



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
January 12, 2009**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, January 12, 2009, at 9:43 a.m., there were present:

- Vice-Chairman Sharon Bulova, presiding
- 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 Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 9:44 a.m.

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 A. Long, Deputy Clerk to the Board of Supervisors.

AGENDA ITEMS

1. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE SOUTHWESTERN YOUTH ASSOCIATION (SYA) EAST 9-10 YEAR OLD LITTLE LEAGUE ALL-STARS TEAM** (9:44 a.m.)

Supervisor Frey and Supervisor Herrity jointly moved approval of the Certificate of Recognition presented to members of the SYA East 9-10 year old Little League All-Stars Team for their achievement. Supervisor Hyland seconded the motion and it carried by unanimous vote.

2. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAMILY OF MR. SAMI KALIFA** (9:53 a.m.)

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and jointly with Supervisor Gross, Supervisor Herrity, and Supervisor McKay moved approval of the Resolution of Recognition to posthumously honor the life of Sami Kalifa and his dedication to residents of the County. Supervisor Gross seconded the motion and it carried by unanimous vote.

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

3. **CERTIFICATE OF RECOGNITION PRESENTED TO COUNTY STAFF AND FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) STAFF** (10:01 a.m.)

Vice-Chairman Bulova relinquished the Chair to Acting Chairman Hyland and moved approval of the Certificate of Recognition presented to County staff and FCPS staff for their work on the Budget Community Dialogues. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

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

4. **10 A.M. – BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (10:11 a.m.)

Supervisor Gross moved the reappointment of Supervisor Bulova as Vice-Chairman of the Board of Supervisors. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

Supervisor Gross further moved approval of the list of Appointments of Board Members to Various Regional Agencies, Committees, and Subcommittees for Calendar Year 2009, as distributed, with the inclusion of two additional appointments. The additional appointments are as follows:

- John Foust, Principal, Emergency Preparedness Council, Metropolitan Washington Council of Governments (COG).

- Sharon Bulova, Virginia Association of Counties (VACo) Board of Directors.

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

The entire list is as follows:

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Gerald Hyland, Chairman
Penelope Gross
Jeffrey McKay
Chairman, Board of Supervisors

ARLINGTON

Penelope Gross, Chairman
Linda Smyth
John Foust
Chairman, Board of Supervisors

DISTRICT OF COLUMBIA

Chairman, Board of Supervisors
Gerald Hyland
Jeffrey McKay
Linda Smyth

FAIRFAX CITY

Sharon Bulova, Chairman
Patrick Herrity
Linda Smyth
Chairman, Board of Supervisors

FALLS CHURCH

Penelope Gross, Chairman
Linda Smyth
John Foust
Chairman, Board of Supervisors

FORT BELVOIR (Board of Advisors/Base Realignment and Closure)

Chairman, Board of Supervisors
Gerald Hyland
Patrick Herrity
Jeffrey McKay

HERNDON

John Foust, Chairman
Catherine Hudgins
Chairman, Board of Supervisors

LOUDOUN COUNTY

Michael Frey, Chairman
Catherine Hudgins
John Foust
Chairman, Board of Supervisors

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)
Michael Frey, Chairman
Gerald Hyland
Patrick Herrity
Chairman, Board of Supervisors

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Catherine Hudgins

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Sharon Bulova, Principal
Penelope Gross, Principal
John Foust, Principal
Michael Frey, Alternate
Patrick Herrity, Alternate
Catherine Hudgins, Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Patrick Herrity, Principal
Linda Smyth, Principal
Sharon Bulova, Principal
Gerald Hyland, Alternate (for any member)

COG AVIATION POLICY COMMITTEE

No appointment action required

**COG CHESAPEAKE BAY AND WATER RESOURCES
POLICY COMMITTEE**

Penelope Gross, Principal
Gerald Hyland, Principal

COG EMERGENCY PREPAREDNESS COUNCIL

John Foust, Principal

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

Catherine Hudgins
Penelope Gross

**COG METROPOLITAN DEVELOPMENT POLICY
COMMITTEE**

Michael Frey, Principal
Sharon Bulova, Principal
Patrick Herrity, Principal

**COG TASK FORCE ON REGIONAL WATER SUPPLY
ISSUES**

Penelope Gross

COG TRANSPORTATION PLANNING BOARD

Linda Smyth, Principal
Catherine Hudgins, Principal
Sharon Bulova, Alternate
Patrick Herrity, Alternate

CLEAN AIR PARTNERS

Linda Smyth

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

Michael Frey
John Foust

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

INOVA HEALTH CARE SERVICES BOARD

Michael Frey
Gerald Hyland

LIAISON WITH CENTRAL FAIRFAX CHAMBER OF COMMERCE

See interjurisdictional committee

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Sharon Bulova
Penelope Gross
Catherine Hudgins
Patrick Herrity
John Foust
Linda Smyth
Vacant

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)

(including WMATA and VRE Representatives)

Sharon Bulova, Principal (VRE Operation)
John Foust
Catherine Hudgins, Principal (WMATA)
Jeffrey McKay, Alternate (WMATA) and Alternate (VRE Operation)
Patrick Herrity, Principal (VRE Operation)

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Sharon Bulova, Chairman
John Foust
Catherine Hudgins
Linda Smyth

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Sharon Bulova
Michael Frey
Catherine Hudgins
John Foust

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Catherine Hudgins, Principal
Jeffrey McKay, Alternate

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

Sharon Bulova
Penelope Gross
Catherine Hudgins
Gerald Hyland
Linda Smyth

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE

(Committee of the Whole)

Patrick Herrity, Chairman

AUDIT COMMITTEE (meets in Chairman's office)

John Foust, Chairman

Sharon Bulova

Patrick Herrity

Vacant

BOARD PROCEDURES COMMITTEE

Penelope Gross, Chairman

Michael Frey, Co-Chairman

BUDGET POLICY COMMITTEE

(Committee of the Whole)

Sharon Bulova, Chairman

DEVELOPMENT PROCESS COMMITTEE

(Committee of the Whole)

Michael Frey, Chairman

Penelope Gross, Vice-Chairman

ECONOMIC ADVISORY COMMITTEE

(Committee of the Whole)

John Foust, Chairman

Patrick Herrity, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

(Committee of the Whole)

Catherine Hudgins, Chairman

John Foust, Vice-Chairman

HUMAN SERVICES COMMITTEE

(Committee of the Whole)

Catherine Hudgins, Chairman

Penelope Gross, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)
Linda Smyth, Chairman
Catherine Hudgins, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)
Penelope Gross, Chairman
Linda Smyth, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)
Gerald Hyland, Chairman

REVITALIZATION COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman
Catherine Hudgins, Vice-Chairman
John Foust, Vice-Chairman

TRANSPORTATION COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman
Catherine Hudgins, Vice-Chairman
John Foust, Vice-Chairman

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5. **ADMINISTRATIVE ITEMS** (10:14 a.m.)

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

Supervisor Hyland called the Board's attention to Admin 10 – Board of Supervisors' Meeting Schedule for Calendar Year 2009 and noted a conflict with the March 9 meeting date. The National Association of Counties Board of Directors meeting is scheduled for that date. Therefore, he asked if the Board would be willing to consider rescheduling the Board meeting to March 16. Discussion ensued, with input from Anthony H. Griffin, County Executive, who noted that three weeks is needed to advertise the budget.

Supervisor Gross noted a similar conflict with the February 23 meeting date because the National Association of Regional Councils' legislative meeting is scheduled for that date.

Further discussion ensued regarding the meeting schedule. It was noted that the schedule had been revised from the one that was released earlier in the fall because two meeting dates were dropped.

Vice-Chairman Bulova asked her colleagues to try and make adjustments for the regional meeting conflicts and as the dates draw near the issues can be revisited, if needed.

Supervisor McKay called the Board's attention to Admin 9 – Approval of Traffic Calming Measures, Installation of “\$200 Additional Fine for Speeding” Signs, and “Watch for Children” Signs as part of the Residential Traffic Administration Program (R-Tap) (Sully, Hunter Mill, Lee, and Providence Districts) and noted that he is submitting a letter of support from the Sequoyah Condominium Council of Co-Owners.

The question was called on the motion to approve the Administrative Items and it carried by unanimous vote, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE.”

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE LAKE BRADDOCK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 9, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Lake Braddock CPD in accordance with current CPD restrictions. The proposed district expansion includes Amber Court (Route 5107), from Winbourne Road to cul-de-sac inclusive.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LAKEFORD COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 9, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Lakeford CPD in accordance with current CPD restrictions. The proposed district includes New Providence Drive (Route 6929), from Lakeford Drive to cul-de-sac inclusive.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CHERRY RUN COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **February 9, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Cherry Run CPD in accordance with current CPD restrictions. The proposed district includes the following:

- Bestwicke Road (Route 5882), from the northern boundary of parcel 88-1((07))172 to the southern boundary of parcel 88-1((07))147
- Biggers Road (Route 6893), from Degen Drive to cul-de-sac inclusive
- Degen Drive (Route 6891), from Ironmaster Drive to Stripp Street
- Ironmaster Drive (Route 6411), from the western boundary of parcel 88-1((07))107 to the eastern boundary of parcel 88-1((07))83
- Klimt Court (Route 6892), from Degen Drive to cul-de-sac inclusive
- Little Cobbler Court (Route 6401), from Villagesmith Way to cul-de-sac inclusive
- Newchandler Court (Route 6402), from Villagesmith Way to cul-de-sac inclusive
- Old Blacksmith Drive (Route 6403), from Villagesmith Way to Ironmaster Drive
- Rehanek Court (Route 6898), from Bestwicke Road to cul-de-sac inclusive
- Stripp Street (Route 6894), from Bestwicke Road to cul-de-sac inclusive
- Stonecutter Drive (Route 6412), from Ironmaster Drive to the eastern boundary of parcel 88-1((07))67

- Villagesmith Way (Route 6400), from Old Keene Mill Road to cul-de-sac inclusive
- Woodcarver Court (Route 6413), from Stonecutter Drive to cul-de-sac inclusive

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, LEE, MOUNT VERNON, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L08-86	Cricket Communications Antenna colocation on existing monopole 7711 Loisdale Road (Lee District)	March 16, 2009
FS-L08-94	Cricket Communications Antenna colocation on existing monopole/ light pole 5801 Franconia Road (Edison High School) (Lee District)	March 16, 2009
FS-V08-95	Cricket Communications Rooftop antennas 6677 Richmond Highway (Mount Vernon District)	March 16, 2009
FS-Y08-110	T-Mobile Northeast LLC Antenna colocation inside stealth chimney 5675 Stone Road (Sully District)	March 19, 2009
FS-D08-112	Verizon Wireless Antenna colocation inside replacement steeple 8980 Brook Road (Dranesville District)	March 21, 2009

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, LEE, PROVIDENCE, SPRINGFIELD, 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>
The Reserve at Martins Pointe Section 2	Braddock	Danas Crossing Drive
		Abernathy Court
		Lindsey Meadow Court
		Brandon Ridge Way
		Zion Drive (Route 654) (Additional ROW Only)
		Zion Drive (Route 654) (Additional ROW Only)
Autumn Chase Hunt Section 4	Lee	Schurtz Street
		Beulah Street (Route 613) (Additional ROW Only)
National Automobile Dealers Association	Providence	Leesburg Pike (Route 7) (Additional ROW Only)
		Westpark Drive (Route 5061) (Additional ROW Only)
Warren H. and Elaine N. McConnell Accotink Academy	Springfield	Tuttle Road (Route 824) (Additional ROW Only)
Willow Oaks at Fair Lakes Section 1	Springfield	Fair Lakes Parkway (Route 7700) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Holland Property	Springfield	Westbrook Drive (Route 1258) (Additional ROW Only)
Murray Farms Fair Oaks Hospital	Sully	Rugby Road (Route 750) (Additional ROW Only)
		Rugby Road (Route 750) (Additional ROW Only)
		Ox Trail (Route 6985) (Additional ROW Only)
		Alder Woods Drive (Route 7201) (Additional ROW Only)

ADMIN 6 – ADOPTION OF A RESOLUTION FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ISSUE REVENUE BONDS FOR THE BENEFIT OF CAPITAL HOSPICE

(BONDS)
(R)

Adopted a Resolution for the EDA to issue up to \$7,200,000 revenue bonds pursuant to the plan of financing of Capital Hospice.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09100 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO SUPPORT THE IMPLEMENTATION OF THE I-495 HIGH OCCUPANCY TRAFFIC (HOT) LANES TRANSPORTATION MANAGEMENT PLAN

(SAR)

Approved SAR AS 09100 for FRD to accept annual funding from VDOT for the HOT Lanes Project and accept the agreement between FRD and VDOT. No local cash is required.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09097 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF AGRICULTURE THROUGH THE VIRGINIA DEPARTMENT OF HEALTH FOR THE WOMEN, INFANTS, AND CHILDREN (WIC) GRANT

(SAR) Approved SAR AS 09097 for the Health Department to accept funding from the US Department of Agriculture through the Virginia Department of Health in the amount of \$391,913 for the WIC Grant.

ADMIN 9 – APPROVAL OF TRAFFIC CALMING MEASURES, INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS, AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY, HUNTER MILL, LEE, AND PROVIDENCE DISTRICTS)

(Rs) (NOTE: Earlier in the meeting, this item was discussed. See page 9.)

- Endorsed the following traffic calming plans for Cobra Drive/Kinross Circle and Garrett Street:
 - One speed hump on Cobra Drive (Sully District)
 - Two speed humps and two raised crosswalks on Kinross Circle (Sully District)
 - One raised crosswalk and multi-way stop on Garrett Street (Hunter Mill District)
- Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Old Courthouse Road between Beulah Road/Trap Road and west corporate limits of the Town of Vienna and Old Courthouse Road between east corporate limits of the Town of Vienna and Gosnell Road (Hunter Mill District).
- Adopted a Resolution authorizing the installation of “Watch for Children” signs at the following intersections:
 - Seven Woods Drive and Buckman Road (Lee District)
 - Briarwood Farms Court (Providence District)
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 10 – BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2009

(NOTE: Earlier in the meeting, this item was discussed. See pages 8–9.)

Adopted the meeting schedule for January through December, 2009.

6. **A-1 – RESOLUTION FOR REIMBURSEMENT OF CAPITAL EXPENDITURES FROM THE PROCEEDS OF THE SALE OF SEWER REVENUE BONDS** (10:18 a.m.)

(BONDS)

(R)

On motion of Supervisor Gross, seconded by Vice-Chairman Bulova, and carried by unanimous vote, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and approved a reimbursement Resolution relating to proceeds of future sales of Sewer Revenue Bonds.

7. **A-2 – FAIRFAX CORNER TEMPORARY LICENSE AGREEMENT (SPRINGFIELD DISTRICT)** (No time)

This item was withdrawn by staff.

8. **A-3 – TESTIMONY FOR PUBLIC HEARING ON COMMONWEALTH OF VIRGINIA’S REVISION TO THE SIX-YEAR IMPROVEMENT PROGRAM FOR HIGHWAY AND TRANSIT FUNDS FISCAL YEAR (FY) 2009 THROUGH FY 2014** (10:18 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve a letter to Secretary Pierce Homer transmitting the recommendations of the Board and emphasizing its concerns regarding the reductions to Interstate, Primary, and Public Transportation projects. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation, regarding the noise walls and the Gallows Road/Lee Highway project funding. Supervisor Smyth encouraged staff to get a commitment in writing for the funding.

Supervisor Foust asked unanimous consent that the testimony reflect the Board’s strong support for the Virginia Department of Transportation’s:

- Efforts to more fully address issues such as tree removal, landscaping, noise, and pedestrian accessibility and for the allocation of additional funding in the draft program for this purpose.

- Grant application seeking funds to address gaps in the pedestrian network between the Capital Beltway project limits and adjacent pedestrian connections.

Following discussion regarding the enhancement funding, without objection, it was so ordered.

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

9. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-D08-21, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) (GREAT FALLS VOLUNTEER FIRE STATION) (DRANESVILLE DISTRICT)** (10:25 a.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-D08-21, DPWES (Great Falls Volunteer Fire Station). The application sought approval to construct a replacement fire station at the existing Great Falls Volunteer Fire Station location at 9916 Georgetown Pike in Great Falls Village, about six miles northwest of I-495, Tax Map 13-1 ((1)) 2.

10. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-P08-16, AT&T MOBILITY (PROVIDENCE DISTRICT)** (10:25 a.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-P08-16, AT&T Mobility. The application sought approval to construct a 20' addition to an existing 103' stadium light pole/monopole with up to six wireless flush-mounted telecommunications antennas and related equipment cabinets at Oakton High School, located at 2900 Sutton Road, Vienna, Tax Map 48-1 ((1)) 111.

11. **I-3 – CONTRACT AWARD – FRYING PAN FARM PARK, PHASE 1 EQUESTRIAN BARN REPLACEMENT (HUNTER MILL DISTRICT)** (10:25 a.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2009, requesting authorization for staff to award a contract to Hammerhead Construction in the amount of \$2,123,106 for the Phase 1 replacement of equestrian barns and related work at Frying Pan Farm Park, in Project 475804, Building Renovation and Expansion, Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

12. **I-4 – CONTRACT AWARD – QUANDER ROAD AT WEST POTOMAC HIGH SCHOOL (MOUNT VERNON DISTRICT)** (10:26 a.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2009, requesting authorization for staff to award a contract to Ashburn Contracting Corporation in the amount of \$239,924.50 for construction of Quander Road at West Potomac High School, Project Number 4YP201 (PB042), Fund 304, Transportation Improvements.

The staff was directed administratively to proceed as proposed.

13. **I-5 – FAIRFAX COUNTY AWARDED AAA CREDIT RATING** (10:26 a.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2009, announcing that in preparation for the 2009 bond sale scheduled for January 13, the County requested a bond rating from Moody's Investors Service, Standard and Poor's Corporation, and Fitch Ratings. All three rating agencies gave the County a triple-A rating with a stable outlook.

Vice-Chairman Bulova noted that only 22 counties in the entire US received this rating. On behalf of the Board, Vice-Chairman Bulova thanked the County Executive and staff who met with the rating agencies.

NV:nv

BOARD MATTERS

14. **SUPPORT FOR AUTISM LEGISLATION** (10:27 a.m.)

Vice-Chairman Bulova said that Autism is a complex developmental disability affecting the capacity for communication and interaction with others. It is diagnosed based on a certain set of behaviors and is defined as a spectrum of disorders (Autism Spectrum Disorders or ASD) because it affects individuals differently. According to recent estimates, 1.5 million Americans are autistic, and a 2007 study by the Centers of Disease Control and Prevention found that roughly one out of every 150 children is autistic. Currently there is no cure for ASD, but there are treatments available that can greatly improve the quality of life for people with autism, especially if an individual is diagnosed and begins receiving treatment early. Unfortunately, the costs of some of these treatments are prohibitive and not covered by health insurance.

Vice-Chairman Bulova reported that in its upcoming session, the Virginia General Assembly will consider a bill, pre-filed by Delegates David Bulova, David Poisson, and Bob Marshall, and by Senators Chap Petersen and Jill Holtzman Vogel, which will prevent private insurance companies from

excluding the coverage of individuals with autism. This bill will ease the emotional and financial burden on families and on the public health system.

Therefore, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent to refer consideration of this bill to the Board's Legislative Committee for possible endorsement. Without objection, it was so ordered.

15. **ENGINEERS WEEK** (10:29 a.m.)

Vice-Chairman Bulova said that throughout the United States, February 15—21, 2009, will be celebrated as "Engineers Week," which was founded in 1951 by the National Society of Professional Engineers. It is always celebrated near the time of George Washington's birthday, and as the nation's first president, was a land surveyor and supporter of engineering education. Numerous presidents have recognized the important contribution of engineers and have endeavored to show their support on this week.

Dedicated to enhancing the public understanding of the engineering profession and the engineers' positive contributions to quality of life, this week promotes recognition of the importance of a technical education and a high level study of math, science, and technology literacy. Vice-Chairman Bulova noted that the County employs more than 200 engineers who are involved in diverse fields of engineering, all working together to improve the quality of life of the citizens of the County.

Therefore, Vice-Chairman Bulova asked unanimous consent that the Board proclaim February 15-21, 2009, as "*Engineers Week*" in Fairfax County and direct staff to invite staff from the Department of Public Works and Environmental Services, together with engineer representatives of other departments, to appear before the Board on February 9 to accept this proclamation. Without objection, it was so ordered.

16. **AFRICAN AMERICAN HISTORY MONTH** (10:31 a.m.)

Vice-Chairman Bulova said that the month of February is traditionally celebrated as African American History Month to recognize the contributions and achievements of African Americans. In conjunction with national observances, the County, in particular, the Office of Human Rights and Equity Programs Division, would like to recognize the month of February as African American History Month.

Vice-Chairman Bulova said that the County recognizes the invaluable impact of its diversity of cultures, traditions, and backgrounds, and how much success the region has derived from the contributions of African Americans in many aspects of society. This month is an opportunity for County leaders and residents to remember the challenges that African Americans have overcome and their

triumphs even now as they positively shape the national character. The diversity in the County is one of its greatest strengths.

Therefore, Vice-Chairman Bulova asked unanimous consent that the Board proclaim February 2009 as "*African American History Month*" in Fairfax County and direct staff to invite Director Martha Villanigro-Santiago and members of the Equity Program Division to appear before the Board on January 26 to accept this proclamation. Without objection, it was so ordered.

17. **RECOGNITION FOR WALTER MUNSTER** (10:32 a.m.)

Vice-Chairman Bulova said that Walter "Skip" Munster Jr. has been with the Fairfax County Public Schools (FCPS) and the County for almost 27 years in various senior management roles including Planning and Technology Services in FCPS, Cable Regulatory in the Department of Cable Communications and Consumer Protection (DCCCP), and Telecommunications in the Department of Information Technology (DIT). He was influential in many innovations that helped integrate technology into County classrooms, including the TV production facility at the Sprague Technology Center, an automated distribution system for FCPS cable channels, and FCPS' first electronic classroom. He led ongoing efforts by DIT to improve the County's technological infrastructure through modernization, data center improvements, and server and database transformation. He also worked on national telecommunications programs including SAFECOM, a Department of Homeland Security initiative to ensure nationwide interoperable public safety communications.

Noting that Mr. Munster is retiring on January 16, Vice-Chairman Bulova asked unanimous consent that the Board direct staff to invite him to appear before the Board on March 9 to receive a Resolution of Recognition for his outstanding service to the County. Without objection, it was so ordered.

18. **SMART SERVICES – JOINT BOARD OF SUPERVISORS AND SCHOOL BOARD INITIATIVE TO IDENTIFY SAVINGS AND EFFICIENCIES** (10:34 a.m.)

(BACs) Vice-Chairman Bulova said that as the Board of Supervisors and School Board have concluded their respective Lines of Business and Program Reviews, along with the countywide series of Community Dialogues that ended in December, she had discussions with members of the School Board, including Chairman Dan Storck and Budget Liaison Phil Niedzielski-Eichner, regarding opportunities to identify collaborative approaches to identify savings opportunities in their respective budgets.

As Vice-Chairman and Chairman of the Board's Budget Committee, Vice-Chairman Bulova said that she is proposing "Smart Savings," a joint Board of Supervisors and School Board initiative to pursue both short term

and long term savings and/or improvements to County services through streamlining, combining, and/or consolidating separate County/School functions.

Vice-Chairman Bulova said that she asked School Board Chairman Storck to work with her and staff to organize a four to six member ad-hoc committee of the respective boards to begin performing a critical high-level review to identify potential candidates for consideration. Chairman Storck is presenting this same initiative to the School Board today at a School Work Session.

Vice-Chairman Bulova acknowledged that while the two Boards have many collaborative efforts already in place (for example, shared community use of school facilities has never been higher and the partnership between the Police Department and the school safety operations has produced an enviable school safety and security record), more can be done. This joint committee will be tasked to be bold and creative in reviewing, on a high-level policy basis, those separate operations and assets that show real promise for achieving savings and/or improving services. The committee will report at the planned April joint Board meeting with recommendations for specific areas to charge staff with further analysis. Service improvements or savings opportunities could include before or after school (SACC) programs, health and safety, community facilities, transportation, and many other areas. Some recommendations could conceivably be considered sooner than the April meeting.

Accordingly, Vice-Chairman Bulova moved that the Board direct the County Executive to assist with the implementation of this effort and direct that the appropriate staff and resources be made available to support the work of the joint committee. She said that she would provide the Board with more details regarding the committee. This motion was multiply seconded.

Discussion ensued regarding a similar Board action on October 20 regarding consolidation of services and the fact that the current Board Matter provides a mechanism for joint action and a policy perspective.

Following further discussion, Supervisor McKay asked to amend the motion to include an analysis of joint procurement opportunities, and this was accepted.

Supervisor Smyth raised the issue of the School Board's facility planning efforts and asked to amend the motion to include a review of joint planning efforts for a more integrated effort, and this was accepted.

Supervisor Foust suggested that this committee be continued on an ongoing basis.

Following further discussion regarding the logistics of the committee, Vice-Chairman Bulova clarified that following passage of the motion and subsequent action by the School Board later in the day, she would proceed to meet with School Board Chairman Storck and Budget Liaison Phil Niedzielski-Eichner to schedule the first meeting and identify the individuals who would serve. The

group would explore candidates for further review and opportunities. The second step would be for the respective staffs to initiate implementation. She said that she will return to the Board with the actual structure of the committee.

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

19. **NATIONAL CHILD IMMUNIZATION MONTH** (10:46 a.m.)

Vice-Chairman Bulova said that each year the Health Department participates in National Child Immunization Month, a national program sponsored by the Center for Disease Control (CDC) to emphasize the importance of immunizing children by the age of two against 12 vaccine preventable diseases. While the immunization rate in the County continues to hold steady at 81 percent compliance for two-year olds, the problem continues to be with the fourth dose of diphtheria, tetanus, and pertussis at the 15-month visit to the physician. Throughout the month, more than 500 communities across the nation will come together in planning community awareness, and media events to promote children's immunizations to parents, caregivers, providers, and their communities.

Therefore, Vice-Chairman Bulova moved that the Board proclaim April 2009, as "*Immunization Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Health Department and their partners to receive the proclamation at the March 30 Board meeting. Noting that she also had a Board Matter on the subject, Supervisor Smyth seconded the motion, which carried by unanimous vote.

20. **NATIONAL MENTORING MONTH** (10:48 a.m.)

Vice-Chairman Bulova said that National Mentoring Month highlights mentoring and the positive impact it can have on young lives. This month long outreach campaign focuses national attention on the need for mentors, as well as how everyone – individuals, businesses, government agencies, schools, faith communities, and nonprofits – can work together to increase the number of mentors and assure brighter futures for area young people. Many County organizations, such as the Partnership for Youth and Best Buddies, regularly participate in invaluable mentoring activities.

Therefore, Vice-Chairman Bulova moved that the Board proclaim January 2009 as "*National Mentoring Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax County Partnership for Youth to receive the proclamation at the January 26 Board meeting. Supervisor McKay and Supervisor Smyth jointly seconded the motion, which carried by unanimous vote.

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

21. **PARKING TICKET FEE REVIEW** (10:49 a.m.)

Supervisor McKay said that in these challenging budget times, the County needs to use every tool at its disposal to ensure that it does not fall prey to the law of unintended consequences. He specifically referred to the County's parking ticket collection. With the exception of violations of handicapped accessible parking spaces, most parking offenses are set by County Code at \$40. (Any person who pays late is assessed an additional \$20 fee.) Because it has been some time since the County's basic parking fine schedule had been changed or reviewed in depth, the County may have reached the point where the cost of issuing a ticket—the salary of the police officer and the associated administrative costs—is higher than the actual fine. This may, in effect, subsidize parking violators.

Supervisor McKay stated that his budget advisory group that has been working hard since September has highlighted the need to find creative ways to raise County revenues—starting with moving fines and fees into a more realistic balance.

Accordingly, Supervisor McKay moved that the Board direct staff to review the County's current schedule of parking fines and fees and report on which of those fees can be increased to provide both a higher level of deterrence and to fully cover the costs of County enforcement and collection. Supervisor Foust seconded the motion, which carried by unanimous vote.

22. **AUTHORIZATION OF LOISDALE ROAD STUDY (LEE DISTRICT)**
(10:51 a.m.)

Supervisor McKay said that during the 2008 Base Realignment and Closure (BRAC) Area Plans Review (APR) process, staff recommended that three BRAC APR nominations located east of I-95 along Loisdale Road be deferred for consideration in a separate study. The BRAC APR Task Force supported the staff recommendation. BRAC APR item 08-IV-2S was withdrawn in October; therefore items 08-IV-1S and 08-IV-3S would proceed for consideration in the study.

Supervisor McKay explained that the proposed study area is a portion of Land Unit K in the I-95 Corridor Industrial Area extending south of Loisdale Park to Newington Road. Proximity and accessibility to Fort Belvoir, the Engineer Proving Ground (EPG), and Metro and VRE, coupled with the impending BRAC-related transfers to Fort Belvoir, affords staff an opportunity to evaluate the merit of re-planning this location from primarily industrial use to uses that could support other needs, including associated contractor offices.

Land use scenarios that will be considered are a campus-style office complex and private recreation uses in the study area. The study will also utilize transportation modeling to evaluate road improvements that may be necessary to support

changes to the Comprehensive Plan. The anticipated timeframe is nine months, or a completion date of September 2009, pending Board authorization today.

To allow this study to proceed, Supervisor McKay moved that the Board authorize the Loisdale Road Study to consider the portion of Land Unit K in the I-95 Corridor Industrial Area west of the CSX Railroad tracks between Loisdale Park and Newington Road for office and private recreation uses. The study should be completed within a nine month timeframe. He added that the Planning Commission endorsed this concept last week. Supervisor Foust, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

23. **FEE WAIVER FOR SPRINGFIELD-FRANCONIA LIONS CLUB CHARITIES FLEA MARKETS (LEE DISTRICT)** (10:53 a.m.)

Supervisor McKay requested a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Incorporated. He noted that the Board has approved this waiver request annually since 1994. Club representatives recently contacted him to express appreciation for past assistance and to request support for a waiver again this year.

Supervisor McKay explained that the flea markets are held on alternating Saturdays from April through November at the Virginia Railway Express parking lot off Backlick Road. All net proceeds from the markets are returned to the community. The Springfield-Franconia Host Lions Club Charities, Incorporated supports organizations such as Koinonia, ECHO, and the Juvenile Diabetes Foundation and assists indigent citizens with eyeglass prescriptions and hearing aids.

Accordingly, Supervisor McKay moved that the Board direct staff to waive the application fees for 21-day permits associated with the Springfield-Franconia Host Lions Club Charities 2008 flea markets. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

24. **INVITATION TO LEE DISTRICT OPEN HOUSE** (10:54 a.m.)

Supervisor McKay announced that he and his staff will host the traditional Lee District New Year's Open House on Saturday, January 31. It will be held from 1-3 p.m. in the community room of the Franconia Governmental Center. He invited his colleagues and the viewing public to attend.

25. **IMPLEMENTATION OF OVERNIGHT PARKING RESTRICTION ON GREEN SPRING ROAD AND ADJACENT SERVICE ROAD F-956 NORTH SIDE OF LITTLE RIVER TURNPIKE (MASON DISTRICT)**
(10:55 a.m.)

Supervisor Gross said that during the past several years, she has received many complaints about the overnight parking of dump trucks and semi-tractor trailers on Green Spring Road and the adjacent service road (F-956) on the north side of Little River Turnpike. Although this area is zoned commercial, it is also adjacent to residential areas on the east and south sides of Little River Turnpike. She said that this is the old entrance into Green Spring Gardens, with Jerry's Ford on one side and the Salvation Army Adult Rehabilitation Center and Thrift Store on the other.

Supervisor Gross explained that the vehicles have out-of-state license plates, are not registered to the businesses in the adjacent area, and the drivers of the semi-tractor trailers use their parked rigs as sleeping quarters. She even witnessed this herself. Green Spring Road and Service Road F-956 are not rest stops for drivers of any vehicle. After consulting with the Department of Transportation (DOT) staff, she said that the most reasonable option currently available is to restrict overnight parking on both of these roads where there are no existing vehicle restrictions. This would mitigate the concerns of nearby residents and business owners, allow parking for customers during the day, and prevent the overnight and long-time storage of industrial and commercial vehicles on these roads.

Therefore, Supervisor Gross moved that the Board direct DOT to take the necessary steps to install signs restricting overnight parking, from 7 p.m. to 7 a.m. on Green Spring Road, from Little River Turnpike to the cul-de-sac, and the adjacent service road, F-956, from 6528 Little River Turnpike to Merritt Road, where there are no parking restriction signs installed. Supervisor McKay seconded the motion and it carried by unanimous vote.

26. **GREEN ROOF ON HERRITY BUILDING PARKING GARAGE WINS AWARD** (10:57 a.m.)

Supervisor Gross referred to copies of a County news release she distributed regarding community award recognition of the green roof on the parking garage for the Herrity Building. The Community Appearance Alliance of Northern Virginia presented the award to County staff on January 8 at the Northern Virginia Regional Commission.

Supervisor Gross announced that the County won four awards, including recognition for the Fairfax City Regional Library architecture and the Little Pimmit Run project.

Supervisor Gross noted that the monitoring of the green roof is already yielding good results in contrast with the control site.

Supervisor Gross congratulated the Board and staff for achieving a Community Appearance Alliance Award.

Following a query from Supervisor Smyth regarding submission of the green roof project to the National Association of Counties (NACo) award program and NACo's solicitation of nominations, Supervisor Gross asked unanimous consent that the Board direct the staff to assemble a nomination for the project. Without objection, it was so ordered.

27. **EFFECTS OF START LATER FOR EXCELLENCE IN EDUCATION PROPOSAL (SLEEP)** (10:59 a.m.)

Supervisor Gross reported that the SLEEP effort to adjust start times at the elementary, middle, and high school levels is proceeding at County schools with substantial community support although a final decision has not been made. She said that there will be implications on some County programs and facilities, such as after school anti-gang activity at middle schools and use of County recreation center pools for swim teams.

To identify potential challenges and resolutions of the SLEEP initiatives, Supervisor Gross moved that the Board direct the County Executive to review the potential implications and possible program changes that would be required for the SLEEP program to be implemented and report no later than February 9. Supervisor Herrity seconded the motion.

Following discussion regarding the fact that this is ultimately a School Division decision, that there are County program implications and possible costs, and that other localities have experience with implementation, the question was called on the motion, which carried by unanimous vote.

EBE:ebe

28. **MOUNT VERNON COUNCIL BUDGET RESOLUTION (MOUNT VERNON DISTRICT)** (11:04 a.m.)

Supervisor Hyland said that on December 17, 2008, the Mount Vernon Council adopted a resolution entitled "Full Disclosure in Fairfax County's FY 2010 Advertised Budget Plan." The Council applauds the Board and County staff's process to provide and obtain input on the budget, including the Lines of Business Review. The Council asks that the Board advertise a tax rate that retains current services and programs, knowing that the Board can adopt a lower rate, but not a higher one. In addition, the Council asks the Board to disclose and specify tax rates and revenue enhancements to support County services.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the budget presentation.

Supervisor Hyland asked unanimous consent that the Board direct staff to include the tax rate information during the budget presentations. Without objection, it was so ordered.

29. **HOMEOWNER FEE ASSISTANCE FOR RESIDENTS OF AFFORDABLE DWELLING UNITS (ADU)** (11:07 a.m.)

Supervisor Hyland referred to his written Board Matter and asked unanimous consent that the Board direct staff to study the impact of increased fees on units purchased through the ADU program and make recommendations on the suitability and effectiveness of County assistance to aid individual homeowners and to empower homeowners associations to address the issue and report its findings. Without objection, it was so ordered.

30. **VERIZON FIBER OPTIC SERVICES (FIOS) INSTALLATION** (11:09 a.m.)

Supervisor Hyland said that in June of last year, Supervisor McKay brought to the Board's attention problems that Lee District constituents were having with the Verizon FIOS installation. Supervisor Gross also referenced similar problems in the Mason District.

Supervisor Hyland shared with the Board yet another complaint from a property owner in Stratford Landing. According to her, Verizon subcontractors made several attempts to trespass and dig on her property where there is no easement. It took threats to call the police and a Department of Cable Communications and Consumer Protection (DCCCP) inspection to stop the subcontractors from tearing up the yard. DCCCP's inspection of the subcontractor's paperwork showed a temporary builder's easement from the construction of the subdivision, which had long since expired.

Supervisor Hyland said residents should know their rights and who to contact if they experience a similar problem. Furthermore, Verizon needs to continue to ensure compliance with State laws and control the abusive behavior of its subcontractors.

Accordingly, Supervisor Hyland moved that the Board direct:

- The Office of Public Affairs and the Consumer Protection Division of DCCCP to prepare and disseminate information on a property owner's rights and points of contact should they experience problems with utility installation.
- Staff to meet with Verizon representatives to help remedy problems associated with the FIOS.

Supervisor Gross seconded the motion.

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

31. **SOUTH COUNTY MIDDLE SCHOOL AND NIKE HERITAGE RESOURCE SITE: AUTHORIZATION FOR PLAN AMENDMENT AND CONCURRENT AND EXPEDITED SITE PLAN AND BUILDING PERMIT REVIEW (MOUNT VERNON, BRADDOCK, AND SPRINGFIELD DISTRICTS** (11:12 a.m.)

In a joint Board Matter with Vice-Chairman Bulova and Supervisor Herrity, Supervisor Hyland noted that Fairfax County Public Schools (FCPS) is planning for the development of a South County Middle School. FCPS owns an approximately 40-acre vacant parcel that is planned for this purpose. Located between the planned middle school site and the South County Secondary School is an approximately 40-acre parcel owned by the Park Authority that is planned for lighted recreation fields, parking, a conservation area, and heritage resource preservation.

An exchange of the FCPS property for the Park Authority property would allow middle school development on the parcel adjacent to the South County Secondary School. This would facilitate shared playing fields and better preserve environmental features located on both properties. The Park Authority plans to develop recreation fields and related community park facilities, and natural and cultural resource preservation and interpretation, on the exchanged middle school site. The Park Authority Board and staff are aware of, and have no objections to, this proposal. The established Park Authority land exchange process shall be followed subject to plan amendment approval, including a public hearing on the proposed land exchange.

Supervisor Hyland said the proposed land exchange requires an amendment to the Comprehensive Plan. Coordination with the US General Services Administration is also required because a plan amendment constitutes a change to the Laurel Hill Reuse Plan. Both properties were previously part of the DC Department of Corrections site at Lorton.

To achieve timely development of the middle school at the new site, concurrent and expedited site plan and building permit review is needed while the plan amendment is under review. Also, a 2232 public facility review is needed during this process and will be conducted concurrent with the plan amendment.

Staff from FCPS and Park Authority have indicated that they will meet with the community as the amendment proceeds, including stakeholders such as the South County Federation, the Laurel Hill Community Association, and the South County Middle School group. Staff should also work with the community to

fittingly commemorate the limited historical context which the property played during the Cold War period.

Therefore, jointly with Vice-Chairman Bulova and Supervisor Herrity, Supervisor Hyland moved that the Board direct staff to:

- Process an amendment to the Lower Potomac Planning District, LP1-Laurel Hill Community Planning Sector of the Comprehensive Plan for approximately 80 acres located west of the South County Secondary School, identified as Tax Map 98-3 ((1)) 25 and a portion of Tax Map 107-3 ((1)) 19.
- Accept, expedite, and concurrently process site plan and building permit applications for the properties, and any related applications as may be necessary to implement the authorized Comprehensive Plan Amendment.

This motion in no way prejudices the full review of any applications and does not preclude the applicant from adherence to any and all adopted standards. Supervisor Smyth seconded the motion, and it carried by unanimous vote.

32. **MOUNT VERNON'S TWENTY-SECOND ANNUAL TOWN MEETING**
(11:17 a.m.)

Supervisor Hyland said that 22 years ago, he hosted the first Mount Vernon Town meeting and have been unable to stop. This year's town meeting will feature two changes: first, the bus will have to be handicap accessible and second, two candidates for Chairman, Vice-Chairman Bulova and Supervisor Herrity, have agreed to a debate. Because of this rare opportunity, he hoped to have a record crowd. It will be held on January 31, at Mount Vernon High School, from 7:45 a.m. until 1 p.m.

Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to issue a press release advertising Mount Vernon's twenty-second annual Town meeting.

Without objection, it was so ordered.

33. **FISCAL IMPACT OF PROVIDING VIDEO TESTIMONY** (11:18 a.m.)

(BACs) Supervisor Hyland noted that recently the Environmental Quality Advisory Council held a public hearing on its annual report that afforded County residents the opportunity to provide testimony from the South County Government Center. It was the first time the County has permitted live testimony from a satellite location. From all accounts, it proved to be a successful meeting and those who provided testimony enjoyed the shorter commute.

Supervisor Hyland said allowing testimony from County facilities other than the Government Center affords residents an opportunity to involve themselves in their government without the long trek. It saves them time and keeps vehicles off the roads. He expressed the hope that staff will continue to work to expand this to other Boards, Authorities and Commissions, namely the Planning Commission and eventually the Board.

However, Supervisor Hyland acknowledged this comes at a cost, both in staff time and equipment. For the Board to consider this in better budget times, it needs to know the financial impact of this service.

Therefore, Supervisor Hyland moved that the Board direct staff to provide a cost estimate and implementation plan to allow testimony from other government facilities. Supervisor McKay seconded the motion and it carried by unanimous vote.

34. **UNITED STATES (US) FLAG LOCATION (SPRINGFIELD DISTRICT**
(11:21 a.m.)

Supervisor Herrity said that it has come to his attention that the US Flag in front of the Government Center has been raised in the wrong location. According to the Flag Code Title 4, US Code, Chapter 1, Section 7 (e), the Flag of the US of America should be at the center and/or at the highest point of the group when a number of flags of states or localities or pennants of societies are grouped and displayed from staff. The location of the US flag in front of the Government Center is on the left of center staff and sometimes raised on the right of center staff.

Therefore, Supervisor Herrity moved that the Board direct staff to investigate how flags are being flown at the County's buildings and report its findings. Vice-Chairman Bulova seconded the motion.

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

35. **HONORING WEST SPRINGFIELD FOOTBALL COACH BILL RENNER**
(11:23 a.m.)

Supervisor Herrity said that recently West Springfield High School Football Coach Bill Renner announced that he will be retiring after 20 years as a high school football coach in the County. During his 20 year career, Coach Renner has led the football programs at Mount Vernon, Langley, and West Springfield, coaching hundreds of student athletes along the way.

Supervisor Herrity referred to his written Board Matter outlining Coach Renner's accomplishments and moved that the Board direct staff to invite Coach Bill Renner to appear before the Board at a future Board meeting so that he can be

honored for his long distinguished career of service in the County. Supervisor Hyland seconded the motion, and it carried by unanimous vote.

36. **MOTION TO ADOPT QUARTERLY STATUS REPORT ON OPERATIONS OF THE OFFICE OF FINANCIAL AND PROGRAMS AUDITOR** (11:25 a.m.)

(BACs) Supervisor Foust said that the Board has been presented the Quarterly Status Report on Operations as of December 22, 2008, prepared by the Office of Financial and Programs Auditor.

The report demonstrates that the Office of Financial and Programs Auditor has participated in several significant ways in improving the County's financial condition, including the following:

- The Board's recent increase of Connector bus fares to the same level as Metrobus regional fares, which is expected to result in additional revenue for the County of almost \$1 million in the second half of fiscal year 2009, and about \$2.78 million in Fiscal Year 2010.
- An additional transfer of \$1.5 million from the budget for the recently completed McConnell Public Safety and Transportation Operations Center to the General Fund, bringing the total amount transferred to \$5,540,000.
- The Police Department citing applicable County Codes, rather than State Codes, when issuing a traffic violation, which is estimated to increase the County's revenue from traffic fines in Fiscal Year 2009 by \$1.5 to 2.0 million compared to Fiscal Year 2008.

The report also notes the Office's continuing effort to review contracts awarded by the County for consulting services and its ongoing review of the Department of Tax Administration's efforts to collect sales tax that had been improperly paid to the other jurisdictions.

Supervisor Foust moved that the Board adopt the report. Vice-Chairman Bulova seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding collection and payment of taxes to the correct jurisdiction from businesses and how to correct this problem.

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

PMH:pmh

37. **CERTIFICATE OF APPRECIATION FOR PETER BRAHAM, SENIOR STAFF COORDINATOR, ZONING EVALUATION DIVISION, DEPARTMENT OF PLANING AND ZONING** (11:34 a.m.)

Jointly with Supervisor McKay, Supervisor Smyth announced that Peter Braham is retiring and asked unanimous consent that the Board direct staff to prepare a Certificate of Appreciation in time to be presented at his retirement party and direct staff to invite Mr. Braham to appear before the Board to be thanked for his good service. Without objection, it was so ordered.

38. **EARNED INCOME TAX CREDIT (EITC) AWARENESS DAY** (11:36 a.m.)

Supervisor Hudgins said that last year, families throughout Northern Virginia received more than \$2 million in federal tax refunds through the free Volunteer Income Tax Assistance (VITA) Program, locally known as the Northern Virginia CASH Campaign – Creating Assets, Savings and Hope. CASH is a regional, volunteer-run campaign that provides free tax preparation services to help low-income residents of Northern Virginia receive the tax refunds to which they are entitled, including the EITC.

Supervisor Hudgins noted that starting January 24 and continuing through April 2009, IRS-certified volunteers at 16 sites in Northern Virginia will help ensure that low-income families receive the maximum tax refund to which they are entitled, and determine if they are eligible for the EITC. At this time of economic downturn and growing need, here is an opportunity for individuals and families who earned less than \$42,000 in 2008 to get help filing their tax returns at no cost. The Department of Family Services is leading the Northern Virginia effort to mobilize a coalition of public agencies, businesses, libraries, faith and community-based groups to operate this critical and highly successful tax assistance program.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim January 30, 2009, as “*EITC Awareness Day*” in Fairfax County.
- Direct staff to publicize events and activities leading up to EITC Awareness Day.

The Department of Family Services will send invitations to all Board Members for a CASH Campaign kickoff event, to be held at the County’s Falls Church Human Services Office on Saturday, January 31.

Without objection, it was so ordered.

39. **HUNTER MILL BUDGET EMAIL ANNOUNCEMENT** (11:37 a.m.)

Supervisor Hudgins said that as the Board continues to embark upon the Fiscal Year 2010 Budget Process, residents continue to contact her office via email. In an attempt to more efficiently manage the volume of emails received, Supervisor Hudgins asked the Department of Information Technology to establish a budget specific email to receive their budget concerns.

Supervisor Hudgins announced that the new Hunter Mill District Budget email is huntermillbudget@fairfaxcounty.gov.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to publicize the email address to area media outlets. Without objection, it was so ordered.

40. **RESTON STREAM RESTORATION PROJECT (HUNTER MILL DISTRICT)** (11:38 a.m.)

Supervisor Hudgins said that Stream Restoration was one of the major projects recommended as part of the Reston Watershed Master Plan which was funded by the Reston Association Board in 2001. Problems related to increased stream channel erosion, water quality, sediment deposits in Reston lakes, exposed sanitary sewer pipes and the impact on trees and trails generated by the project. Phase I of the project includes approximately four miles of stream in Snakeden Branch and 14 miles of stream in Glade and Colvin Run currently on hold. Snakeden Branch has been completed.

The restoration includes raising the bed to reconnect higher storm flows with the floodplain; placement of reinforced stream bed comprised of crushed stone, sand, gravel and topsoil; placement of rock structures to direct the flow away from channel banks and heavy plantings of native trees, shrubs, and herbaceous materials. This provides stability to the channel bed and banks to decrease future erosion. During this process some removal of trees is necessary, but attempts are made to minimize this loss. Without this restoration streams will continue to degrade and may cause irreparable deterioration.

All activity associated with the restoration project is approved by the Department of Planning and Zoning, Site Review and Urban Forestry, as well as by the US Army Corps of Engineers, the Virginia Department of Environmental Quality and the Reston Association Design Review Board. Several constituents have raised concerns about the restoration project, in particular the loss of trees. She noted that the project has been thoroughly reviewed and it was deemed the trees removed as part of the Snakeden Branch project were necessary to improve the stability of the stream and surrounding area.

Therefore, Supervisor Hudgins moved that the Board direct staff of the Department of Public Works and Environmental Services to review the plans for

Glade stream restoration with attention to tree loss to determine if there is an opportunity to respond to the concerns expressed by the citizens. Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

41. **TRANSPORTATION SUCCESS: TEMPORARY RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD) FOR POLO FIELDS AND HERNDON MONROE PARK-AND-RIDE GARAGE REPAIRS (HUNTER MILL DISTRICT)** (11:41 a.m.)

Supervisor Hudgins said that residents of Polo Fields came to her office this summer seeking help with overflow commuter parking on their neighborhood streets when unscheduled repairs to the Herndon Monroe Park-and-Ride Garage resulted in the loss of several hundred parking places. A Temporary RPPD was established on September 1 for roads in Polo Fields closest to the garage with the ability to add additional streets if needed. The garage repairs have been completed, parking patterns apparently have returned to what they were before the repairs, and the Temporary RPPD is no longer being enforced.

Supervisor Hudgins asked unanimous consent that the Board:

- Direct staff to prepare a report on the Polo Fields Temporary RPPD noting its success so that a record is available should other districts need to use a Temporary RPPD. A process had already been established for a Temporary RPPD but the Polo Fields effort was the first time it has been used in the County.
- Direct staff to invite the following individuals to appear before the Board to be recognized for their service:
 - Hamid Majdi and Bruce Taylor of the Department of Transportation (DOT)
 - Captain Deborah Burnett of the Reston District Station, who helped ensure the success of the Temporary RPPD
 - Ron Kirkpatrick, Department of Public Works and Environmental Services, and his team that headed the garage repair effort
 - Beth Francis, DOT, who handled public relations

The Herndon Monroe Park-and-Ride Garage repairs, though an unexpected expenditure, were completed on time within budget. The public was kept informed via the Fairfax Connector Website and via printed announcements and notices.

Supervisor Hudgins also asked unanimous consent that the Board recognize the tremendous patience of the commuters who had to adjust their daily commuter patterns when garage repairs were found to be necessary. Without objection, the requests, were so ordered.

42. **CAPITAL PROJECTS FOR THE ECONOMIC STIMULUS PACKAGE**
(11:43 a.m.)

Jointly with Vice-Chairman Bulova and Supervisor McKay, Supervisor Hudgins said that the Board of Directors of the Washington Metropolitan Area Transit Authority (Metro) identified a list of capital projects to be considered for inclusion in a potential federal economic stimulus package and submitted those projects for consideration. The Northern Virginia Transportation Commission (NVTC) endorsed this list last week.

Therefore, Supervisor Hudgins moved that the Board direct staff to send a letter to the Virginia congressional delegation expressing its support for these capital projects with a request that the delegation act to express its support to the incoming administration. Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

43. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(11:44 a.m.)

Vice-Chairman Bulova noted that Supervisor Frey was called away from the dais and indicated that he had no Board Matters to present.

44. **RECESS/CLOSED SESSION** (11:44 a.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
2. *Request of Edward J. Nuttall, Esquire, for Reimbursement of Attorney's Fees and Costs in Defending Fairfax County Police Officer Amanda Perry*
3. *Salvatore J. Culosi, et al. v. Fairfax County, Virginia, et al.*, Case No. 1:07cv266 (E.D. Va.)
4. *Michael Ku v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2008-0003303 (Fx. Co. Cir. Ct.); *Conley Ku v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2008-0003317 (Fx. Co. Cir. Ct.)
5. *Eugenia B. White v. Fairfax County Government*, Case No. 1:07cv696 (E.D. Va.) and Case No. 08-2179 (4th Cir.) (White I)
6. *Eugenia B. White v. Fairfax County Government*, Case No. 1:08cv418 (E.D. Va.) (White II)
7. *Eugenia B. White v. Fairfax County Government*, Case No. 1:08cv1110 (E.D. Va.) (White III)
8. *Janet Lyon Haight, Conservator of the Estate of Jay Richard Lyon v. Robert Carlson, et al.*, Case No. CL-2008-0000671 (Fx. Co. Cir. Ct.)
9. *Michael L. Orem v. Richard Perl and Masoud Azadfroz*, Case No. CL-2008-0010186 (Fx. Co. Cir. Ct.)
10. *Notice of Claim: E. Scott Frison, Jr.*
11. *Deborah Imperato-Fieger v. Commonwealth of Virginia, Town of Vienna, and Fairfax County*, Case No. CL-2008-0015707 (Fx. Co. Cir. Ct.)
12. *Nahom F. Beyene v. J.W. Andrea*, Case No. CL-2008-0015943 (Fx. Co. Cir. Ct.)
13. *Carrhomes, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-

0009776 (Fx. Co. Cir. Ct.) (Mount Vernon District)

14. *Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Hermilio Machicao, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.); Eileen M. McLane, Fairfax County Zoning Administrator v. Hermilio Machicao and J.A.M. Homes, Inc., Case No. CL-2008-0016138 (Fx. Co. Cir. Ct.) (Lee District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Sanchez, Candida R. Sanchez, and Caroline M. Hervo-Akendengue Smith, Case No. CL-2008-0002003 (Fx. Co. Cir. Ct.) (Lee District)*
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Purdy, Jr., Case No. CL-2008-0009693 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)*
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Sorto, Case No. CL-2007-0015536 (Fx. Co. Cir. Ct.) (Lee District)*
19. *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)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia G. Munoz, Case No. CL-2007-0015538 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)*

22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel C. Miranda and Irma Dalila Miranda*, Case No. CL-2008-0011751 (Fx. Co. Cir. Ct.) (Mason District)
23. *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)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Lagarteira and Maria A. Lagarteira*, Case No. CL-2007-0014790 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirna Moreno*, Case No. CL-2008-0009111 (Fx. Co. Cir. Ct.) (Lee District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Benjamin Yavari*, Case No. CL-2008-0010092 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Federal, Inc.*, Case No. CL-2008-0004974 (Fx. Co. Cir. Ct.) (Sully District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Otero and Blanca Rose Otero*, Case No. CL-2008-0010922 (Fx. Co. Cir. Ct.) (Dranesville District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
30. *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)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rose Mary King*, Case No.

- CL-2008-0012699 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emma Portillo and Juan Pablo Guzman*, Case No. CL-2008-0013109 (Fx. Co. Cir. Ct.) (Sully District)
 33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khoa Nguyen*, Case No. CL-2008-0009339 (Fx. Co. Cir. Ct.) (Lee District)
 34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter P. Mitrano and Virginia L. Mitrano*, Case No. CL-2008-0013342 (Fx. Co. Cir. Ct.) (Springfield District)
 35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
 36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Seville Homes, LLC*, Case No. CL-2008-0011675 (Fx. Co. Cir. Ct.) (Providence District)
 37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Osmin Alvarado and Edgardo Osmin Alvarado*, Case No. CL-2008-0011676 (Fx. Co. Cir. Ct.) (Lee District)
 38. *Washington D.C. SMSA Limited Partnership, d/b/a Verizon Wireless v. Fairfax County Board of Zoning Appeals*, Case No. CL-2008-0014622 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 39. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Melvin Gelman Trust and ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Justiniano*, Case No. CL-2008-0014799 (Fx. Co. Cir. Ct.) (Lee District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Juan C. Justiniano*, Case No. CL-2008-0015614 (Fx. Co. Cir. Ct.) (Lee District)
42. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas R. L'ecuyer*, Case No. CL-2008-0015328 (Fx. Co. Cir. Ct.) (Sully District)
43. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Noubar Pech*, Case No. CL-2008-0015527 (Fx. Co. Cir. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Chi*, Case No. CL-2008-0015530 (Fx. Co. Cir. Ct.) (Providence District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carmen Garcia*, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
46. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mariano Lopez Perez*, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmad Bakhshi and Talat Bakhshi*, Case No. CL-2008-0015615 (Fx. Co. Cir. Ct.) (Lee District)

48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro Hernandez*, Case No. CL-2008-0015768 (Fx. Co. Cir. Ct.) (Mason District)
49. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susan W. Butler*, Case No. CL-2008-0015767 (Fx. Co. Cir. Ct.) (Mount Vernon District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ju Wan Ryu*, Case No. CL-2008-0015857 (Fx. Co. Cir. Ct.) (Lee District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luat Cong Dinh, Thin Thi Dinh, Trang Cong Dinh, and Duc Tien Dinh*, Case No. CL-2008-0015901 (Fx. Co. Cir. Ct.) (Providence District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juana Flores and Oscar A. Coreas*, Case No. CL-2008-0016022 (Fx. Co. Cir. Ct.) (Lee District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Idania Maria Barahona and Gixeis J. Barahona*, Case No. CL-2008-0016021 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derlis A. Arnez, Rosario Arnez, and Carmen R. Arnez*, Case No. CL-2008-0016093 (Fx. Co. Cir. Ct.) (Lee District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Funes and Dilia Diaz*, Case No. CL-2008-0016139 (Fx. Co. Cir. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Andrade*, Case No. CL-2008-0016277 (Fx. Co. Cir. Ct.) (Sully District)

57. *Eileen M. McLane, Fairfax County Zoning Administrator v. German Andres Camara and Celestina Balderrama Corrales*, Case No. CL-2008-0016276 (Fx. Co. Cir. Ct.) (Mason District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ominex, Inc., and Belleview SC Co., LLC*, Case No. CL-2008-0016278 (Fx. Co. Cir. Ct.) (Mount Vernon District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto*, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edgar Uriona*, Case No. CL-2008-0016332 (Fx. Co. Cir. Ct.) (Mason District)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tua Anh Ngo and Ngocnga T. Nguyen*, Case No. CL-2008-0016331 (Fx. Co. Cir. Ct.) (Providence District)
62. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz*, Case No. CL-2008-0016330 (Fx. Co. Cir. Ct.) (Braddock District)
63. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Issam Hineidi*, Case No. CL-2008-0016509 (Fx. Co. Cir. Ct.) (Providence District)
64. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016413 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
65. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina*

- Almanza*, Case No. CL-2008-0016554 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Assad Saliba and Roxanne Saliba*, Case No. CL-2008-0016552 (Fx. Co. Cir. Ct.) (Braddock District)
67. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel D. Liang*, Case No. CL-2008-0016553 (Fx. Co. Cir. Ct.) (Mount Vernon District)
68. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmad Zia Safari and Inayet Nadri*, Case No. CL-2008-0016692 (Fx. Co. Cir. Ct.) (Mount Vernon District)
69. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Strohl and Pamela L. Strohl*, Case No. CL-2008-0016691 (Fx. Co. Cir. Ct.) (Lee District)
70. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 2008-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)
71. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghissa P. Torrico and Oscar Torrico*, Case No. 2008-0036353 (Fx. Co. Gen. Dist. Ct.) (Lee District)
72. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mortgage Electronic Registration Systems, Inc.*, Case No. 08-0036352 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
73. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hossein Nilforoush*, Case No. CL-2008-0036594 (Fx. Co. Gen. Dist. Ct.) (Providence District)
74. *Eileen M. McLane, Fairfax County Zoning Administrator v. RMC-Tyco, LLC*, Case No. CL-

2008-0036595 (Fx. Co. Gen. Dist. Ct.)
(Providence District)

75. *Eileen M. McLane, Fairfax County Zoning Administrator v. Auto Sound Express, Inc., and Kleriotis, LLC*, Case No. CL-2008-0037438 (Fx. Co. Gen. Dist. Ct.) (Lee District)

76. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008197 (Fx. Co. Cir. Ct.) (Countywide)

77. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008198 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)

And in addition:

- *Virginia Code* Section 4.1-100
- *Fairfax County Water Authority v. City of Falls Church*, Number 2008-16114
- Development at Wiehle Avenue Metrorail Station Site, Reston, Virginia, RFPO8-946065-10

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

DMS:dms

At 4:03 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Vice-Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

45. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:03 p.m.)

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

46. **DENIAL OF THE CLAIM REGARDING GEOFF LIVINGSTON, ET AL. V. COUNTY OF FAIRFAX AND VIRGINIA DEPARTMENT OF TRANSPORTATION** (4:03 p.m.)

Supervisor Hyland moved that the Board deny the claim for flood damages submitted by the plaintiffs in *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Fairfax County Circuit Court Case No. CL-2008-0008875, for the reasons outlined by the County Attorney in closed session. Supervisor Foust and Vice-Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

47. **ESTABLISHING A FARM WINERY IN THE COUNTY** (4:04 p.m.)

Supervisor Herrity stated that at its last meeting on December 8, 2008, there was discussion pertaining to the establishment of a farm winery within the Clifton area of the County purportedly on approximately 35 acres in the R-C District. He noted that the proposed farm winery would be located on approximately five acres, not 35 acres. Supervisor Herrity said that with the majority of the grapes to be processed at the proposed winery to be imported from other areas within Virginia, staff had determined that under the current Zoning Ordinance, the proposed winery was not permitted in the R-C District. As a result, the Board approved a motion directing staff to prepare an amendment to the Zoning Ordinance to allow farm wineries, such as the one proposed in Clifton, which includes bringing grapes from off-site, to be located in the R-C and R-A Districts with limitations, such as a minimum acreage requirement, to ensure such wineries are appropriately located, and suspend any enforcement action against existing or proposed farm wineries in the County. Supervisor Herrity stated that staff had advised the Board that farm wineries are defined and regulated under the Alcoholic Beverage Control (ABC) Act provisions of the State Code, and the County has very limited authority to regulate such a use once it is licensed by the ABC Board.

Supervisor Herrity noted that he believes that farm wineries would be an appropriate and beneficial use in the County, provided that adequate regulations and conditions could be imposed on such use to ensure that any potential adverse impacts arising from the use on surrounding properties are minimized. Supervisor Herrity stated that the County should ask the General Assembly to enact legislation that is unique to the County that would allow the County to impose reasonable conditions on farm wineries that are permitted to operate in the County. He further stated that the County, with a population greater than 1.1 million people, is significantly more urbanized than those counties where farm wineries are currently in operation and where agricultural operations may be an established component of the local economy.

Therefore, Supervisor Herrity moved that the Board:

- Rescind the motion it adopted on December 8, 2008, regarding this matter.
- Direct staff to work with the County's Delegation to seek legislation from the General Assembly during the 2009 legislative session that would allow the County to retain zoning control over farm wineries and impose reasonable limitations and conditions on them to minimize adverse impacts on surrounding properties from such use.
- Direct staff to prepare a proposed amendment to the Zoning Ordinance that would allow farm wineries as a special exception use in the R-A and R-C Districts subject to limitations and conditions that include, but are not limited to, limits on the hours of operation, limits on the type of activities and events that could take place at a farm winery, setback and screening requirements, lot-size requirements, types and amounts of items that may be sold at the winery, and conditions dealing with traffic and/or parking concerns.

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

48. **REIMBURSEMENT OF ATTORNEY FEES FOR AMANDA PERRY, POLICE OFFICER** (4:08 p.m.)

Supervisor Foust moved that Board authorize the reimbursement of attorney's fees and costs in the amount of \$18,981.80 to Edward J. Nuttall, Esquire, in defending Amanda Perry, Police Officer, for the reasons outlined by the County Attorney in closed session. Supervisor Smyth seconded the motion and it carried by unanimous vote.

DET:det

AGENDA ITEMS

49. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-C-098-03 (GREGOR LLC) (HUNTER MILL DISTRICT)** (4:09 p.m.)

The application property is located on the west side of Old Reston Avenue approximately 400 feet north of its intersection with Sunset Hills Road, Tax Map 17-4 ((1)) 1.

Mr. Shane M. Murphy reaffirmed the validity of the affidavit for the record.

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

Supervisor Hudgins submitted items for the record.

Following the public hearing St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 78-C-098-03 and the associated Conceptual Development Plan Amendment, subject to the proffers dated December 18, 2008.
- Waiver of the limitation on residential uses within the PDC District.
- Approval of a variance of the maximum height limitation on fences in the front yard to permit the five-foot tall wall along Old Reston Avenue to remain.
- Waiver of the transitional screening and barrier requirements between on-site uses.
- Modification of the transitional screening and barrier requirements along the northern, eastern, and western property lines to that shown on the CDPA/FDPA.

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

(NOTE: On January 8, 2009, the Planning Commission approved Final Development Plan Amendment Application FDPA 78-C-098-04.)

50. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-LE-012 (REDBRICK DEVELOPMENT GROUP, LLC AND MDP GROVETON, LLC) (LEE DISTRICT)**
(4:17 p.m.)

Vice-Chairman Bulova referred to the Board's Agenda and noted that the public hearing on Proffered Condition Amendment Application PCA 2004-LE-012 was scheduled to be deferred.

(Note: Later in the meeting, the Board deferred this public hearing. See Clerk's Summary Item #52.)

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-030-08 (THE MADEIRA SCHOOL) (DRANESVILLE DISTRICT)** (4:18 p.m.)

The application property is located at 8134 and 8328 Georgetown Pike, Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 1.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

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

Supervisor Foust submitted items for the record.

Following the public hearing, Catherine E. Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 83-D-030-08, subject to the development conditions dated October 22, 2008.
- Modification of the transitional screening requirement along all boundaries to that shown on the SEA Plat.
- Modification of the barrier requirement along all boundaries to that shown on the SEA Plat.
- Reaffirmation of the previously-approved modification of the trail requirement along Georgetown Pike in favor of the previously-granted easement and construction escrow previously posted by the school.
- Waiver of the requirement for the stream valley trail along the Potomac River for this approval only.

Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor Hudgins being out of the room.

52. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-LE-012 (REDBRICK DEVELOPMENT GROUP, LLC AND MDP GROVETON, LLC) (LEE DISTRICT)** (4:31 p.m.)

(Note: Earlier in the meeting, Vice-Chairman Bulova referenced this hearing.)

Supervisor McKay moved to defer the public hearing on Proffered Condition Amendment Application PCA 2004-LE-012 until **March 30, 2009, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor Hudgins being out of the room.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-020 (WOODLAKE TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION) (MASON DISTRICT)** (4:32 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2008-MA-020 until **February 9, 2009, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor Hudgins being out of the room.

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-MA-003 (T-MOBILE NORTHEAST LLC/TRUSTEES OF THE SLEEPY HOLLOW UNITED METHODIST CHURCH) (MASON DISTRICT)** (4:32 p.m.)

(NOTE: On December 8, 2008, the Board deferred this public hearing until January 12, 2009.)

The application property is located at 3435 Sleepy Hollow Road, Tax Map 60-2 ((33)) 1A and 1B.

Mr. Sean P. Hughes reaffirmed the validity of the affidavit for the record.

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

Discussion ensued concerning the type of tree and tree replacement.

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 2002-MA-003, subject to the development conditions dated December 8, 2008.
- Modification of the transitional screening requirements along the property lines in favor of the existing vegetation, as shown on the SEA Plat.
- Waiver of the barrier requirements along the northeastern, northwestern, southeastern, and southwestern property boundaries in favor of that shown on the SEA Plat.

Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor Hudgins being out of the room.

55. **4 P.M. – PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS (HUNTER MILL, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (4:42 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 December 25, 2008, and January 1, 2009.

Rokey Suleman, General Registrar, presented the staff report.

A brief discussion ensued regarding the naming of the Lindsay precinct.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), relating to election precincts with the following amendment: that the name of the Lindsay precinct be changed to South County. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Hudgins being out of the room.

56. **4 P.M. – PH FOR THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE WOODROW WILSON BRIDGE PROJECT** (4:45 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 December 25, 2008, and January 1, 2009.

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

During the public hearing, which included testimony from two speakers, discussion ensued concerning the impact of the proposal on properties on Kathryn Street with input from Larry Ichter, Deputy Director, Planning and Design Division, Transportation Design, Department of Public Works and Environmental Services.

Supervisor McKay moved adoption of the Resolution to convey County-owned property at 5631 and 5635 Telegraph Road to VDOT, which is required for the Woodrow Wilson Bridge Project. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Hyland being out of the room.

57. **4 P.M. – PH TO OBTAIN CITIZEN INPUT FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ (CRS) GRANT APPLICATION TO THE COMMONWEALTH OF VIRGINIA FOR FUNDING UNDER THE FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5310 PROGRAM FOR THREE REPLACEMENT VEHICLES** (4:54 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 December 25, 2008, and January 1, 2009.

Matthew A. Spruill, Division Supervisor, FASTRAN, CRS, presented the staff report.

Discussion ensued concerning the type of vehicles being replaced and the normal disposal of such vehicles upon replacement.

Following the public hearing, Supervisor Gross moved that the Board authorize CRS to apply for FTA section 5310 grant funds in the amount of \$156,000. Supervisor Foust and Supervisor Smyth jointly seconded the motion.

Supervisor Herrity asked to amend the motion to allow CRS to submit the application, but to report to the Board before confirmation of receipt of the grant, and this was accepted.

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

58. **BOARD ADJOURNMENT** (5 p.m.)

The Board adjourned.

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