supervisor Smyth seconded the motion. Following a brief discussion regarding the costs, the question was called on the motion and it carried by unanimous vote.

49. **WESTIN HOTEL EXPEDITED BOARD PUBLIC HEARING DATE (HUNTER MILL DISTRICT)** (5:25 p.m.)

Supervisor Hudgins said that Development Plan Amendment Application DPA B-846-03 has been submitted to correct a discrepancy between the Development Plan, Planned Residential Community (PRC) Plan, and Site Plan. All three plans show the Reston Westin Hotel as containing 120,000 square feet, however, the PRC Plan and Site Plan show the hotel containing up to 200 rooms. In the Development Plan only 175 rooms are shown. There are no changes to the building footprint, maximum square footage, height, or other elements of the hotel from that shown on the Development Plan, approved PRC and Site Plans. The Planning Commission hearing is currently scheduled for June 11, 2008. The applicant is requesting an expedited Board public hearing date of June 30 for Development Plan Amendment Application DPA B-846-03.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule an expedited Board public hearing date of June 30, for Development Plan Amendment Application DPA B-846-03. This motion should not be construed as a favorable recommendation by the Board of Supervisors on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations or adopted standards in anyway. Supervisor Bulova seconded the motion and it carried by unanimous vote.

50. **AUTHORIZATION OF LORTON ARTS FOUNDATION (LAF), INCORPORATED TO FILE A PROFFERED CONDITION AMENDMENT APPLICATION (MOUNT VERNON DISTRICT)** (5:27 p.m.)

Supervisor Hyland referred to his written Board Matter and explained that the motion involves the Board's authorization of the filing of a proffered condition amendment/final development plan amendment (PCA/FDPA) on 53 acres of land owned by the Board, specifically, Tax Map 106-4((1))58, the workhouse portion of the former Lorton Correctional Facility. The land is currently leased to the LAF, Incorporated. The property was rezoned in 2004 to the PDC District and is now under development to be transformed by the LAF into the Lorton Workhouse Arts Center. A public grand opening for the main quad-area and artist's studios is scheduled for mid-September. The LAF intends to submit a PCA application to

clarify and refine some of the uses approved on the site, revise the footprint of one of the buildings, add an additional access point from Ox Road and modify certain proffers related to attendance and hours.

Therefore, Supervisor Hyland moved that the Board, as owner of the property, authorize the filing of a PCA/FDPA application on Tax Map 106-4((1))58 by LAF, the applicant. This motion should not be construed as a favorable recommendation of this application by the Board and does not relieve the applicant of compliance with the provision of any applicable ordinances, regulations of adopted standards and in no way prejudices the substantive review of the PCA application. Supervisor Bulova seconded the motion and it carried by unanimous vote.

51. **MOUNT VERNON COUNCIL RESOLUTION ON BEST MANAGEMENT PRACTICE (BMP) BUFFER AREA RECORDATION** (5:29 p.m.)

Jointly with Chairman Connolly, Supervisor Hyland said that in September of 2007, he asked the County Attorney and Department of Public Works and Environmental Services (DPWES) staff if the County could require deed restrictions for property owners to maintain BMP buffer areas on infill grading plans. If a home on an infill grading plan exceeds 18 percent impervious surface on a lot, as most new homes do, the Chesapeake Bay Preservation Ordinance requires that certain BMPs, including vegetated buffers, be installed on the site to reduce some storm water runoff, but primarily to reduce nitrogen and phosphorus run off so the water quality entering creeks and streams is improved.

However, Supervisor Hyland said that after a home has been sold, there is no guarantee the homeowner will keep or maintain the vegetated buffer, which was required as a precondition of site plan approval or have knowledge of its existence or purpose. It has been the experience of some Mount Vernon residents that these buffers quickly become compacted or are removed, negating their original positive impact on the environment. In January, the County Executive circulated a memorandum to the Board stating that DPWES staff has the authority to require a deed restriction (e.g. easement) or maintenance agreement as a precondition of infill grading plan approval.

Supervisor Hyland said that it is his belief that County property owners have a responsibility to help maintain the health of watersheds just as their government has a responsibility to assist to restore and maintain the health of watersheds including the Chesapeake Bay, especially if they seek permission to build larger homes, increasing the amount of storm water runoff.

Therefore, Supervisor Hyland moved that the Board direct the County Executive and DPWES to require a deed restriction as a precondition of an approval for vegetated buffer areas. Supervisor Smyth seconded the motion and it carried by unanimous vote.

52. **PROCLAMATION TO HONOR GUM SPRINGS COMMUNITY'S 175 YEAR ANNIVERSARY (MOUNT VERNON DISTRICT)** (5:31 p.m.)

Supervisor Hyland said that on Saturday, June 21 the Gum Springs Community will celebrate 175 years of existence at its annual Community Day Celebration. Gum Springs was named after a gum tree that once marked its location near historic Mount Vernon. The community was founded by patriarchal freeman, West Ford, who allowed the land he inherited from the family of George Washington to become a refuge for freed and runaway slaves.

Therefore, Supervisor Hyland asked unanimous consent that the Board proclaim Saturday, June 21 "*Gum Springs Community Day*" in Fairfax County and urge all residents to celebrate the history, unity, and pride in Fairfax County's first African-American community. Without objection, it was so ordered.

**AGENDA ITEM**

53. **A-3 – TESTIMONY FOR PUBLIC HEARING ON COMMONWEALTH OF VIRGINIA'S SIX-YEAR IMPROVEMENT PROGRAM FOR INTERSTATE, PRIMARY, AND URBAN HIGHWAY SYSTEMS AND PUBLIC TRANSPORTATION FOR FISCAL YEAR (FY) 2009 THROUGH FY 2014** (5:33 p.m.)

(NOTE: Earlier in the meeting the Board took action on this item. See Clerk's Summary Item # 14.)

Supervisor Foust reminded the Board that earlier in the meeting, the Board directed staff to review Action Item A-3 and report with modifications.

Therefore, to address this community concern and to keep the Rolling Holly Drive to Reston Avenue Project segment moving forward, Supervisor Foust moved that the Board endorse using \$8 million from the County's commercial and industrial property tax proceeds to fund the bulk of the identified funding shortfall on this segment subject to the following three conditions that VDOT:

- Conducts a detailed analysis of the left turn movement at this location including reviewing any potential alternatives to dual turn lanes (such as modifications to signal timing, further extension of the single left turn lane, et cetera).
- Provides an opportunity for additional public input by presenting this analysis, including alternatives considered, in a public meeting.
- *Demonstrates to the satisfaction of the Board that it has satisfied these conditions.*

Following discussion of the motion, Supervisor Hudgins moved a substitute motion to include more community input as follows:

- To address this community concern and to keep the Rolling Holly Drive to Reston Avenue Project segment; moving forward, the Board endorses using \$8 million from the County's commercial and industrial property tax proceeds to fund the bulk of the identified funding shortfall on this segment. *The Board further requests VDOT provide additional opportunity for community input including consideration of or the analysis of left turn movement and modification of signal timing at Georgetown Pike.*

Following further discussion of the proposed testimony, Chairman Connolly noted that it includes a public meeting and requires a detailed analysis of the left movement to include other options such as such as modifications to signal timing, further extension of the single left turn lane, et cetera.

Following further discussion, Chairman Connolly summarized and recapped the language as follows: To address this community concern and to keep the Rolling Holly Drive to Reston Avenue Project segment moving forward, the Board endorses using \$8 million from the County's commercial and industrial property tax proceeds to fund the bulk of the identified funding shortfall on this segment with the understanding that VDOT will:

- Conduct [a detailed analysis of the left turn movement at this location including reviewing any potential alternatives to dual turn lanes (such as modifications to signal timing, further extension of the single left turn lane, et cetera)].
- Provide (an opportunity for additional public input by presenting this analysis, including alternatives considered, in a public meeting).

Chairman Connolly noted that the Board had already voted to approve the testimony earlier in the meeting and the language was simply a reiteration of that action. Thus, no additional vote was required at this time.

54. **ADJOURNMENT** (5:38 p.m.)

At 5:38 p.m. the Board adjourned.

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