



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 8, 2008**

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16-08

EBE:ebe

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, September 8, 2008, at 9:13 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 Long, Deputy Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:13 a.m.)

Chairman Connolly asked everyone to remember those who have suffered from the remnants of tropical storm Hanna, this past weekend.

Chairman also asked everyone to also remember the victims of September 11, 2001, and announced that there will be a ceremony later in the day at the memorial garden at the Government Center to commemorate the occasion.

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Jeffery Watson who died recently. Mr. Watson had served as chair of the Therapeutic Recreation Program, and most notably, he was a member of the disability community who was a strong advocate and contributed immensely to the community.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING SEPTEMBER 2008 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY** (9:15 a.m.)

On behalf of the Board, Chairman Connolly warmly welcomed Ms. Olivia McLean, the new Coordinator for the Office of Emergency Management, to the Board Auditorium.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 2008 as "*Emergency Preparedness Month*" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO RESIDENTS AND BUSINESSES** (9:27 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to residents and businesses that made properties for training available to County public safety workers. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Gross noted that the International Association of Fire Chiefs presented the 2008 National Firefighter Near Miss Reporting System Safety Leadership award to the Fire and Rescue Department in August.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **RESOLUTION OF RECOGNITION PRESENTED TO COUNTY FIREFIGHTERS** (9:37 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to County firefighters for the Fill the Boot campaign. This campaign raised funds to fight Muscular Dystrophy. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. PAT DIEHL** (9:58 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to Ms. Pat Diehl for her years of service to the Office for Children's School Age Child Care program. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MPO TOM BLACK** (10:05 a.m.)

Jointly with Chairman Connolly and Supervisor Foust, Supervisor Smyth moved approval of the Certificate of Recognition presented to MPO Tom Black for his years of service to the Police Department. Supervisor Bulova seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2008, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (10:13 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate September 15 – October 15, 2008, as "*Hispanic Heritage Month*" in Fairfax County. This motion was multiply seconded and it carried by unanimous vote.

Supervisor Gross recognized the presence of Mr. Kenneth Saunders, the new director of the Office of Human Rights and Equity Programs, and, on behalf of the Board, warmly welcomed him to the Board Auditorium.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE COOL HUNTER MILL DISTRICT COMMITTEE** (10:25 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the Cool Hunter Mill District Committee for its commitment to environmental awareness and support of Reston Association Earth Day activities. Supervisor Smyth seconded the motion and it carried by unanimous vote.

NV:nv

9. **10 A.M. – PH ON THE COUNTY AND SCHOOLS’ FISCAL YEAR (FY) 2008 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2009 REVISED BUDGET PLAN** (10:34 a.m.)

(FPR) (O)
(SAR)

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 August 21 and August 28, 2008.

Susan W. Datta, Director, Department of Management and Budget, presented a brief staff report regarding the budget. The year ended with a total balance of \$22.2 million within a total budget of approximately \$3.3 billion.

Following the public hearing, Chairman Connolly stated that the record would remain open for written statements only.

Following an explanation, Supervisor Bulova, Chair, Board’s Budget Committee, moved approval of the Carryover package including Supplemental Appropriation Resolution AS 09017 and Amendments to the Fiscal Planning Resolution AS 09900, including the FY 2008 Carryover Review Package as presented on August 4, 2008, with her proposed adjustments to the Carryover package as presented in Attachment A as distributed to the Board:

- An additional administration adjustment to both County revenues and expenditures of \$3.9 million to reflect the County reimbursement payment to the State as a result of FY 2009 State budget reductions.
- The establishment of an appropriated Reserve for FY 2010 Requirements of \$12.4 million.
- Funding of \$370,000 for the County’s support of extending the \$13.13 per hour living wage to limited term employees who are scheduled to work 1,020* hours or more per year as requested in the Carryover consideration item.
- Adjustments to the Managed Reserve to maintain the reserve at two percent of total disbursements.

As a result of these actions, a reserve of \$12.4 million has been identified to address FY 2010 budget requirements. Supervisor Hyland seconded the motion.

Chairman Connolly relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to provide guidance from the Board directing the County Executive to:

- Manage the remainder of this fiscal year by limiting the filling of County positions on an as-needed basis only.
- Review all travel with an aim toward reducing travel except for those that are deemed essential or of priority importance to the job or mission at hand.
- Manage the replacement of vehicles in the fleet on a priority basis to minimize such replacement with an aim toward achieving savings.

This was accepted.

Acting-Chairman Hyland returned the gavel to Chairman Connolly.

Chairman Connolly raised the subject of the writing of traffic tickets as the subject of an audit report and noted that police officers were to cite County Code, rather than State Code, to ensure that the revenue goes to the County. According to projections by the County auditors, this action should generate an additional \$1.7 million in revenue over the course of the next year. Staff will monitor this issue.

In regard to hiring, travel, and vehicles, Supervisor Herrity asked to amend the motion to direct the County Executive to communicate to the School Superintendent the same guidance for possible implementation within the School Division, and this was accepted.

Supervisor Herrity noted that he would be presenting a Board Matter later in the meeting regarding a hiring freeze and a brief discussion ensued.

(NOTE: Later in the meeting, the Board took action regarding a hiring freeze. See Clerk's Summary Item #42.)

*Supervisor Bulova noted a correction for the record. The actual threshold of hours for limited term employees is **1039** hours, not 1020.

Chairman Connolly expressed appreciation to Supervisor Bulova and staff for their efforts.

A brief discussion ensued regarding possible high election costs, costs in the Sheriff's Department, and the additional savings achieved to stockpile as much surplus as possible in anticipation of a deteriorating revenue situation in the next fiscal year.

The question was called on the motion, as amended, which 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."

ADDITIONAL BOARD MATTER

10. **COMMUNITY DIALOGUES ON THE COUNTY BUDGET** (10:49 a.m.)

Supervisor Bulova noted that the County and Schools will be kicking off the Fiscal Year (FY) 2010 Budget process this month. The Board will be meeting with County agencies and the School Division to review all County services and programs to examine and evaluate agency lines of business (LOBs). The purpose is to identify multi-year opportunities for cost reductions, efficiencies, and saving to address the projected FY 2010 Budget deficit. This review will include program delivery options as well as possible service consolidations and eliminations. She distributed copies of the schedule for LOB review workshops.

Supervisor Bulova added that County and School Division staff have scheduled a series of Community Dialogue meetings to engage both the community and employees on ways to address the upcoming budget challenges. She noted that she provided copies of a flyer announcing the Community Dialogues which Board Members can post in their offices or in other key community locations to promote these public meetings. She also noted that comments can be shared by calling the budget hotline at 703-324-9400 or by completing a budget feedback form online at www.fairfaxcounty.gov/budget.

Supervisor Bulova explained that the dialogues do not take the place of public hearings that will be held when the Board considers action on the FY 2010 Budget in the spring. She also acknowledged that Board Members and other community groups are, or will be, hosting forums and town meetings on this subject. Supervisor Herrity recently hosted a meeting at the Government Center. Supervisor Bulova asserted that it is an unprecedented degree of community participation and expressed her belief that the process will be valuable in helping to shape funding and organizational decisions and improving the way the County provides essential services.

Accordingly, Supervisor Bulova moved that the Board direct the Office of Public Affairs to distribute the aforementioned posters and take other steps to promote these Community Dialogues since an engaged community is a critical part of this process. Supervisor Foust seconded the motion.

Discussion ensued regarding citizen input past and present, the value of the LOB process on the expenditure side, and Federal and State mandates.

Chairman Connolly relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to separate Federal from State mandates. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Connolly.

Further discussion ensued regarding involvement of County Boards, Authorities, Commissions, and Committees for budget recommendations.

With regard to Federal and State mandates, Supervisor Frey asked unanimous consent that the Board direct staff to provide information as to where the County exceeds the mandate. Following input from Edward L. Long, Jr., Deputy County Executive, without objection, it was so ordered.

Following further discussion regarding the importance of the LOB review, Chairman Connolly relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to keep the Chairman's Office apprised of all scheduled community dialogues and meetings. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Connolly.

Following further comments regarding the School Division review and prioritization of programs, the question was called on the motion, which carried by unanimous vote.

EBE:ebe

AGENDA ITEM

11. **10:30 A.M. – METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG) DRAFT CLIMATE CHANGE REPORT**
(11:05 a.m.)

Dave Robertson, Executive Director, COG, introduced Stuart A. Freudberg, Director, Department of Environmental Programs, COG, who presented the draft climate change report. Joan Rohlf, Chief, Air Quality Planning, COG, helped with the presentation.

Discussion ensued regarding the unintended impediments to implementation of the report in the region.

Chairman Connolly announced that Supervisor Gross will be the incoming Chairman of COG next year.

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

copy and distribute during the recess, an article from the September 7 edition of *The Washington Post* on remaking Tysons a Green City of the future. Without objection, it was so ordered.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the use of solar energy as an alternative energy source and the cost associated with implementing it.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board refer the report to the Environmental Committee for review and recommendations. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

DMS:dms

ADDITIONAL BOARD MATTER

12. **WELCOME TO DELEGATE DAVID BULOVA** (11:48 a.m.)

Chairman Connolly recognized the presence of Delegate David Bulova and, on behalf of the Board, warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

13. **ADMINISTRATIVE ITEMS** (11:49 a.m.)

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

Supervisor McKay called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6834 Beulah Street (Lee District). Discussion ensued, with input from Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development (HCD), regarding:

- Whether staff had visited the property in the last two weeks.
- The necessity of moving forward with the Spot Blight Abatement.
- The Ordinance pertaining to the remaining debris that is located there.

Supervisor McKay asked unanimous consent that this authorization be subject to the Board directing staff to review this property and the concurrence of the necessity of this action. Without objection, it was so ordered.

Supervisor Smyth called the Board's attention to Admin 1 – Board of Supervisors' Meeting Schedule for Calendar Year 2009, regarding the couple of months with back to back Board meetings. Discussion ensued regarding the Board's legal ability to change dates of Board meetings.

Supervisor Smyth called the Board's attention to Admin 17 – Authorization to Advertise Public Hearings on Proposed Amendments to the Public Facilities Manual (PFM) and the Code of the County of Fairfax Related to the Conservation of Trees During the Land Development Process. Discussion ensued, with input from Michael Knapp, County Urban Forester, Land Development Services, Department of Public Works and Environmental Services, and Paul Emerick, Assistant County Attorney, regarding the Board Agenda Item, handwritten page:

- 19, line 12, pertaining to deviations from the Tree Preservation Target.
- 20, line 13, noting a typographical correction was needed for the word “bet” to be changed to “**be**”.
- 23, pertaining to penalties and violations.
- 52, regarding Section 12-0403.6, concerning leaving dead trunks for wildlife benefits.

Supervisor Smyth asked unanimous consent that potential stream blockage be added to handwritten pages 52, 113, 119, as well as any other pertinent places of the Board Agenda Item, as one of the reasons why dead trunks should not be left for the benefit of wildlife. Without objection, it was so ordered.

Discussion ensued further, with input from Mr. Knapp and Mr. Emerick, regarding the 12 inch tree trunks threshold.

Supervisor Smyth asked unanimous consent that the advertisement for 12 inch tree trunks be replaced with **8** inch tree trunks. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to examine the possible change in the size of the project and the implications of the 8 and 12 inch tree trunks.

Following discussion, with input from Mr. Knapp and Mr. Emerick, regarding the flexibility within the State legislation that is granted to the Board, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued, with input from Mr. Knapp and Mr. Emerick, regarding handwritten pages 75-77 of the Board Agenda Item, pertaining to the additional credits for tree canopies.

Supervisor Frey called the Board's Attention to Admin 18 – Authorization to File Comments in a Federal Communications Commission (FCC) Rulemaking Relating to Local Zoning Authority Over Wireless Tower Siting (WT Docket Number 08-165). Discussion ensued, with input from Erin C. Ward, Assistant County Attorney, regarding the location of this item on the Board Agenda and the attachment of comments.

The question was called on the motion to approve the Administrative Items, as amended, 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 – BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2009

(NOTE: Earlier in the meeting, the Board discussed this item. See page 8.)

Adopted the Board's meeting schedule for January through December 2009.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5397 SUMMIT DRIVE (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5 p.m.** regarding a Spot Blight Abatement Ordinance for 5397 Summit Drive, Fairfax, Virginia, 22030, Tax Map Number 055-4-((02))-0036.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6834 BEULAH STREET (LEE DISTRICT)

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 8.)

Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5 p.m.** regarding a Spot Blight Abatement Ordinance for 6834 Beulah Street, Springfield, Virginia, 22150, Tax Map Number 091-1-((01))-0025.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5505 CLIFTON ROAD (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5:30 p.m.** regarding a Spot Blight Abatement Ordinance for 5505 Clifton Road, Clifton, Virginia, 20124, Tax Map Number 055-3-((04))-0021.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 13430 LEE HIGHWAY (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5:30 p.m.** regarding a Spot Blight Abatement Ordinance for 13430 Lee Highway, Centreville, Virginia 20120, Tax Map Number 055-3-((01))-0003.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7131 ALGER ROAD (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5 p.m.** regarding a Spot Blight Abatement Ordinance for 7131 Alger Road, Falls Church, Virginia, 22042, Tax Map Number 050-3-((04))-0131.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9534 BURNING BRANCH ROAD (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5 p.m.** regarding a Spot Blight Abatement Ordinance for 9534 Burning Branch Road, Burke, Virginia, 22015, Tax Map Number 078-3-((08))-0022.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5399 SUMMIT DRIVE (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 20, 2008, at 5 p.m.** regarding a Spot Blight Abatement Ordinance for 5399 Summit Drive, Fairfax, Virginia, 22030, Tax Map Number 055-4-((02))-0037.

ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-MD08-34	NewPath Networks, LLC and New Cingular Wireless PCS, LLC Additional equipment boxes for Distributed Antenna System Hunter Mill Road, Lawyers Road, Trott Avenue, Vale Road (Hunter Mill, Providence, and Sully Districts)	November 7, 2008
FS-M08-40	Cricket Communications Antenna colocation on existing monopole 3601 Firehouse Lane (Baileys Crossroads VFD Station) (Mason District)	November 9, 2008
FS-L08-42	Cricket Communications Antenna colocation on existing tower 3900 San Leandro Place (Lee District)	November 9, 2008
FS-Y08-44	Cricket Communications Antenna colocation on existing monopole 4511 Daly Drive (Sully District)	November 9, 2008
FS-V08-45	Cricket Communications Antenna colocation on existing tower 10112 Furnace Road (Mount Vernon District)	November 9, 2008
FS-V08-46	Cricket Communications Antenna colocation on existing tower 9128 Belvoir Court (Mount Vernon District)	November 9, 2008

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L08-47	Cricket Communications Antenna colocation on existing monopole 6700 Springfield Center Drive (Lee District)	November 9, 2008
FS-S08-48	Cricket Communications Antenna colocation on existing tower 6199 Old Arrington Lane (Springfield District)	November 9, 2008
FS-Y08-41	Cricket Communications Antenna colocation on existing monopole 7400T Ordway Road (Bull Run Regional Park) (Sully District)	November 14, 2008
FS-D08-43	Cricket Communications Antenna colocation on existing tower 6312 Georgetown Pike (Dranesville District)	November 14, 2008
2232-D08-8	NewPath Networks, LLC and New Cingular Wireless PCS, LLC Additional nodes for Distributed Antenna System Georgetown Pike (Dranesville District)	November 20, 2008
FS-S08-37	Sprint-Nextel Antenna colocation on existing transmission pole 11451 Braddock Road (Springfield District)	November 20, 2008

ADMIN 10 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2004-SU-025, STANFORD HOTELS CORPORATION (SULLY DISTRICT)

(AT) Approved the request for six months of additional time to commence construction for Special Exception Application SE 2004-SU-025 to January 24, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE OFFICE OF JUSTICE PROGRAMS/BUREAU OF JUSTICE ASSISTANCE (OJP/BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS

Authorized the FCPD to apply for and accept funding, if received, from the OJP/BJA Edward Byrne Justice Assistance Grant. Funding in the amount of \$35,581 will be used by the Police Department for the records management upgrade of the Criminal Justice Academy through the purchase of an Imagex document management system and scanner and TrackSlider wall filing system.

ADMIN 12 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Second Addition-Bryn Mawr Lot 54	Dranesville	Laughlin Avenue (Route 1801) (Additional ROW Only)
		Chain Bridge Road (Route 3547) (Additional ROW Only)
Colvin Manor	Dranesville	Colvin Manor Court
Our Lady Good Counsel Church	Providence	Wolf Trap Road (Route 696) (Additional ROW Only)
MP Centreville Venture Parcels A1 and A2	Sully	Upperridge Drive (Route 8349)
		Upperridge Drive (Route 8349) (Additional ROW Only)
5D Business Associates	Sully	Lee Jackson Memorial Highway (Route 50) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
		Lee Jackson Memorial Highway (Route 50) (Additional ROW Only)

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO GRANT A PERPETUAL STREET EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE WILLARD ROAD INTERCHANGE PROJECT (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 22, 2008, at 4 p.m.** to consider granting a Perpetual Street Easement and a Temporary Construction Easement to VDOT for the Willard Road Interchange Project.

ADMIN 14 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND AUTHORIZATION FOR MULTIPLE CONSOLIDATED PLAN CERTIFICATIONS

- Authorized HCD, in partnership with Pathway Homes, to apply and accept funding, if awarded, for four renewal Shelter Plus Care grants totaling \$1,179,264. No local cash match is required for these applications.
- Authorized the CSB to apply for and accept renewal funding, if awarded, for \$350,670, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, \$253,332 is HUD funding and \$52,338 is the required local cash match.
- Endorsed the submission of a new project application by New Hope Housing, in partnership with Shelter House, Reston Interfaith, and Homestretch, to obtain funding for a rapid re-housing demonstration program to serve an estimated 30 to 36 families over three years. The estimated total budget will be \$657,424 which includes \$613,596 in HUD funds and \$43,828 in private match if the project is awarded. No local cash match is required.

- Endorsed the submission of one new project application by FACETS to serve nine chronically homeless individuals for two years in leased units with services provided utilizing a housing first approach. This project totals \$331,493 for two years, of which \$305,890 is HUD funds and \$25,603 is private match funds.
- Endorsed 17 renewal grant applications totaling \$3,539,750, including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, \$2,467,110 is HUD funding, \$445,136 is State pass-through funds, and \$627,504 is private match funds. No local cash match is required.
- Authorized DFS to apply for and accept funding, if awarded, for two renewal grants. This funding includes \$560,856 in local cash match and \$53,585 in private funds for the RISE Supportive Housing Grant; and \$858,552 including \$433,837 in local cash match, for the Community Housing Resource Program – Award Three.

**ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 09043 FOR THE FAIRFAX COUNTY PUBLIC LIBRARY TO
ACCEPT GRANT FUNDING FROM THE INSTITUTE OF MUSEUM
AND LIBRARY SERVICES FOR AN AMERICAN FUTURE: LIBRARY
SERVICE OPPORTUNITIES FOR IMMIGRANT YOUTH UNDER THE
2008 LAURA BUSH TWENTY-FIRST CENTURY PROGRAM**

- (SAR) Approved SAR AS 09043 for the Library to accept funding from the Institute of Museum and Library Services in the amount of \$265,258 for An American Future: Library Service Opportunities for Immigrant Youth under the 2008 Laura Bush Twenty-First Century Program. No local cash match is required.

**ADMIN 16 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 09019 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO
ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF
RAIL AND PUBLIC TRANSPORTATION (VDRPT) FOR THE
RIDESOURCES MARKETING AND RIDESHARING PROGRAM**

- (SAR)
- Approved SAR AS 09019 in the amount of \$700,000 which includes \$560,000 in State funds from VDRPT and \$140,000 in local cash match for the Fiscal Year 2009 RIDESOURCES Marketing and Ridesharing Program.
 - Authorized the Director of DOT to sign the necessary grant documents to execute this grant.

ADMIN 17 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX RELATED TO THE CONSERVATION OF TREES DURING THE LAND DEVELOPMENT PROCESS

- (A) (R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 9.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 24, 2008, and before the Board on **October 20, 2008, at 4 p.m.** to consider proposed amendments to the PFM and the Code of the County of Fairfax, to add a new Chapter 122 (Tree Conservation Ordinance), and revise Chapters 101 (Subdivision Provisions), 104 (Erosion and Sedimentation Control Ordinance), 112 (Zoning Ordinance), and 120 (Tree Conservation Ordinance) related to the conservation of trees during the land development process.

ADMIN 18 – AUTHORIZATION TO FILE COMMENTS IN A FEDERAL COMMUNICATIONS COMMISSION (FCC) RULEMAKING RELATING TO LOCAL ZONING AUTHORITY OVER WIRELESS TOWER SITING (WT DOCKET NUMBER 08-165)

(NOTE: Earlier in the meeting, the Board discussed this item. See page 10.)

Authorized staff to file comments with the FCC that support the County's existing zoning authority over personal wireless services facilities and that oppose a proposal by the wireless industry to impose new federal restrictions on the County's zoning authority over such facilities.

14. **A-1 – AUTHORIZATION TO FILE COMMENTS IN APPLICATION OF DOMINION VIRGINIA POWER FOR APPROVAL OF ITS RENEWABLE ENERGY TARIFF, SCC CASE NUMBER PUE-2008-00044**
(12:07 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Cable Communications and Consumer Protection to file comment in response to the application of Dominion Virginia Power for approval of its renewable energy tariff, SCC Case Number PUE-2008-00044.

15. **A-2 – AUTHORIZATION TO PUBLISH DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSES (BPOL) DELINQUENCY LIST FOR TAX YEAR 2007 (FISCAL YEAR 2008)** (12:07 p.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize staff to:

- Publish lists of delinquent real estate, personal property, and BPOL taxes and make them available for public review in the libraries.
- Continue the collection of taxes, as provided by law, except the “small tax amounts” for which credit is given.

Supervisor Gross seconded the motion.

Discussion ensued, with input from Kevin C. Greenlief, Director, Department of Tax Administration, regarding the:

- Ability to see mortgage companies and banks’ lists of foreclosed properties.
- Effect on revenues through the publication.
- Error and accuracy rate.
- Number of mistakes made.
- Risk factor.
- Number of names on the delinquency list.
- Role of the publication on the collection of delinquent taxes.
- Difference between airing the delinquent list on the television versus placing the list in the library.

Supervisor Bulova moved to defer action on this item until later in the meeting. Supervisor Hyland seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk’s Summary Item #29.)

16. **A-3 – ENDORSEMENT OF COUNTY STAFF COMMENTS ON THE ENVIRONMENTAL ASSESSMENT FOR BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATION NUMBER 133 (BRAC 133) TO RELOCATE 6,409 PERSONNEL TO FORT BELVOIR, VIRGINIA (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (12:14 p.m.)

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

- Approve the draft letter from the Board to Secretary of the Army, Pete Geren, endorsing staff comments on the Final Environmental Assessment for BRAC 133.
- Authorize the transmittal of these materials to Fort Belvoir.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Mark G. Canale, BRAC Coordinator, Department of Transportation, regarding handwritten page seven, first bullet of the Board Agenda Item, regarding the transportation mitigation measure.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to include a:

- Reasonable dialogue regarding traversing the Potomac Scenic Heritage Trail.
- Separate letter to the Congressional Delegation, with copies to the Secretary of the Army, stating the necessity of the Government Services Administration (GSA) sites.

This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion, regarding the procurement process and the necessity for the letter to be hand-delivered, the question was called on the motion, as amended, and it carried by unanimous vote.

17. **I-1 – IMPLEMENTATION OF MERRIFIELD STREETSCAPE DESIGN MANUAL (PROVIDENCE DISTRICT)** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated September 8, 2008, requesting authorization for staff to implement the Merrifield Streetscape Design Manual to provide interested parties the manual as a reference for meeting the Comprehensive Plan's streetscape standards for Merrifield. The staff was directed administratively to proceed as proposed.

18. **I-2 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2009**
(12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated September 8, 2008, requesting adoption of the holiday schedule for calendar year 2009.

The staff was directed administratively to proceed as proposed.

19. **I-3 – WASTE DELIVERY/DISPOSAL AGREEMENT WITH THE DISTRICT OF COLUMBIA** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated September 8, 2008, requesting authorization for staff to proceed with the execution of the waste delivery/disposal agreement with the District of Columbia.

The staff was directed administratively to proceed as proposed.

20. **I-4 – SERVICE CHANGES TO FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED IN FALL 2008 (BRADDOCK, HUNTER MILL, LEE, MASON, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated September 8, 2008, requesting authorization for staff to implement service changes to FAIRFAX CONNECTOR routes in early October 2008.

The staff was directed administratively to proceed as proposed.

21. **I-5 – NOTIFICATION OF REQUIREMENTS FOR FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTS** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated September 8, 2008, regarding the requirements of FTA grants.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

22. **ORDERS OF THE DAY AND INTENT TO DEFER PUBLIC HEARINGS (LEE, PROVIDENCE, AND SULLY DISTRICTS)** (12:22 p.m.)

Chairman Connolly announced that Board Matters will be presented later in the meeting.

Supervisor Smyth announced her intent, at the appropriate time, later in the meeting, to defer the public hearing on:

- Special Exception Application SE 2006-PR-005
- Rezoning Application RZ 2006-PR-013

Supervisor McKay announced his intent, at the appropriate time, later in the meeting, to defer the public hearing on Special Exception Amendment Application SEA 80-L-127-03.

Supervisor Frey announced his intent, at the appropriate time, later in the meeting, to defer the public hearing on a proposal to abandon a segment of Newbrook Drive.

(NOTE: Later in the meeting, Board Matters were presented. See Clerk's Summary Items #30-64.)

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #65, #68, and #75.)

23. **9-11 REMEMBRANCE CEREMONY** (12:23 p.m.)

(NOTE: Earlier in the meeting, Chairman Connolly announced that a ceremony would be held in remembrance of the events of September 11, 2001. See Clerk's Summary Item #1.)

Chairman Connolly announced that immediately upon recess, Board Members should proceed to the garden for the 9-11 Remembrance Ceremony.

24. **RECESS/CLOSED SESSION** (12:23 p.m.)

Supervisor Gross moved that the Board recess and go into closed session, following the remembrance ceremony, 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. *Application of Elantic Telecom, Inc.*, Case Nos. PST-2004-0046; PST-2005-0029; PST-2007-00021 (Virginia State Corporation Commission) (Hunter Mill, Providence, and Dranesville Districts)
2. *James D. Clark v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0010142 (Fx. Co. Cir. Ct.) (Providence District)
3. *Salvatore J. Culosi, et al. v. Fairfax County, Virginia, et al.*, Case No. 1:07CV266 (E.D. Va.)
4. *Eugenia B. White v. Fairfax County Government*, Case No. 1:07CV696 (E.D. Va.)
5. *Helen Brazell v. Fairfax County Department of Family Services*, Record No. 1347-06-4 (Va. Ct. App.)
6. *Jameela Taraky, by GEICO, Subrogee v. Vito Luangkhhot and Fairfax County Housing and Community Development Corp.*, Case No. GV-08-020308 (Fx. Co. Gen. Dist. Ct.)
7. *Carrie J. Wojtyna v. Christopher Douglas Sigmon*; Case No. GV-07-0030401; *Carrie J. Wojtyna and Joseph Wojtyna v. Christopher Douglas Sigmon*; Case No. GV-07-0033892 (Fx. Co. Gen. Dist. Ct.) (Springfield/Mount Vernon Districts)
8. *The Grievance Appeal of Edward Padgett*, Case No. 0805 (Fx. Co. Civil Service Com.)
9. *Claim of David L. Warner*
10. *Claim of George Weaver*
11. *Carrhomes, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0009776 (Fx. Co. Cir. Ct.) (Mount Vernon District)

12. *County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Hermilio Machicao*, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.) (Lee District)
13. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC*, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)
14. *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)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2006-0000793 (Fx. Co. Cir. Ct.) (Mason District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rafael Antonio Carbajal and Maria Delmi Carbajal*, Case No. CL-2008-0000293 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dorothy E. Young and Leon A. Young*, Case No. CL-2007-0010490 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax*

- County, Virginia v. Emily H. Lu*, Case No. CL-2008-0005924 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Board of Supervisors v. McLean Veterinary Associates, LLC, and Erie Insurance Company*, Case No. CL-2008-0002534 (Fx. Co. Cir. Ct.) (Dranesville District)
 22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor R. Fernandez, Lilian R. Rioja, Mario A. Cobarrubias, and Norca T. Cobarrubias*, Case No. CL-2008-0008081 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
 23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shahbaz H. Shaw*, Case No. CL-2008-0002099 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana M. Deras De Alvarado and Roberto Carlos Enrique Del Cid*, Case No. CL-2008-0007169 (Fx. Co. Cir. Ct.) (Providence District)
 25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roman Vallejos and Maria Paredo*, Case No. CL-2008-0007167 (Fx. Co. Cir. Ct.) (Providence District)
 26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hearthstone Multi-Asset Entity B, L.P.*, Case No. CL-2007-0010980 (Fx. Co. Cir. Ct.) (Providence District)
 27. *Eileen M. McLane, Fairfax County Zoning Administrator v. MacArthur Weston*, Case No. CL-2008-0005012 (Fx. Co. Cir. Ct.) (Springfield District)
 28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olivero Leiva Mercado, Jacqueline Del Socorro Gomez, and Esterlina Zeledon*, Case No. CL-2008-0008255 (Fx. Co. Cir. Ct.) (Braddock District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. 9400 Gunston Cove Road, LLC, and Toro's Truck Center, Inc.*, Case No. CL-2008-0006880 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Meo K. Khoune*, Case No. CL-2008-0006900 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marina Flores and Domingo Flores*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luz Lourdes Vargas*, Case No. CL-2008-0005011 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga*, Case No. CL-2008-0006906 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Ronald L. Mastin, Fairfax County Fire Marshal v. Marco A. Comacho*, Case No. CL-2008-0007391 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florence M. Ellington*, Case No. CL-2008-0006693 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tariq Ahmad and Ata Ul Qayyum*, Case No. CL-2007-0012973 (Fx. Co. Cir. Ct.) (Lee District)

38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo M. Crespo*, Case No. CL-2008-0006980 (Fx. Co. Cir. Ct.) (Lee District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khosrow Taher and Azam Taher*, Case No. CL-2008-0006052 (Fx. Co. Cir. Ct.) (Mount Vernon District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wells Fargo Bank, National Association*, Case No. CL-2008-0007451 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel F. Sturdivant, II*, Case No. CL-2008-0006954 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariam Del Carmen Machado and Lucio Machado*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Esteban Maldonado*, Case No. CL-2007-0015031 (Fx. Co. Cir. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene S. Austin*, Case No. 08-0019342 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alan Mandelblat*, Case No. 08-0019344 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Issmail Alchaleh, Mazen I. Alchaleh, and M & I Auto Sales, Inc.*, Case No. CL-2008-0009928 (Fx. Co. Cir. Ct.) (Providence District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohamad J. Al-Khalaf and Manal M. Fahmy*, Case No. CL-2008-0010091 (Fx. Co. Cir. Ct.) (Providence District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gloria M. Salazar and Wilian F. Salazar*, Case No. CL-2008-0010089 (Fx. Co. Cir. Ct.) (Mount Vernon District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia B. Hutchison*, Case No. CL-2008-0010090 (Fx. Co. Cir. Ct.) (Braddock District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor Veizaga and Soto Yovannia*, Case No. CL-2008-0010149 (Fx. Co. Cir. Ct.) (Lee District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Benjamin Yavari*, Case No. CL-2008-0010092 (Fx. Co. Cir. Ct.) (Lee District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aleida O. Torres*, Case No. CL-2008-0010049 (Fx. Co. Cir. Ct.) (Braddock District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher L. Harrop, Luong K. Harrop, and Hieu Hoang Lee*, Case No. CL-2008-0010148 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Consuelo A. Goldie and John V. Medrano*, Case No. CL-2008-0010163 (Fx. Co. Cir. Ct.) (Lee District)

56. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*; Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Frank A. Passarelli*, Case No. CL-2008-0010202 (Fx. Co. Cir. Ct.) (Sully District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2008-0010681 (Fx. Co. Cir. Ct.) (Mount Vernon District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Curry*, Case No. CL-2008-0010740 (Fx. Co. Cir. Ct.) (Lee District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christobal Avelar*, Case No. CL-2008-0010793 (Fx. Co. Cir. Ct.) (Lee District)
61. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Backlick, LLC*, Case No. CL-2008-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
62. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ola M. Coalson*, Case No. CL-2008-0010794 (Fx. Co. Cir. Ct.) (Lee District)
63. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto*, Case No. CL-2008-0010799 (Fx. Co. Cir. Ct.) (Providence District)
64. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Tsentas, Androulla G. Tsentas, and Gregory Kozakos*, Case No. CL-2008-0010798 (Fx. Co. Cir. Ct.) (Lee District)

65. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Fares Abi-Najm*, Case No. CL-2008-0010478 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- *The Rotonda Condominium Unit Owners Association v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2005-0006708
- *Louise Root v. D.L. Cook*, Case No. CL-2008-0002380

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

DAL:dal

At 3:06 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

25 **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:06 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 Foust and Supervisor Smyth jointly 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."

26. **MS. NANNETTE M. BOWLER APPOINTED AS DIRECTOR, DEPARTMENT OF FAMILY SERVICES** (3:07 p.m.)

Supervisor Gross moved the appointment of Ms. Nannette M. Bowler to the position of Director, Department of Family Services, at Grade E-13, which represents a salary of \$150,000 effective September 27, 2008. Supervisor Bulova seconded the motion and it carried by unanimous vote.

27. **MR. GEORGE BRAUNSTEIN APPOINTED AS EXECUTIVE DIRECTOR, FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD** (3:07 p.m.)

Supervisor Gross moved the appointment of Mr. George Braunstein to the position of Executive Director, Fairfax-Falls Church Community Services Board, at Grade E-13, which represents a salary of \$165,000 effective October 11, 2008. Supervisor Bulova seconded the motion and it carried by unanimous vote.

28. **SETTLEMENT OF ROTONDA CONDEMNATION CASE** (3:08 p.m.)

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

AGENDA ITEM

29. **A-2 – AUTHORIZATION TO PUBLISH DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSES (BPOL) DELINQUENCY LIST FOR TAX YEAR 2007 (FISCAL YEAR 2008)** (3:08 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #15.)

Discussion ensued, with input from Kevin Greenlief, Director, Department of Tax Administration, regarding the publishing of delinquent real estate, personal property, and BPOL taxes.

Supervisor Bulova moved to amend her previous motion that the Board authorize staff to:

- Publish lists of delinquent real estate, personal property, and BPOL taxes and make them available for review on County Cable Channel 16.
- Discontinue the practice of making the published lists available for review in the libraries.

Supervisor Herrity seconded the motion.

Discussion ensued, with input from Mr. Greenlief, regarding advertisement on County Cable Channel 16.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of six, Supervisor Hudgins, Supervisor Hyland, Supervisor Foust, and Chairman Connolly voting “**NAY.**”

NV:nv

ADDITIONAL BOARD MATTERS

30. **STATEWIDE SOLAR INCENTIVES** (3:14 p.m.)

(NOTE: Earlier in the meeting, during a report on climate change, solar energy was discussed. See Clerk’s Summary Item #11.)

In a joint Board Matter with Supervisor Gross, Chairman Connolly said that although the County currently allows homeowners to exempt the value of solar installations from the assessed value of their homes, this has not been a sufficient incentive to make solar photovoltaic installations economical.

Chairman Connolly noted that the Governor's Commission on Climate Change, on which Supervisor Gross serves, has been tasked with identifying methods by which to achieve the goal of reducing Virginia's greenhouse gas emissions by 30 percent by 2025, as set forth in the Virginia Energy Plan. The Commission is scheduled to submit its recommendations in December 2008. The Virginia Commission on Energy and Environment is a legislative commission established during the 2008 General Assembly session. As noted in the written Board Matter, its mission is to review and recommend steps to implement the Virginia Energy Plan, including evaluating the impact of State and Federal statutes and regulations. There is also legislation currently under consideration in Congress to extend the federal energy efficiency tax credits.

Jointly with Supervisor Gross, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct staff to prepare letters to the:

- County’s Congressional delegation, urging support for the extension of the existing federal tax credit for solar panels.
- Governor’s Commission on Climate Change asking it to support and initiate legislative proposals to strengthen State tax incentives for residents to install solar photovoltaic panels.

Supervisor Gross seconded the motion.

Following discussion regarding the Commission's meeting on September 10, Supervisor Gross noted that she would take either the letter or this Board Matter to the meeting.

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

31. **HIGH OCCUPANCY TOLL (HOT) LANES AND STORMWATER TREATMENT PLANS** (3:16 p.m.)

Chairman Connolly noted that his next written Board Matter was in regard to stormwater management for the HOT lanes and that his office drafted a letter to be sent to Pierce Homer, Secretary of Transportation. He stated that he would defer to Supervisor Gross who had a similar Board Matter to present.

Supervisor Gross said that plans for treatment of stormwater from the proposed Beltway HOT Lanes are restricted to the added lanes only. Transportation improvements are a high priority in the County and deserve the Board's strong support. At the same time, however, she asserted that the Board also must demand more than just minimum protection of the County's streams and natural resources.

Supervisor Gross said that while the HOT Lane's current stormwater treatment plans will meet basic minimum standards set by Virginia, the plan does not address the pre-existing impervious surfaces and outfalls that continue to degrade County streams and natural resources, such as the Accotink stream, stream valley, and parkland. This degradation is occurring because the original Capital Beltway was built before detention and stormwater controls were required, and it will continue to occur after the HOT Lanes are built, unless the opportunity is seized to address it now.

Supervisor Gross noted that by using stormwater practices that are both creative and sound, stormwater management can be optimized to take care of the additional run-off *and* reduce the environmental damage that continues to happen. There is no need to compound the damage when it can be arrested or reversed by maximizing the effectiveness of modern stormwater controls. Doing the right thing does not necessarily cost more; any cost differential would be far outweighed by the long-term environmental benefits and protection.

Supervisor Gross noted that the County has invested a great deal of time and resources, both public and private, to develop plans for protecting and improving watersheds. County residents have clearly stated, repeatedly, the importance of parks, natural areas, stream valleys, and water quality in streams. As the governing body, the Board must strongly voice its commitment to meeting both transportation and environmental goals.

Therefore, jointly with Chairman Connolly, Supervisor Gross moved that the Chairman's aforementioned letter to Secretary Homer be sent, on behalf of the

Board, asking for a strengthening of stormwater treatment for the HOT lanes in conjunction with the entire Beltway in the HOT Lanes work area. Chairman Connolly seconded the motion.

Following discussion regarding previous unsuccessful attempts to work with the private contractor, Chairman Connolly asked Supervisor McKay, as Chairman of the Board's Transportation Committee, to follow up on the letter with an immediate request for a meeting with the Board's Ad Hoc Subcommittee regarding the HOT lanes.

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

32. **PROPOSED CHANGE IN CHARTER FOR THE NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)** (3:22 p.m.)

(BACs) Chairman Connolly explained that his next written Board Matter was a technical change to the charter of the NVRC that requires concurrence by all member localities. He noted that the Board has seven members who serve on the commission: Supervisors Bulova, Foust, Gross, Herrity, Hudgins, Smyth, and himself.

Chairman Connolly noted that the charter had been changed four years ago at the behest of the Loudoun County Board regarding membership of the Board chair. At its May 22, 2008, meeting, the NVRC, which he currently chairs, approved a resolution (No. 08-23) amending its bylaws to clarify membership from the participating jurisdictions. NVRC is requesting member jurisdictions amend the NVRC's Charter to reflect the change in the bylaws.

This would be the fourth amendment to the NVRC's Charter Agreement, and it removes the clause in brackets from the following sentence:

“The membership of the Commission shall be composed of representatives of the member governmental subdivisions, on the basis of one member of each governmental subdivision who shall be the chief elected officer from the governing body or his/her designee, [except when another elected official of the local governing body is designated by the governing body].”

Chairman Connolly provided the full text of the Charter Agreement and the draft fourth amendment to that Agreement for the Board's review. The provision allowing for additional members from a Board or Council based on a population formula remains intact.

Accordingly, Chairman Connolly moved that the Board authorize him to sign the referenced amendment to the County's Charter Agreement with NVRC on behalf of the County. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

Chairman Connolly asked unanimous consent that the Board direct the Clerk to formally convey to the Executive Director of the NVRC and the Chairman of the NVRC the unanimous concurrence of the Board on this action. Without objection, it was so ordered.

33. **SAINT MARY OF SORROWS CATHOLIC CHURCH CELEBRATES ITS SESQUICENTENNIAL (BRADDOCK DISTRICT) (3:24 p.m.)**

In a joint Board Matter with Supervisor Bulova, Chairman Connolly announced that Saint Mary of Sorrows Catholic Church in Fairfax Station began a year-long celebration of its 150th anniversary last week. The church that sits along Route 123 in Fairfax Station played a significant role in the history of the County and nation.

Chairman Connolly said that two local families, the Hamills and the Cunninghams, donated a tract of land to what was then the Richmond Diocese in 1838 with the hope that it would be the future site of a church and cemetery. Twenty years later, the Bishop of Richmond laid the cornerstone for the historic church near the westward extension of the Orange and Alexandria Railroad to what is now Fairfax Station.

With its prime location between the Fairfax Courthouse and the railroad, the church became a focal point during the Civil War. The church and surrounding land was established as a field hospital following the Second Battle of Bull Run. Clara Barton was one of the young nurses who tended to the wounded at the church, and her experience there spurred her later efforts to found the American Red Cross.

Chairman Connolly said that today the church has an active, vibrant following. To accommodate its expanding parish, a second church was constructed nearby on Sideburn Road in 1980, but the historic church is still in great demand and the site of many community activities.

Accordingly, jointly with Vice-Chairman Bulova, Chairman Connolly moved that the Board direct staff to draft a proclamation congratulating the Saint Mary of Sorrows Parrish on its 150th anniversary, and invite representatives of the church to appear before the Board at the October 20 meeting to be recognized. Vice-Chairman Bulova seconded the motion.

Vice-Chairman Bulova noted that she had also prepared a Board Matter on this commemoration which included additional historic information. She said that the church was considered a missionary parish originally. She relinquished the Chair to Acting-Chairman Hyland and asked to amend the motion to include her written historic information with the information provided to the Office of Public Affairs, and this was accepted.

Acting-Chairman Hyland returned the gavel to Vice-Chairman Bulova.

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

34. **INTERNATIONAL CHILDREN'S FESTIVAL** (3:27 p.m.)

Chairman Connolly noted that it is time for the International Children's Festival, which is held each September at the Wolf Trap National Park for the Performing Arts. Produced annually by the Arts Council of Fairfax County, the festival was conceived in 1971 with the help of Catherine Filene Shouse, the founder of Wolf Trap, as a way to connect cultures through the arts.

Accordingly Chairman Connolly asked unanimous consent that the Board proclaim September 8 through September 14, 2008, as "*International Children's Festival Week*," and direct staff to prepare a proclamation for presentation at the festival gala later this week. Without objection, it was so ordered.

35. **NATIONAL FOOD SAFETY EDUCATION MONTH** (3:27 p.m.)

Chairman Connolly said that it is time for National Food Safety Education Month. He noted that food-borne diseases cause 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the US each year. Additionally, the annual cost of food-borne illness nationally in terms of pain, suffering, productivity losses, and medical costs is estimated to be between \$10 and \$83 billion.

Accordingly, Chairman Connolly asked unanimous consent that the Board proclaim September 2008 as "*Food Safety Education Month*" in Fairfax County and direct staff to prepare a proclamation to be presented to the appropriate staff at the Health Department. Without objection, it was so ordered.

36. **CHILD PASSENGER SAFETY WEEK** (3:28 p.m.)

Chairman Connolly noted that it is time for National Child Passenger Safety Week. According to the National Highway Traffic Safety Administration, approximately 8,325 lives have been saved by the proper use of child restraints during the past 30 years. Sadly, though, 5 children under the age of 14 were killed daily in motor vehicle crashes in 2006, and another 640 were injured on a daily basis. A study by the Children's Hospital in Philadelphia shows children ages 4 through 7 who use booster seats are 59 percent less likely to be injured in a car crash than children who are restrained only by seat belts. Tragically, only 37 percent of children in that age group actually use a booster seat.

Chairman Connolly said that many infant and booster seats are installed improperly. The Fairfax County Safe Kids Coalition, which includes membership from the Fairfax County Police Department, the Fairfax County Sheriff's Office, and INOVA Fairfax Hospital, conducts free child safety seat seminars and inspections throughout the year. In addition to their activities as part of this

national campaign, the Safe Kids Coalition will have a presence at the upcoming *Fall for Fairfax* fair at the Government Center.

Accordingly, Chairman Connolly moved that the Board proclaim September 21–27 as “*Child Passenger Safety Week*” in Fairfax County and direct the Office of Public Affairs to work with Channel 16 and members of the Safe Kids Coalition to publicize the list of activities and inspection sites during the week. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

37. **TRY TRANSIT WEEK** (3:30 p.m.)

In a joint Board Matter with Supervisor Hudgins and Supervisor McKay, Chairman Connolly said that the week of September 22–26 has been declared the first annual Statewide *Try Transit Week*. The Virginia Department of Rail and Public Transportation created the website - <http://www.trytransitweek.com/> - to help promote and organize this event. On that website, participants are encouraged to avoid single occupant vehicle travel and try alternate methods of transportation. Those who pledge to participate are entered into a contest to receive one full year of free transit use. Additionally, a contest is being held to see which locality generates the most pledges. Transit operators across the Commonwealth, including the County’s Department of Transportation (DOT), are working collectively to promote and support this event.

Chairman Connolly said that in the County, there are numerous transportation services available to residents and commuters. These services include Fairfax Connector, Metrobus, Metrorail, Virginia Railway Express (VRE), Richmond Highway Express (REX), the Transportation Association of Greater Springfield (TAGS), RideSources and Commuter Connections, NuRide, Park and Ride facilities, bicycle and pedestrian programs, High Occupancy Vehicle (HOV) lanes, the Guaranteed Ride Home Program, the Vanpool Assistance Program, and the Employer Outreach Program. Further information about these services is available on the DOT website at www.fairfaxcounty.gov/fcdot.

To help promote this event and transit generally, DOT will be:

- Providing week-long information displays in multiple locations for County employees.
- Participating in transit fairs and information tables at Springfield Mall and Tysons Corner Center.
- Utilizing aggressive TV and print advertising.
- Providing increased information at bus shelters and on-board buses.
- Advertising the event on the County and Connector Bus websites.

Chairman Connolly asked unanimous consent that the Board issue a proclamation declaring September 22–26 as “*Try Transit Week*” in Fairfax County and direct the Office of Public Affairs to work in coordination with other participating agencies to promote “*Try Transit Week*,” and direct staff to ensure that the County workforce is aware of the transportation benefits program and transit options available to them. Without objection, it was so ordered.

38. **CENTRAL FAIRFAX CHAMBER OF COMMERCE CELEBRATES 50 YEARS** (3:32 p.m.)

Chairman Connolly noted that the Central Fairfax Chamber of Commerce is celebrating its fiftieth anniversary this year. Jointly with Vice-Chairman Bulova, Chairman Connolly moved that the Board:

- Extend congratulations to the Central Fairfax Chamber of Commerce on its fiftieth anniversary.
- Direct staff to prepare a proclamation for presentation to the Chamber at its upcoming October 3 celebration.
- Direct staff to invite Chamber representatives to appear before the Board at the October 20 Board meeting for recognition.

Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

There was a brief inquiry to Merni Fitzgerald, Director, Office of Public Affairs, who indicated that eight presentations are scheduled for that date.

39. **FIRE PREVENTION WEEK 2008** (3:33 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim October 5 – 11, 2008, as “*Fire Prevention Week*” in Fairfax County and direct the Office of Public Affairs and Channel 16 to coordinate with the Department of Fire and Rescue to publicize the related activities and open houses. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to include in the publicity the importance of working batteries in smoke detectors. Without objection, it was so ordered.

Chairman Connolly noted that he sees people entering the Government Center’s parking garage with lit cigarettes. The building and County vehicles are owned by taxpayers and there is to be no smoking in the building or those vehicles. There are consequences to violations of the Policy.

Following a brief discussion, with input from Anthony H. Griffin, County Executive, Vice-Chairman Bulova returned the gavel to Chairman Connolly.

40. **HONORING THE SOUTHWESTERN YOUTH ASSOCIATION (SYA) EAST ALL STAR TEAM (SPRINGFIELD AND SULLY DISTRICTS)**
(3:36 p.m.)

In a joint Board Matter with Supervisor Frey, Supervisor Herrity announced that this past summer was an exciting time for the players, parents, and volunteers of the SYA Little League. The SYA East 9 and 10 year old All Star team won the District 10 Championship, the Virginia State Championship, and advanced all the way to the championship game of the Regional Tournament of State Champions which took place last month in West Virginia. The team was stopped by a team from Georgia in a close game. The written Board Matter provided more details on the team's progression.

Accordingly, jointly with Supervisor Frey, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the members of the SYA East All Star team and their coaches and parents to a future Board meeting to acknowledge their extraordinary achievement. Without objection, it was so ordered.

41. **ENCOURAGING AFFORDABLE HOUSING SOLUTIONS BY NONPROFITS** (3:37 p.m.)

Supervisor Herrity noted that he has been and remains a vocal critic of the County's Penny for Affordable Housing program. He also said that he has repeatedly stated that affordable housing for the poorer residents in the County is a problem facing both County businesses and residents, and the County has some role in solving the problem. He cited the example of zoning rules that promote the creation of a percentage of smaller more affordable housing units. On July 21 he proposed, and the Board approved, a request to have the County Executive examine ways to encourage the private sector to construct affordable housing units for their employees. He also said that nonprofits play a significant and important role in helping to solve the affordable housing shortage.

Supervisor Herrity said that for the last several years the County has essentially placed a moratorium on real estate tax exemptions for nonprofits. He asserted that this moratorium prevents new nonprofit organizations from receiving real estate tax exempt status for affordable dwelling units they provide. It also has prevented affordable housing properties that currently have exemptions from being transferred from one nonprofit to another retaining their real estate tax exemptions. This significantly increases the cost to nonprofits providing the affordable housing units.

Supervisor Herrity moved that the Board direct the County Executive to:

- Determine the fiscal impact to the County on removing the moratorium on the issuance of new real estate tax exemption status for the affordable housing properties of nonprofits providing affordable housing, limited to units affordable at 65 percent or

below of the average median income or that serve persons with mental or physical disabilities.

- Review and report with the fiscal benefit of having the nonprofits provide this housing versus the County's providing it.

Supervisor Frey seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved a substitute motion to refer these questions to staff for vetting and appropriate answers in the context of the Lines of Business (LOB) budget review for the Department of Housing and Community Development. Vice-Chairman Bulova seconded the motion.

Following discussion regarding tax exemptions, the LOB process, legal issues regarding transfers of tax exempt status, and criteria for tax exemption, the question was called on the substitute motion, which carried by unanimous vote.

The question was then called on the main motion, as substituted, which carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

42. **HIRING FREEZE** (3:46 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding a closer review on hiring. See Clerk's Summary Item #9.)

Supervisor Herrity noted difficult economic times across the country and in the County. He asserted that leaders of the County government must be looking at every possible way to save money, just as most families and businesses in the country are being forced to cut from their budgets to make ends meet. He noted that the County is already facing a significant budget shortfall that is likely to worsen. He said that many businesses and governments, including the Commonwealth of Virginia, have instituted hiring freezes. By acting now, he asserted that the Board can proactively address some of the problems ahead as the County begins the Fiscal Year 2010 Budget process as well as potentially reduce the impact on residents and County staff. He noted that if not handled correctly, hiring freezes can have unintended negative consequences so the implementation should include exemptions for areas such as public safety and a process by which other positions that are truly critical can still be filled following senior management or Board review and approval.

Accordingly, Supervisor Herrity moved that the Board direct the County Executive to report no later than September 22 on the implementation of a hiring freeze along with a list of departments, such as public safety, that should be exempted from the freeze and a process for handling the other exceptions that

should be made. He further moved to add consultants to the list of items under review.

Following discussion regarding the Board's action earlier in the meeting, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to a request that, "pursuant to the Board's previous action, to call on the County Executive to report back to the Board on September 22 on his plans for implementing that guidance," and add consultants, and this was accepted. Without objection, the request, as amended, was so ordered.

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

Supervisor Gross reminded the Board of the Personnel Committee's meeting of Friday, October 24.

43. **ECONOMIC DEVELOPMENT AS A BOARD PRIORITY** (3:52 p.m.)

Supervisor Herrity said that in 1976 a Blue Ribbon Commission created by the Board set a goal of 25 percent of the tax base from the commercial sector. He asserted that the commercial tax base is critical because it provides much of the tax revenues used to fund the high quality services that residents have come to expect. For each dollar of taxes paid by commercial businesses, they use services costing a fraction of the dollar. Residences typically use services costing in excess of each dollar of revenue they provide. The best current estimate for high density residential tax base is a dollar of services for every dollar in taxes. The higher the proportion of commercial tax base, the lower the tax rate needs to be to fund a given level of services.

The County met its 25 percent goal in 1990 at 27 percent, but the percentage is currently 18 percent commercial tax base. Supervisor Herrity asserted that the Board needs to do more to return to the 25 percent level. He said that the private sector is confused as to whether 25 percent is still a goal of the Board. That base could provide significant relief to homeowners.

Because there has not been a formal basis for the Board to update its priorities, Supervisor Herrity moved that the Board incorporate economic development to achieve a 25 percent commercial tax base as a Board priority. Supervisor Frey seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to *reaffirm* its commitment goal of 25 percent because it has not changed, and this was accepted.

Supervisor Herrity restated his motion that the Board incorporate economic development to reaffirm a 25 percent commercial tax base as a Board priority.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion regarding the frequency of the reaffirmation of this goal and re-attainment of the goal in 2000, Anthony H. Griffin, County Executive, offered additional measurements to indicate economic development such as number of jobs in the County.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent to direct the County Executive to follow up on that suggestion. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Further discussion ensued regarding inclusion of the 25 percent measure in the annual budget documents and the commercial tax base, the question was called on the motion, as amended, which carried by unanimous vote.

44. **SPRINGFIELD DISTRICT NIGHTS CONCERT SERIES** (4:01 p.m.)

Supervisor Herrity announced that for the first time, the Springfield District will have its own weekly summer concert series starting in 2009 these weekly, family oriented concerts at Burke Lake Park will provide a free entertainment option for families. As a preview of what is to come next summer, there will be a free special preview concert on Saturday, September 20 from 5 to 7:30 p.m. He distributed publicity flyers and described the event.

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

45. **FINDING BRADDOCK'S TRUE GOLD FAMILY FESTIVAL AT OAK HILL (BRADDOCK DISTRICT)** (4:02 p.m.)

Supervisor Bulova said that on Saturday, October 4 from noon to 5 p.m., there will be a celebration of the saving of the Oak Hill manor house, the last of the Fitzhugh land holdings and buildings. It was saved as part of a unique historic easement in 2004. She invited Board Members to attend this event called "Finding Braddock's True Gold." She distributed flyers and described the event.

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

46. **ROYAL LAKE (BRADDOCK DISTRICT)** (4:03 p.m.)

Supervisor Bulova congratulated and expressed appreciation to County employees who responded to the flooding situation at Royal Lake Dam during Tropical Storm Hanna on Saturday, September 6. Royal Lake is one of four flood control lakes in the Braddock District and its spillway is currently under construction to strengthen it.

Supervisor Bulova recognized the following agencies and individuals:

- Department of Fire and Rescue:
 - Battalion Chief Chuck Hawkins
 - Deputy Chief Mike Reilly
- Department of Public Works and Environmental Services (DPWES):
 - Craig Carinci
 - Dipmani Kumar, Project Manager
 - Steve Atchison
 - Randy Bartlett
 - James Patteson
 - Jimmie Jenkins
 - Other new DPWES employees
- Police Department:
 - Lieutenant Dave Crank
 - Officers from the West Springfield District Station
- Red Cross
- Department of Family Services
- Angler Environmental (Contractor for Royal Lake Auxiliary Spillway Project):
 - Paul Reig and his team

On behalf of the Board, Supervisor Bulova expressed her appreciation to all involved.

Chairman Connolly asked Supervisor Bulova to provide the names to the Clerk to forward to the County Executive.

47. **PLAN AMENDMENT FOR LAND UNIT I OF THE DULLES SUBURBAN CENTER (SULLY DISTRICT)** (4:07 p.m.)

Supervisor Frey said that Headquarters 2, LLC is the owner of approximately 38.88 acres that is bordered by Lee Road to the west, Sully Road on the east, and Willard Road on the south. The property is identified as Tax Map parcels 34-3((14)) B, 2, 3, and 4, and 44-1((17)), 1, 5, 6, A and C, all of which is located within the Dulles Suburban Center, Land Unit I. This land option is planned for light industrial and industrial/flex uses up to a maximum floor area ratio (FAR) of

.35, with an option for high quality hotel and/or a mixture of office industrial/flex uses. The Plan notes that the land unit is appropriate for tourist uses, such as hotels, based on its high visibility and proximity to the Udvar-Hazy Center. Accordingly, Headquarters 2, LLC is contemplating an integrated mixed-use office and hotel development on the properties to include multiple high quality hotels. The property owner is entitled to 1.0 FAR by-right under the current zoning, but the special exception which would be required to establish the hotel use would reduce the FAR from a 1.0 to a .35. The property owner is proposing a plan amendment to allow hotels while still retaining the by-right FAR. Based upon the low-trip generating characteristics of the hotel, staff agrees that the request may have merit.

Accordingly, Supervisor Frey moved that the Board authorize:

- Staff to accept and review a Comprehensive Plan amendment request for Land Unit I of the Dulles Suburban Center for the above-named parcels. This area may be considered for office and hotel uses at an intensity up to 1.0 FAR. This nomination should be considered concurrently with the 2008-2009 North County Area Plans Review nominations.
- Concurrent processing of special exception applications and any related applications as may be necessary to implement the authorized plan amendment.

Supervisor Frey noted that the applicants understand that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards in any way.

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

48. **CENTREVILLE DAY (SULLY DISTRICT)** (4:10 p.m.)

Supervisor Frey explained that every year the Centreville Community Foundation sponsors Centreville Day, a family event with the purpose of building community spirit in Centreville. This year's event returns to the Centreville Historic District on Saturday, September 13. He outlined the events as listed in his written Board Matter and announced that the Park Authority will officially open the newly restored Sears House at 1 p.m. as part of the festivities. He invited Board Members to attend.

Supervisor Frey noted that the Centreville Community Foundation is a non-profit organization and this year the proceeds from the event will go toward restoring the Historic District and other charitable causes.

In the interests of maximizing the benefits from this event, Supervisor Frey moved that the Board direct staff to waive the fees for the trash disposal and direct staff to work with AAA Recycling and Trash, who will be providing trash removal for the event, to ensure that the fee is waived for whichever date they take the trash following the event. Supervisor Herrity seconded the motion.

Following a query to David P. Bobzien, County Attorney, who indicated the action was permissible, the question was called on the motion, which carried by unanimous vote.

DAL:dal

49. **SHILOH BAPTIST CHURCH CELEBRATES ITS 135TH ANNIVERSARY (DRANESVILLE DISTRICT)** (4:12 p.m.)

Supervisor Foust announced that Shiloh Baptist Church in McLean is celebrating its 135th anniversary. The congregation has a long, proud tradition of serving the community dating back to its founding in a one-room school house at historic Odrick's Corner. Shiloh's founder, Cyrus Carter, is a passionate voice for the region's early African-American community, and his work helped establish a number of local congregations. Shiloh Baptist Church has had a front-row seat to the County's transformation from an agrarian society into a technological leader in the global marketplace. The congregation recently welcomed a new pastor, Robert Cheeks, and it will host a celebration this Sunday, September 14.

Therefore, jointly with Chairman Connolly, Supervisor Foust moved that the Board congratulate Shiloh Baptist Church on its 135th anniversary and that a proclamation be drafted to present to the congregation. Supervisor Smyth seconded the motion and it carried by unanimous vote.

50. **DATE CERTAIN SCHEDULING OF PUBLIC HEARING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-5 AND REZONING APPLICATION RZ 2008-PR-011 (PROVIDENCE DISTRICT)** (4:14 p.m.)

- (A) Supervisor Smyth said the Mitre Corporation has two pending zoning applications, a proffered condition amendment and a rezoning, for its campus located at the southern end of Colshire Drive in Tysons Corner. The Planning Commission held a public hearing on July 31, 2008, and deferred decision to September 18, 2008, to allow several minor issues with the proffer statement to reach final conclusion. The applicant has requested that the Board public hearing be scheduled for September 22, 2008, rather than October 20, 2008. Staff and the applicant are working to resolve minor issues raised at the Planning Commission public hearing and it is anticipated that the issues will be fully resolved prior to the Planning Commission decision on September 18 and in time for the revised proffers to be included in the Board package for the September 22 hearing.

Therefore, Supervisor Smyth moved that the Board direct staff to expedite the public hearings for Proffered Condition Amendment Application PCA 92-P-001-5 and Rezoning Application RZ 2008-PR-011, located at Tax Map Parcels 30-3 ((28)) 3A1 and 4A3, and set a date and time certain of **September 22, 2008, at 4:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the pending applications and does not relieve the applicant from compliance with the provisions of all applicable standards, regulations, or adopted standards in any way. Supervisor Foust seconded the motion and it carried by unanimous vote.

51. **FIRST ANNIVERSARY CELEBRATION OF THE OPENING OF OAKTON LIBRARY (PROVIDENCE DISTRICT)** (4:15 p.m.)

Supervisor Smyth announced that the Oakton Library, located at 10304 Lynnhaven Place in Oakton, is celebrating its first anniversary. Residents are invited to participate in the celebration to be held on September 27 from 10 a.m. to noon. The day's events begin with the dedication of the Art in the Pages Sculpture at 10 a.m. and include light refreshments and art-related activities for children.

The Fairfax Library Foundation is working with local artists to transform blank sculptures of an open book into colorful works of art. Businesses, organizations, and individuals were invited to sponsor these works of art. The large, open book statues will be displayed outside libraries, schools, and businesses in Fairfax County and the City of Fairfax serving as centerpieces for many cultural and literacy programs. Ultimately, the statues may be donated to a library branch or other location or auctioned with proceeds benefiting the Library system throughout the Fairfax Library Foundation.

Supervisor Smyth said The Friends of the Oakton Library, as part of the Arts in the Pages program, commissioned the sculpture to be displayed at the Oakton Library. A local artist, Kathy Vaughan, integrated various stories from area residents, major events that impacted the area, and highlights of community life, to design the Arts in the Pages sculptor, currently displayed at the Oakton Library, named "Oakton Roots." Come see the beautiful sculpture, meet Kathy, and have some birthday cake at the first anniversary celebration on Saturday, September 27.

Therefore, Supervisor Smyth invited all residents to attend the celebration and asked unanimous consent that the Board direct the Office of Public Affairs to prepare a press release and help publicize this information. For additional details about this event, please visit the Web site at www.fairfaxcounty.gov/library or call Supervisor Linda Smyth's Office at 703-560-6946 or TTY 711. Without objection, it was so ordered.

PMH:pmh

52. **UNDERSTANDING AND RESPECTING PEOPLE WITH INTELLECTUAL DISABILITIES** (4:17 p.m.)

Supervisor Gross said that a film that is currently being shown in theaters nationwide includes a character with an intellectual disability. This individual is portrayed in a demeaning way that many viewers find hurtful and offensive. Character depictions such as this are a negative role model for those watching the picture, resonating into a false stereotype.

Supervisor Gross said that it was brought to her attention that several area advocacy groups are deeply concerned about this film and its impact on viewers' perceptions after seeing it. She noted that filmgoers not familiar with persons with disabilities, such as portrayed in this movie, may come away with the wrong idea — possibly leading them away from understanding and respecting people with special needs.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive to review the County's efforts to educate the public about the various disabilities that affect its population, as well as examining the County's disability services to improve public outreach and identify any additional service needs.

Following discussion of the request, without objection, it was so ordered.

53. **RECOGNITION FOR FLIGHT SCHOOL REGIONAL EMMY AWARD** (4:20 p.m.)

Supervisor Gross said that Fairfax County Public Schools (FCPS) recently won a regional Emmy Award from the National Capital Chesapeake Bay Chapter of the National Academy of Television Arts and Sciences (NATAS) in the Instructional-Informational Program category. The award was presented for the TV program *Flight School: Higher, Faster, Farther!*, the second show in a series of four live interactive electronic field trips created for students in grades 4 - 8. The show was designed to teach students about the math and science principles involved in the evolution of flight, examining how the knowledge of the forces of flight inspired engineers and aviators to go higher, faster, and farther than ever before.

Supervisor Gross noted that this program was funded by a grant from the Northern Virginia chapter of the Armed Forces Communications and Electronics Association and produced by the FCPS Department of Information Technology in conjunction with the Smithsonian National Air and Space Museum Steven F. Udvar-Hazy Center. The County invests a great deal in education and *Flight School: Higher, Faster, Farther!* is a first-rate example of the outstanding educational programming that FCPS is producing. Anyone who lives or works in the County should be proud of the public school system and its accomplishments.

The Flight School series should not be missed — the fourth installment of the series, Flight School: From Above, will be broadcast on Wednesday, October 8, on Red Apple 21.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite Heather Daniels, Producer and Director of the show, Sue Hoffinan, representative for the Mason District for Information Technology and representative for the Northern Virginia chapter of the Armed Forces Communications and Electronics Association, along with representatives from the Smithsonian National Air and Space Museum Steven F. Udvar-Hazy Center to appear before the Board to be recognized for helping to make this wonderful educational program. Without objection, it was so ordered.

54. **CELEBRATING MOUNT PLEASANT BAPTIST CHURCH'S 141st ANNIVERSARY AND ITS PASTOR'S THIRTY-SEVENTH (MASON DISTRICT)** (4:23 p.m.)

Supervisor Gross said that this year marks the 141st anniversary of the Mount Pleasant Baptist Church in Alexandria. Built in 1867, and one of the oldest Black Baptist churches in Northern Virginia, the small church began with services on Sundays and functioned as a school during the week. Over the years, the church underwent several renovations to accommodate its ever-growing congregation. Today, the church has approximately 1,000 members. The Mount Pleasant Baptist Church has established itself as a community anchor and over the past 141 years, generations of families have relied on this church's commitment and support to the public it serves.

In addition to celebrating the 141st anniversary of the church, it is also the thirty-seventh Ministerial anniversary of its esteemed Pastor, Dr. Harry J. Pilson, Sr. Dr. Pilson has served as Pastor of this great branch of Zion for the past 20 years. Like his church, Dr. Pilson has touched many lives in the community that Mount Pleasant serves. His resolve and devotion to the neighborhood is inspiring, making it a better place for all.

Therefore, Supervisor Gross asked unanimous consent that the Board present both the Mount Pleasant Baptist Church and its Pastor, Dr. Harry J. Pilson, Sr. with awards for their monumental achievements and dedication to the community they have served for many years. Without objection, it was so ordered.

55. **LEGISLATIVE COMMITTEE: PROPOSAL FOR CONSIDERATION – SWITCHING FROM GAS TO ELECTRIC/BATTERY POWERED LAWN MOWERS** (4:23 p.m.)

Supervisor Gross said that she recently received a letter from a constituent proposing that the County ban the use of certain sizes of gas powered lawn mowers. Additionally, he suggested that the Board further implement the use of electric/battery powered mowers to help reduce pollution and improve air quality

in the region. His proposal would need enabling legislation from the General Assembly before the County could take any action, but his idea has merit.

Supervisor Gross noted that she serves on the Governor's Commission on Climate Change and its goal is to identify ways to reduce greenhouse gas emissions in Virginia. She asked unanimous consent that the Board direct staff to review this proposal to determine the likelihood of proposing any legislation of this manner. Without objection, it was so ordered.

56. **AFRICAN AMERICAN ADOPTION AWARENESS MONTH** (4:24 p.m.)

Supervisor Hudgins said that all children need permanent, loving families. But in the County, the children in foster care who wait the longest for their forever families are African American. Approximately 40 children are adopted out of the foster care system in the County each year. The African American children who become adopted stay in foster care over half a year longer than other children. African American children are also overrepresented in the foster care system, a phenomenon that is seen across the country. As of August 1, 2008, the County had a total of 429 children in foster care. Of those children, 175 or 40.8 percent were African American. As of August 1, 2007, there were 469 children in foster care with 191 or 40.7 percent of them being African American. She added that the number has not been below 40 percent since Fiscal Year 2000. According to 2006 American Community Survey data, African Americans represented 9.5 percent of the County's population. Led by Deputy County Executive Verdia Haywood, the County held a community summit November 17, 2007, to address the disproportionate number of African American children in the foster care and juvenile justice systems and to improve school readiness and performance.

Data shows that children who age out of foster care without a permanent family are far more likely to become homeless, become incarcerated, have employment and health problems, and remain undereducated. And yet, it is never too late for a child to have a family. Even youth who are 15, 16 or 17 want to be adopted if they cannot be reunited with their family of kin. Families are stepping forward to adopt these older youth, but the wait continues to be too long and some children never get their adoptive family.

The County, through Fairfax Families4Kids, and in collaboration with the Freddie Mac Foundation, has called attention to the disproportionate numbers of African American children who need permanent families through adoption.

Therefore, Supervisor Hudgins asked unanimous consent that the Board proclaim October as "*African American Adoption Awareness Month*" in Fairfax County, and direct staff to invite the African American Adoption Agency and other agencies to appear before the Board at the September 22 meeting to be recognized for their work. Without objection, it was so ordered.

57. **COMMUNITY LABOR FORCE** (4:26 p.m.)

Supervisor Hudgins said that the Sheriff's Office Community Labor Force programs provide an innovative approach to incarceration and work release. Labor crews, consisting of well-screened offenders, provide necessary services to the County and taxpayer that include graffiti removal, blight abatement, Countywide litter pickup, as well as maintenance for over 200 bus stops and shelters. The force also partners with other County agencies to provide landscaping services on County owned property.

Illegal dumping along roads and discarded litter near fast food establishments, for instance, seem to become magnets for more of the same and degrade the appearance of a community if not immediately addressed. When residents call the Hunter Mill District Office to report unsightly litter near their communities, the Community Labor Force has consistently responded.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the members of the Sheriff's Office, who administer the Community Labor Force, to be recognized before the Board for the work that they do in helping to maintain the appearance of the County and as a way to thank those who are out in the field who do the work.

Following discussion about the recognition of those who maintain the appearance of the County, Supervisor Hyland asked to amend the request to direct staff to provide the persons who do the work an opportunity to see the Board express its appreciation for their work, and this was accepted.

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

58. **WIEHLE AVENUE TRAIL (HUNTER MILL DISTRICT)** (4:29 p.m.)

Supervisor Hudgins said that on August 15, an easement was signed by the Northgate Condominium Unit Owners Association for a 700 foot segment of trail that will permit the completion of the Wiehle Avenue walkway. The challenges in completing the easement were many. In the end, because of the cooperation of the Northgate Board, the Reston Association's Design Review Board, and the dedication and work by County staff, an agreement has been signed that meets the landscaping and design requirements by all parties.

Funding was set aside for the walkway in 1998 and the first meeting was held on November 2000. The facility will provide safe pedestrian and bicycle access locally for residents and nearby faith communities, completes an important part of Reston's Trail network, and is a long awaited component of the Countywide trails and sidewalk network.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite members of the community, Reston Association, and staff to appear before the Board to be recognized for their efforts in moving the long awaited Wiehle Avenue walkway project forward. Without objection, it was so ordered.

59. **SUPERVISOR HUDGINS INTRODUCES HER NEW CHIEF OF STAFF**
(4:30 p.m.)

Supervisor Hudgins introduced Lisa Nern, her new Chief of Staff. The Board warmly welcomed her.

60. **OUTSTANDING PARKWAY CONCERNS** (4:30 p.m.)

Jointly with Chairman Connolly, Supervisor Herrity, and Supervisor McKay, Supervisor Hyland said that several communities surrounding the Engineering Proving Grounds (EPG) have contacted the County to express concern about the Fairfax County Parkway. The design and community approval phases have been extended over a period of decades, beginning in 1984. The planning phase was extensive because construction approval needed from the Department of Defense was an elusive goal - just as full funding for all four critical phases remains a challenge today. The commencement of Phase I and II construction is imminent: Federal Highway Administration (FHWA), the project administrator, plans to request endorsement from the Commonwealth Transportation Board on September 18, 2008.

With the endorsement date rapidly approaching, the community has expressed concerns about impacts on the local community, especially with only two phases funded. In previous joint Board Matters, staff was directed to study the impacts of cut through traffic on adjacent neighborhoods, incorporate multi-modal elements, and attempt to find additional funding by coordinating with stakeholders to assist in the advancement of the Boudinot Avenue ramp. Without the construction of this ramp, Fullerton Road will cease providing access to Interstate 95. This will create massive cut through traffic on residential streets and harm businesses in the Fullerton Industrial Park.

According to project management staff at FHWA, the bid for the base contract of the Parkway came in below initial estimates, potentially freeing up funds for other uses, such as the ramp. Available or "excess" funds should be utilized to accelerate the phased construction. These funds should not be moved from the Parkway to cover shortfalls in other Virginia Department of Transportation projects, especially when the later phases have no funding and the BRAC deadline is looming.

Recently, Department of Transportation staff has been able to reallocate a little over \$2 million to go toward the construction of the Boudinot Ramp. This shows the level of commitment to complete the Parkway before the BRAC deadline. However, local government cannot bear all the burden of funding future phases.

He said that it is hoped that the FHWA, with the assistance of the federal delegation will be able to fully fund the remaining phases of the Parkway before September 2011.

Therefore, Supervisor Hyland moved that the Board direct the Chairman, on behalf of the Board, to send a letter to Secretary of Transportation Pierce Homer expressing the Board's request that any cost savings for Phase I and II be utilized for construction of other phases of the Fairfax County Parkway. Supervisor McKay seconded the motion and it carried by unanimous vote.

61. **MOUNT VERNON NOMINATED TO THE WORLD HERITAGE LIST**
(4:35 p.m.)

Supervisor Hyland announced that in August, he received a letter from the Department of the Interior (DOI) informing him that Mount Vernon Estate and Gardens was selected as a proposed nomination by the United States to add to the World Heritage List, the international list of the world's most important natural wonders and cultural sites. The DOI is undertaking this effort with the cooperation of the Mount Vernon Ladies Association. The nomination process includes notices in the Federal Register, submission to the National Park Service, a Federal Interagency Panel review (its current stage in the process), and finally submission to the World Heritage Center by the DOI through the Department of State for its meeting in the summer of 2010. While local support is not a requirement, it will certainly help the DOI and the Mount Vernon Ladies Association with their nomination to the World Heritage Committee.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Chairman, on behalf of the Board, to send a letter to the National Park Service expressing the County's support of the nomination to add Mount Vernon to the World Heritage List. Without objection, it was so ordered.

62. **NATIONAL ASSISTED LIVING WEEK** (4:36 p.m.)

Supervisor Hyland said that nearly one million seniors and individuals with disabilities in 38,000 assisted living residences nationwide will celebrate the fourteenth Annual National Assisted Living Week, which begins on Grandparents Day, Sunday, September 7, and runs through September 13. Assisted living staff members and residents alike anticipate this event and months in advance begin planning activities around a theme. This year's theme is "Filling Life with Love."

Therefore, Supervisor Hyland asked unanimous consent that the Board proclaim the week of September 7 through September 13 as "*National Assisted Living Week*" in Fairfax County and encourage all residents of the County to visit friends and loved ones who reside at these facilities and learn more about assisted living services and how they benefit communities. Without objection, it was so ordered.

63. **SOUTH COUNTY FEDERATION TWENTY-FIFTH ANNIVERSARY RECOGNITION (MOUNT VERNON DISTRICT)** (4:36 p.m.)

Supervisor Hyland said that strong grassroots organizations ensure healthy, local representative democracy and a responsive citizen-driven government. The Mount Vernon District is fortunate to have two such organizations that work to seek out and promote the voice of local residents: The Mount Vernon Council and the South County Federation. On September 12, the South County Federation will mark its twenty-fifth year. Supervisor Hyland referred to his written Board Matter which outlined the history of Lorton area.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite the current officers of the South County Federation, or their chosen representatives, and his previous staff member, Marcia Hansen, to appear before the Board at an appropriate time for recognition of the organization's twenty-fifth anniversary and the dedication of its members to the Lorton area. Without objection, it was so ordered.

64. **TRUCKS FUNCTIONING AS ROLLING AND STATIONARY BILLBOARDS** (4:38 p.m.)

Supervisor McKay said that the zoning ordinance is comprehensive in specifying the type, size, and permit requirements for signs that can be installed in the County. However, over the past few months, he said that he has heard from a number of constituents who are concerned with trucks that appear to be functioning as both rolling and stationary billboards. These trucks are not carrying cargo or performing business activities—they are simply functioning as signs—and rather large ones at that. They seem particularly prevalent in revitalization areas.

Supervisor McKay pointed out that the sign ordinance specifies the following: “any sign attached to, painted, or displayed on a vehicle/trailer parked 25 feet or less from any public street line and located on the same lot or an adjacent lot, as the establishment to which the sign identifies.” It seems that the ordinance falls short of regulating this new form of visual blight.

Therefore, Supervisor McKay moved that the Board direct staff to review the Code of the County of Fairfax and report with measures that can be adopted to regulate such billboards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

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AGENDA ITEMS

65. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-PR-013 AND SPECIAL EXCEPTION APPLICATION SE 2006-PR-005 (WASHINGTON PROPERTY COMPANY, LLC) (PROVIDENCE DISTRICT)** (4:39 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2006-PR-013 and Special Exception Application SE 2006-PR-005 until **October 20, 2008, at 3 p.m.** Chairman Connolly seconded the motion and it carried by unanimous vote.

66. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-001 (JAI HOTELS, LLC) (SULLY DISTRICT)** (4:39 p.m.)

Supervisor Frey moved to defer the public hearing on Special Exception Application SE 2008-SU-001 until **October 20, 2008, at 3 p.m.** Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

67. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-DR-018 (WILLIAM P. SLOAN) (DRANESVILLE DISTRICT)** (4:40 p.m.)

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2007-DR-018 until **October 20, 2008, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

68. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L-127-03 (NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INCORPORATED/ FRANCONIA VOLUNTEER FIRE DEPARTMENT, INCORPORATED) (LEE DISTRICT)** (4:40 p.m.)

Supervisor McKay moved to defer the public hearing on Special Exception Amendment Application SEA 80-L-127-03 until **October 20, 2008, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

69. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S08-III-P1, LOCATED ALONG OX ROAD, NORTH OF THE SHOPPES AT LORTON VALLEY AND SOUTH OF THE CROSSPOINTE SUBDIVISION (MOUNT VERNON DISTRICT)** (4:40 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 August 14 and August 21, 2008.

Meghan Van Dam, Planner III, Policy and Plan Development Branch, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Van Dam presented the staff and Planning Commission recommendations.

Supervisor Hyland moved adoption of the Planning Commission recommendation on Plan Amendment S08-III-P1, as found on pages eight and nine of the staff report dated June 12, 2008. The amendment would modify the language recommendation for the subject property to allow an option for an 80 unit assisted living facility with certain conditions relating to building design, Leadership in Energy and Environmental Design (LEED) certification, and an open space dedication. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

70. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5 (OFFENSES)** (4:44 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 August 14 and August 21, 2008.

Charles D. Forbes, Assistant Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services, presented the staff report.

ADDITIONAL BOARD MATTER

Introduction of Mayor M. Jane Seeman of Vienna (4:46 p.m.)

Chairman Connolly announced the presence of Mayor of Vienna, M. Jane Seeman, in the auditorium and warmly welcomed her.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 5 (Offenses). Supervisor Foust and Supervisor McKay jointly 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.”

71. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ASHGROVE PLANTATION COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)** (4:46 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 August 14 and August 21, 2008.

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

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Ashgrove Plantation CPD, in accordance with current CPD restrictions. The proposed CPD encompasses the following streets:

- Ashgrove Plantation Circle from Horse Shoe Drive to cul-de-sac inclusive.
- Capo Court from Horse Shoe Drive to cul-de-sac inclusive.
- Doveton Circle from Horse Shoe Drive to cul-de-sac inclusive.
- Gables Lane from Horse Shoe Drive to cul-de-sac inclusive.
- Horse Shoe Drive from Chain Bridge Road to Chain Bridge Road.
- Tysons Trace Court from Horse Shoe Drive to cul-de-sac inclusive.
- Tysons Trace Drive from Horse Shoe Drive to Tysons Trace Court.

Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE.”

72. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON RANDOLPH DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)** (4:49 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 14 and August 21, 2008.

Steven K. Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

Supervisor Gross submitted items for the record.

Following the public hearing, which included testimony by two speakers, Supervisor Gross moved adoption of the Resolution endorsing Randolph Drive between Little River Turnpike and Braddock Road to be included in the R-TAP for a through truck traffic restriction. Supervisor Bulova 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.

73. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) RELATING TO THE ESTABLISHMENT OF A CENTRAL ABSENTEE VOTER PRECINCT** (5 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 August 14 and August 21, 2008.

Rokey W. Suleman, General Registrar, presented the staff report.

Following clarification from Chairman Connolly that the proposed amendments pertained specifically to the election of town officials in Clifton, Herndon and Vienna by absentee or in-person absentee ballot, Mr. Suleman noted that letters of concurrence had been received from the towns of Herndon and Vienna.

Discussion ensued concerning the counting process and procedures and final vote count designation.

Supervisor Hudgins submitted an item for the record. Supervisor Foust, jointly with Chairman Connolly, submitted an item for the record.

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), relating to the establishment of a Central Absentee Voter Precinct. 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.

74. **4:30 P.M. – PH ON THE POWER TO CONSIDER PETITIONS TO CREATE COMMUNITY DEVELOPMENT AUTHORITIES (CDAs)**
(5:08 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 August 14 and August 21, 2008.

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment, presented the staff report.

Chairman Connolly noted that without this action, the Board did not have the authority to accept a petition and act on it. Ms. Byron stated that letters of support had been received from the Community Revitalization and Reinvestment Advisory Group (CRRAG) and G-7 which is representative of the seven revitalization districts and areas in the County. She added that several representatives of CRRAG were present and Chairman Connolly asked that they stand and be recognized.

Discussion ensued concerning the taxation authority of the CDAs with input from James V. McGettrick, Assistant County Attorney. Chairman Connolly noted the Supreme Court ruling on HB 3202 and Supervisor Foust asked unanimous consent that the Board direct the County Attorney to provide guidance on taxation authority. Without objection, it was so ordered.

Discussion continued concerning the process of taxation with additional input from Mr. McGettrick.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins submitted an item for the record. Further discussion ensued concerning the submitted item and the length of time this matter has been under consideration with additional input from Ms. Byron.

Supervisor McKay moved adoption of the Ordinance to permit the County to assume the power to consider petitions for the creation of community development authorities. Supervisor Gross and Supervisor Hudgins jointly 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.”

75. **4:30 P.M. – PH ON A PROPOSAL TO ABANDON A SEGMENT OF NEWBROOK DRIVE (SULLY DISTRICT)** (5:26 p.m.)

Supervisor Frey moved to defer the public hearing on a proposal to abandon a segment of Newbrook Drive until **September 22, 2008, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

76. **BOARD ADJOURNMENT** (5:26 p.m.)

The Board adjourned.

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