



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
January 26, 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 26, 2009, at 9:39 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 Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

Supervisor Herrity announced the death of Nancy Pyon, the mother of Harold Pyon, Springfield District Representative to the Park Authority. He asked everyone to keep her in thoughts.

Supervisor Herrity announced the death of Lance Corporal Daniel Bennett from Clifton's Little Rocky Run who passed away in Afghanistan. Supervisor Herrity expressed gratitude for Corporal Bennett's service and sacrifice to his country and to his family for their sacrifice.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING FEBRUARY 2009 AS "AFRICAN AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (9:41 a.m.)

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of the Proclamation to designate February 2009 as "*African American History Month*" in Fairfax County. Supervisor Smyth and Supervisor Hudgins seconded the motion and it carried by unanimous vote.

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

3. **RESOLUTION OF RECOGNITION PRESENTED TO BLACK WOMEN UNITED FOR ACTION** (9:53 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition to recognize the twenty-fifth anniversary of the Slave Memorial at Mount Vernon and Black Women United for Action for organizing a series of outreach programs to educate the public about the sacrifices and contributions made by those who were enslaved Africans. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING JANUARY 2009 AS "MENTORING MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of the Proclamation to designate January 2009 as "*Mentoring Month*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

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

5. **CERTIFICATE OF RECOGNITION PRESENTED TO RESTON HOSPITAL CENTER** (10:22 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Reston Hospital Center for its standard of nursing excellence and community service. Supervisor Hyland seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING JANUARY 30, 2009, AS "EARNED INCOME TAX CREDIT AWARENESS DAY" IN FAIRFAX COUNTY** (10:24 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate January 30, 2009, as "*Earned Income Tax Credit Awareness Day*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

7. **10 A.M. – PRESENTATION OF THE DON SMITH AWARD** (10:31 a.m.)

Anita Baker, Chairperson, Employee Advisory Council (EAC), presented background on the history of the Don Smith Award.

Randy Creller, EAC Officer, presented the Don Smith award to the following individuals:

- Vicki Dawson, Administrative Assistant III, Department of Fire and Rescue
- Kathleen Sebek, Social Work Supervisor, Adult and Aging Services, Department of Family Services
- Violet Wheeler, Human Services Assistant, Office for Children School Age Child Care Program, Department of Family Services

The following nominees received certificates of appreciation at an earlier ceremony: David Feiring, Fire Prevention Division, Department of Fire and Rescue; Christopher Kempton, Department of Fire and Rescue; Anne Rush, ASAP, Department of Administration for Human Services; Ellen Eggerton, Land Development Services, Department of Public Works and Environmental Services; Michelle Kerhart, Department of Public Safety Communications; and Stephanie Neuman, Department of Information Technology.

8. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:40 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, expressed his appreciation to Board Members who attended the nearly four hour meeting on Friday, January 23. He briefed the Board on the status of select legislation initiated by the County and the budget.

In response to a bill initiated by Delegate Hugo, Supervisor McKay stated for the record that no commercial and industrial tax funds were used for any existing staff.

Supervisor McKay announced that the next meeting of the Board's Legislative Committee will be held on Friday, January 30 at 4 p.m. in Government Center Conference Rooms 9 and 10. Crossover is February 10.

Supervisor McKay moved adoption of 2009 Legislative Report No. 1 with the addition of House Bill HB 2606 regarding wineries as a County initiative. Supervisor Gross seconded the motion.

Following discussion regarding enhanced communication with the local legislators, Supervisor McKay reminded the Board of the reception with the legislators in Richmond on February 17, and he urged Members to attend.

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

Supervisor McKay noted that the Board learned over the weekend that bills were introduced to amend Metro's Compact Agreement to allow Metro to accept the federal funding approved by Congress last year. In addition the Board learned of House Bill HB 2590 that deals with GASB and is of interest to the County's public safety divisions.

Accordingly, Supervisor McKay moved that the Board direct staff to study the aforementioned bills and recommend a position by Friday, January 30. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

EBE:ebe

9. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:52 a.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Vice-Chairman Bulova moved the reappointment of Ms. Jane Gwinn as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Ronald Copeland as the Hunter Mill District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Joseph Blackwell as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Eileen J. Garnett as the Mason District Representative. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Ernestine Heastie as the Providence District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

The Board deferred the appointment of the At-Large Chairman's Representative, the Dranesville, Mount Vernon, and Sully District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Engineer/Architect/Planner #2 Representative.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

Supervisor Hyland moved the appointment of Mr. Andrew Painter as the Farmer #1 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Farmer #3 and Freeholder #2 Representatives.

AIRPORTS ADVISORY COMMITTEE

Supervisor Gross moved the reappointment of Ms. Barbara Kreykenbohm as the Mason District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Sherri D. Jordan as the Mount Vernon District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Mark Searle as the Sully District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's Representative, the Braddock District and Mount Vernon District Business Representatives.

ATHLETIC COUNCIL

Supervisor Herrity moved the appointment of Mr. Michael Thompson, Jr. as the Springfield District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Jill Fitzgerald as the Volleyball Council Principal Representative

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Alternate #4 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Supervisor Foust moved the reappointment of Mr. William C. Harvey, II as the Professional Representative #2. Supervisor McKay seconded the motion, which carried by unanimous vote.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Hunter Mill District Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Hudgins moved the reappointment of Dr. Howard LeRoy Kelley as the Hunter Mill District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the appointment of Ms. Norma Jean Young as the Mason District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's, At-Large Minority, the Mount Vernon District, Providence District, and Religious Community Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the At-Large Chairman's Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Providence District Representative.

ECONOMIC ADVISORY COMMISSION

Supervisor Foust moved the appointment of Mr. James Socas as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Mr. Mark Silverwood as the Hunter Mill District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the appointment of Ms. Suzette Kern as the Lee District Representative. Supervisor Foust and Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the appointment of Mr. Alfred Thieme, Jr. as the Mason District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Mr. John Thillmann as the Sully District Representative. Supervisor Hudgins and Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #1, #2, and #3 Representatives, Mount Vernon, and Providence District Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor Herrity moved the appointment of Mr. Edmund “Ned” Foster as the Springfield District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mason District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Vice-Chairman Bulova moved the appointment of Ms. Linda Collins as the Braddock District Representative. Supervisor Foust and Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #2 Business Community and Lee District Representatives.

CONFIRMATION:

Supervisor Smyth moved confirmation of the following appointment:

- Ms. Joy Koeppen as the Fairfax City Council Representative

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- Ms. Maureen Hallman as the Business/Corporation #9 Representative
- Mr. Ellwood Witt, Jr. as the Fairfax-Falls Church Community Services Board Representative

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

GEOTECHNICAL REVIEW BOARD**CONFIRMATION:**

Supervisor McKay moved confirmation of the following appointment:

- Mr. Daniel S. Rom as the Primary #2 Representative

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

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #1 and Provider #2 Representatives.

HISTORY COMMISSION

Supervisor McKay moved the appointment of Ms. Phyllis Walker Ford as the Citizen #7 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Ms. Page S. Shelp as the Historian #3 Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #7 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the Braddock and Springfield District Representatives.

CONFIRMATION:

Supervisor Smyth moved confirmation of the following appointment:

- Mr. Thomas V. Mukai as the Fairfax County Federation of Citizens Associations Representative

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Supervisor Hudgins moved the reappointment of Ms. Patricia Smith-Solan as the Hunter Mill District Representative. Supervisor Foust and Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Frederick M. Joyce as the Mount Vernon District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Caroline Kerns as the Sully District Representative. Supervisor Foust and Supervisor Hudgins seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large Chairman's Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

ROAD VIEWERS BOARD

Supervisor McKay asked unanimous consent that the Board direct staff to provide an update and information on the status of this committee. Without objection, it was so ordered.

Supervisor Smyth moved the reappointment of Mr. Stephen Still as the At-Large #4 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #1 and #3 Representatives.

SMALL BUSINESS COMMISSION

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

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Tenant Member #1 Representative.

WETLANDS BOARD

Supervisor McKay moved the reappointment of Ms. Ann Gerstenberger as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #1 Representative.

AD HOC COMMITTEES

FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES

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

DET:det

10. **ADMINISTRATIVE ITEMS** (11:07 a.m.)

Supervisor Gross moved:

- Approval of the Administrative Items, with the exception of Admin 6.
- Deferral of Admin 6.

Supervisor McKay 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.”

ADMIN 1 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE AND HUNTER MILL DISTRICTS)

- (R)
- Endorsed traffic calming measures for Lemon Road consisting of three speed humps (Dranesville District).
 - Adopted the Resolution approving a “Watch for Children” sign on Bingham Terrace (Hunter Mill District).
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, AND PROVIDENCE 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-V08-92	Cricket Communications Rooftop antennas 5903 Mount Eagle Drive (Mount Vernon District)	March 28, 2009
FS-H08-114	T-Mobile Northeast LLC Rooftop antennas 2310 Colts Neck Road (Hunter Mill District)	March 28, 2009
FS-D08-62	Cricket Communications Antenna colocation on existing monopole I-495 / Dulles Airport Road interchange (Dranesville District)	March 29, 2009
FS-P08-97	Cricket Communications Rooftop antennas 9302 Lee Highway (Providence District)	March 29, 2009
FS-H08-98	Cricket Communications Rooftop antennas 8661 Leesburg Pike (Hunter Mill District)	March 29, 2009
FS-B08-99	Cricket Communications Antenna colocation on existing transmission pole 8100 Braddock Road (Braddock District)	March 30, 2009
FS-L08-91	Cricket Communications Antenna colocation on existing transmission tower 3701 Franconia Road (Lee District)	April 4, 2009
FS-V08-120	Cricket Communications Antenna colocation on existing transmission tower 8081 Pohick Road (Mount Vernon District)	April 4, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-V08-121	Cricket Communications Antenna colocation on existing transmission pole 8905 Ox Road (Mount Vernon District)	April 6, 2009
FS-P08-122	Cricket Communications Antenna colocation on existing transmission pole Herrell Court (Providence District)	April 6, 2009

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-L-020, SPRINGFIELD EAST LC (LEE DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 01-L-020 to October 28, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-M-038, LEEWOOD INVESTMENTS AND ASSOCIATES, LLC (MASON DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 99-M-038 to October 30, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-D-086-5, THE LANGLEY SCHOOL (DRANESVILLE DISTRICT)

- (AT) Approved the request for nine months of additional time to commence construction for Special Exception Amendment Application SEA 84-D-086-5 to July 20, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-MA-019, CAMPBELL AND FERRARA NURSERIES, INCORPORATED (MASON DISTRICT)

(Note: Earlier in the meeting, this item was deferred. See page 11.)

**ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, LEE, MASON, AND SPRINGFIELD 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>
Chalice Crest	Dranesville	Maddux Lane (Route 1956)
The Pond at Beach Mill	Dranesville	Beach Mill Road (Route 603) (Additional ROW Only)
Gunnell Section One	Lee	Bush Hill Drive (Route 1455) Clouds Mill Drive Fort Ellsworth Court
Ellery Place	Mason	Hoffmans Lane (Route 7555)
Burke Lake Self Storage	Springfield	Little Ox Road (Route 8475) (Additional ROW Only)

**ADMIN 8 – APPROVAL OF CORRECTION FOR THE SPELLING OF AN
EXISTING STREET NAME: AVACADO COURT TO AVOCADO
COURT (SULLY DISTRICT)**

Approved the street name spelling correction in the Official Street Names, Property Numbering Atlas, and the Master Addressing Repository to Avocado Court effective 30 days following Board approval, in accordance with Section 102-1-9 of The Code of the County of Fairfax, Virginia.

**ADMIN 9 – AUTHORIZATION TO SUBMIT GRANT APPLICATIONS
FOR FISCAL YEAR (FY) 2009 US DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT (HUD) DISCRETIONARY FUNDING
COMPETITIONS AND THE FY 2008 FAMILY UNIFICATION
PROGRAM**

Authorized the Fairfax County Redevelopment and Housing Authority to apply for the Housing Choice Voucher Family Self-Sufficiency Coordinator, the

Resident Opportunities Self-Sufficiency (ROSS) Service Coordinator, the Public Housing Family Self-Sufficiency Coordinator, and Family Unification Program.

ADMIN 10 – AUTHORIZATION TO SUBMIT AN APPLICATION ON BEHALF OF THE FAIRFAX COUNTY INTERAGENCY DOMESTIC VIOLENCE WORK GROUP TO THE OFFICE OF THE ATTORNEY GENERAL SAFE IN OUR COMMUNITIES: COMMUNITY RECOGNITION FOR PROMISING PRACTICES IN DOMESTIC VIOLENCE RESPONSE PROGRAM AND BOARD OF SUPERVISORS ADOPTION OF A RESOLUTION CONFIRMING THE COUNTY’S APPLICATION

- (R)
- Authorized the Countywide Domestic Violence Coordinator, representing the Fairfax County Interagency Domestic Violence Work Group, to submit a public recognition application to the Office of the Attorney General through the Safe in Our Communities: Community Recognition for Promising Practices in Domestic Violence Response Program.
 - Adopted the Resolution confirming the County’s application for recognition (which is a requirement of the application process).

11. **A-1 – APPROVAL OF RESOLUTIONS TO ABANDON PART OF THE RIGHT-OF-WAY OF LORTON ROAD (MOUNT VERNON DISTRICT)**
(11:08 a.m.)

- (Rs) On motion of Supervisor Hyland, seconded by Supervisor Smyth, 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 adopted the Resolutions authorizing abandonment of part of the right-of-way of Lorton Road.

12. **A-2 – RENEWAL OF THE LICENSE AGREEMENT BETWEEN SPRINGFIELD UNITED METHODIST CHURCH AND THE BOARD TO PROVIDE COMMUTER PARKING SPACES (LEE DISTRICT)**
(11:08 a.m.)

On motion of Supervisor McKay, jointly seconded by Supervisor Foust and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the renewal of the license agreement between Springfield United Methodist Church and the Board to provide commuter parking spaces to encourage and support the use of carpools, vanpools, and public transportation.

- Directed the Director of the Department of Transportation to execute the license agreement.

13. **A-3 – ADOPTION OF A RESOLUTION CONFIRMING THE DECLARATION OF LOCAL EMERGENCY (PRESIDENTIAL INAUGURATION) AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF** (11:09 a.m.)

(R) Supervisor Gross moved adoption of a Resolution that:

- Confirms the Declaration of Local Emergency (Presidential Inauguration) dated January 16, 2009; and
- Approves and consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan.

Supervisor Herrity seconded the motion.

Following input from Anthony H. Griffin, County Executive, the question was called on 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.”

(NOTE: Later in the meeting, the Board discussed the inauguration. See Clerk’s Summary Items #23 and #24.)

14. **I-1 – ANNUAL REPORT ON THE BOARD’S FOUR-YEAR TRANSPORTATION PROGRAM AND OTHER ACTIVE TRANSPORTATION PROJECTS** (11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated January 26, 2009, regarding the annual status report on the Board’s Four-Year Transportation Program and other active transportation projects.

Following a summary of the report by Katharine D. Ichter, Director, Department of Transportation (DOT), discussion ensued concerning:

- Secondary road and contingency fund funding
- The cut in transit funds and the flow of federal stimulus dollars
- The highlighted section of handwritten page 19 of the Board Agenda Item, Phase II Richmond Highway Public Transportation

Initiative, concerning a design waiver in the lane width and a design exception on lane shifts

with additional input from Ms. Ichter and Larry Ichter, Chief, Transportation Design Branch, Plans and Design Division, Department of Public Works and Environmental Services.

Supervisor McKay asked unanimous consent that the Board direct DOT to work with Supervisor Hyland and himself regarding the design exception. Without objection, it was so ordered.

Supervisor Hyland noted that to the extent additional land was needed, further discussion was necessary to determine the impact on businesses on either side of Route One.

Discussion continued concerning references to the bus shelter advertising program on handwritten page 5 of the Board Agenda Item, with additional input from Ms. Ichter.

Supervisor Herrity stated that earlier last year, the Board took action to make the Environmental Impact Study (EIS) for I-66 outside the Beltway a priority and he asked unanimous consent that that be communicated to the Virginia Department of Transportation (VDOT). Without objection, it was so ordered.

Following further discussion, Supervisor Herrity inquired as to whether there was an update on that schedule. Following input from Ms. Ichter, Supervisor Herrity asked unanimous consent that the Board direct staff to include that in the tracking mechanism. Without objection, it was so ordered.

NV:nv

ADDITIONAL BOARD MATTERS

15. **INTELLECTUAL AND DEVELOPMENTAL DISABILITIES INCLUSION MONTH** (11:26 a.m.)

Vice-Chairman Bulova said that throughout the United States, March will be celebrated as "Including People with Developmental Disabilities Month." In the County, during the month of March, the Arc of Northern Virginia, in conjunction with People First, a self-advocacy group for people with developmental disabilities, and the Fairfax-Falls Church Community Services Board (CSB), educate the public about the abilities and needs of people with developmental disabilities and their families.

Therefore, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board proclaim March as "*Intellectual and Developmental Disabilities Inclusion Month*" in Fairfax County

and direct staff to invite the CSB, the Arc of Northern Virginia, and People First to appear before the Board on March 9 to accept this proclamation. Without objection, it was so ordered.

16. **COMMITTEE ASSIGNMENTS** (11:27 a.m.)

(APPTS) Vice-Chairman Bulova noted that at the Board's last meeting, it filled its annual committee assignments. It had been called to her attention that the list upon which the Board took action contained an error.

Vice-Chairman Bulova said that the Board no longer has a "Revitalization Committee." In 2007 the committee was reconfigured as a committee of the whole and renamed the "Community Revitalization and Reinvestment Committee." Supervisor Hyland and Supervisor McKay served as Co-Chairs last year.

Therefore, Vice-Chairman Bulova moved that the Board:

- Reconsider its action regarding committee assignments.
- Reappoint Supervisor Hyland and Supervisor McKay as Co-Chairs of the Community Revitalization and Reinvestment Committee for 2009.

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

17. **FEDERAL ECONOMIC STIMULUS PACKAGE** (11:28 a.m.)

(NOTE: Earlier in the meeting, there was a reference to the federal economic stimulus package. See Clerk's Summary Item #14.)

Vice-Chairman Bulova reported that she met with Congressman Connolly over the weekend regarding the federal economic stimulus package. She had no further information to share about the transportation stimulus, but she did learn more about the School Division and the stimulus package under consideration by Congress.

Vice-Chairman Bulova said that there is the potential for \$74 million to come to the County Schools over a two-year period. There would be an additional \$1 million for the City of Fairfax public schools which are contracted to the County. She provided further details about the possible division of the funds between Title IX, construction, and special education programs.

Following discussion regarding the definition of school construction and its parameters regarding expansion and renovation in addition to new construction, Vice-Chairman Bulova asked unanimous consent that the Board direct staff to follow up. Without objection, it was so ordered.

Vice-Chairman Bulova asked unanimous consent that the Board direct staff to stay in touch with the County's members in Congress regarding the stimulus package. Without objection, it was so ordered.

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

18. **INCREASING THE COUNTY'S CAPITAL TRANSFER TO THE SCHOOL SYSTEM** (11:32 a.m.)

Supervisor Herrity said that as the School Division prepares the Fiscal Year (FY) 2010-2014 Capital Improvement Plan (CIP), it faces significant capital challenges in terms of both capital construction and renovation. One added challenge that the Schools face is the anticipated drop in the amount of capital funding the County will transfer to the Schools beginning in FY 2013. That year the annual transfer of capital funding is scheduled to drop from \$155 million to \$130 million. He asserted that at a time when the County is well behind in keeping up with the capital needs in its classrooms, the Board needs to explore increasing the capital available for its classrooms.

Accordingly, Supervisor Herrity moved that the Board direct the County Executive to examine the impact and feasibility of keeping the capital transfer to the School Division at \$155 million through at least FY 2018 on the CIP and the impact on the County's projects and debt capacity. Findings should be reported to the Board prior to the public hearing on the CIP. Vice-Chairman Bulova seconded the motion.

Discussion ensued regarding an agreement with the Schools and the history of the division of capital funding between the Schools and the County, with input from Anthony H. Griffin, County Executive.

Supervisor Gross asked unanimous consent that the Board direct staff to provide the historical perspective of the agreement and the division of capital between the Schools and the County. Without objection, it was so ordered.

Following further discussion regarding the division, Supervisor Frey stated for the record that at the time the agreement was made, he said that it would never go back to the way it was, and he still made that prediction because otherwise the Schools would regard it as a budget cut.

Further discussion ensued regarding the aging state of County and Park facilities, the transportation agenda, the transfer of School properties to the County, public-private partnerships, and legacy high schools.

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

19. **BULL RUN WATERSHED CLEANUP** (11:46 a.m.)

Supervisor Herrity recognized the outstanding work of Mr. Colin Riley, who, as a member of the Izaak Walton League of America, took time this past month to lead a band of volunteers to clean up one of the worst illegal dump sites in the County. Located on Northern Virginia Regional Park Authority property west of Paradise Mill Road and south of Compton Road in the Bull Run River Watershed, this dump has been in use for as many as 50 years until the late 1990s. Strewn about the forest floor was an accumulation of household trash, contractor debris, and automotive refuse.

Supervisor Herrity stated that over the course of several days, Mr. Riley and his volunteers picked up debris located on a quarter of an acre site which negatively impacted the quality of the water as well as the aesthetics of the land. To date he and his group collected a massive total of 71 bags of trash—approximately two tons—including cans of lead-based paint and medical debris. Supervisor Herrity praised this laudable feat and indicated that it shows what can be accomplished when good-willed citizens join for a common cause and make changes that have a real impact on the County.

Accordingly, Supervisor Herrity moved that the Board direct staff to invite Mr. Riley and his volunteers to appear before the Board to be recognized for their excellent service and commitment to the environment. Vice-Chairman Bulova seconded the motion with the understanding that the Office of Public Affairs would work with Supervisor Herrity's Office and Mr. Riley to identify an appropriate date.

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

20. **PROPOSED LEGISLATION TO REQUIRE PARENTS OF STUDENTS IN DRIVER EDUCATION TO PARTICIPATE IN A PARENT SESSION ON LAWS AND REGULATIONS PERTAINING TO NEW DRIVERS** (11:47 a.m.)

Supervisor Foust reported that on January 3, the Safe Community Coalition of McLean and Langley and representatives of the Drinking and Driving Subcommittee of the Countywide Initiative to Reduce Underage Drinking made an informative and persuasive presentation at a McLean Town Hall meeting attended by Delegates Margi Vanderhye and Jim Scott, Senator Janet Howell, and him. To inform parents about underage drinking laws, penalties for violations, and the health and safety risks of drinking and driving, they sought support for legislation that would require parents and guardians to participate in a 90 minute safety course. It would emphasize parental responsibilities relative to Virginia juvenile driving restrictions, including underage consumption of alcohol. The course would be included as a requirement of the teen driver permitting and licensing process.

Supervisor Foust said that Delegate Vanderhye and Delegate David Albo are patrons of the proposed legislation (House Bill 1782) in the House of Delegates. Senator Howell is the patron of corresponding bill in the Senate, SB 1084. He asserted that, if enacted, the proposed legislation will provide an important tool in efforts to combat underage drinking and driving.

Accordingly, Supervisor Foust asked unanimous consent to refer consideration of this bill to the Board's Legislative Committee for a recommendation and anticipated endorsement. Without objection, it was so ordered.

21. **REPORT OF DRANESVILLE BUDGET TASK FORCE** (11:49 a.m.)

Supervisor Foust said that last year when he ran for the Board he promised to form a citizen advisory committee to evaluate and provide input on the County's budget. Earlier this year, he formed the Dranesville Budget Task Force comprised of 13 citizens from across his district and chaired by Mr. Rip Sullivan. The task force includes several members who have experience in private sector budgeting as well as public sector budgeting at the local and national levels. The task force also included several members who are community leaders in diverse fields including public education, human services, and the private business sector.

Supervisor Foust said that task force members attended many of the Lines of Business (LOBs) presentations made by County staff to the Board. They reviewed, evaluated, and discussed all LOB documents presented. Despite the diverse backgrounds and different policy priorities of its members, the task force achieved a consensus report that sets forth the principles they adopted for evaluating the budget as well as a series of recommendations and conclusions. He distributed copies of the Dranesville Budget Task Force report, which he said is an interim report since the task force members will continue to stay involved and provide assistance in evaluating the advertised budget when it is released.

Accordingly, Supervisor Foust moved to forward the report to the County Executive for his consideration as he prepares the advertised budget.

Vice-Chairman Bulova seconded the motion with an amendment that the report be included on the County's website. This was accepted.

Following a brief discussion regarding the task force, the question was called on the motion, as amended, which carried by a vote of eight, Supervisor Frey being out of the room.

DMS:dms**22. NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT) (11:52 a.m.)**

Supervisor Smyth announced that she had no Board Matters to present today.

23. EFFECT OF INAUGURATION ON THE COUNTY (11:52 a.m.)

(NOTE: Earlier in the meeting, the Board took action regarding a declaration of emergency associated with the Inauguration. See Clerk's Summary Item #13.)

Supervisor McKay stated that, while the inauguration events took place in Washington, DC, the events also had a significant effect on the County, especially in those areas of the County with metro stations. Supervisor McKay commended the management of Springfield Mall for how it handled the traffic and crowds during the early morning hours of January 20, 2009. Supervisor McKay noted that the County dedicated a significant number of police resources to the Franconia-Springfield Metro Station and station parking was at full capacity by 5 a.m. Supervisor McKay stated that it was at that point mall management made an on-the-spot decision to permit more than 2,200 vehicles to park on its premises. The County police have stated that by doing so, the mall helped to avert a difficult and potentially dangerous traffic and parking situation. Supervisor McKay stated that because of Springfield Mall's quick and civic minded reaction, many more of the County's citizens were able to participate in this historic event.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Michael Lowe, Springfield Mall General Manager, and any appropriate representatives from Vornado to a future Board meeting for formal recognition. Without objection, it was so ordered.

24. USAGE OF METRO ON INAUGURATION DAY (11:54 a.m.)

Supervisor Gross announced that she had heard from many people who spoke very complementary about their experience with metro for the Inauguration. Supervisor Hyland shared his challenging experiences while traveling to the Inauguration.

25. COUNTY'S DISEASE CARRYING INSECTS PROGRAM (DCIP) (12:03 p.m.)

Supervisor Gross said that DCIP is always busy, whether it is mosquito season or not. DCIP not only keeps a careful eye on mosquitoes, but also provides education and outreach to the public and community groups to enlist their help in efforts to keep mosquito populations, and the diseases they carry, under control.

Supervisor Gross noted that last year alone, DCIP staff distributed its booklet, "Reference Guide to Mosquitoes, Ticks, West Nile Virus and Lyme Disease," to more than 400,000 households in the County. DCIP staff have attended and presented at multiple conferences, with mosquito professionals from around the world in attendance. During the Mosquito Awareness Week of 2008, they had the honor of making a weekend presentation at the prestigious National Academy of Science Museum in Washington DC. DCIP staff are not resting on their laurels but are creating new outreach tools, including making their booklet available in Spanish and Korean.

Therefore, Supervisor Gross asked unanimous consent that the Board proclaim the week of June 21-27, 2009, as "*National Mosquito Control Awareness Week*" in Fairfax County and direct staff to invite Dr. Gloria Addo-Ayensu, Director of the Health Department, and members of the Disease Carrying Insects Program to appear before the Board to accept this proclamation on June 1 or June 22, 2009. Without objection, it was so ordered.

26. **SUSTAIN THE COUNTY HYPOTHERMIA PROGRAM THROUGH COMMUNITY HOMELESS SHELTERS** (12:05 p.m.)

Supervisor Gross said that the County has six emergency shelters that provide assistance year-round to individuals and families who are homeless, and also work tenaciously during the winter months to prevent anyone in the County from suffering or dying from hypothermia during the winter months. Non-profit organizations operate these shelters under contract with the County, and the hypothermia program is operating thanks to the generous collaboration from faith-based groups, businesses, civic organizations, and individual volunteers. These people share their time, energy, and resources with those who would have nowhere else to stay overnight, have warm clothes to wear, or food to eat this winter.

Supervisor Gross noted that in 2008, the hypothermia prevention program, which operated Countywide from December 1 through March 31, provided assistance to 724 County residents. This is the fifth consecutive winter the hypothermia program is operating, and the number of residents needing assistance is anticipated to increase from past years. As of last Friday in Region II, which includes Mason District, more than 230 individuals received assistance through the hypothermia program and it is not yet the mid-point of winter. The number of participants in the hypothermia program is increasing steadily, and additional resources to meet those needs are vital to prevent injury or loss of life.

Therefore, Supervisor Gross moved that the Board direct the Office of Public Affairs to take the necessary steps to raise hypothermia awareness in the community, and urge County residents to contact the homeless shelter closest to their home or office and inquire how they can help sustain the hypothermia program this winter.

Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor Gross announced that at night, if anyone sees a person who is unsheltered and could be at risk for hypothermia, to please call 703-691-2131, TTY 711.

(NOTE: Later in the meeting, this issue was discussed further. See Clerk's Summary Item #29.)

PMH:pmh

27. **DULLES CORRIDOR METRORAIL PROJECT STATION SPECIAL EXCEPTION AND PUBLIC FACILITY APPLICATIONS (HUNTER MILL DISTRICT)** (12:08 p.m.)

Supervisor Hudgins said that the Virginia Department of Rail and Public Transportation (VDRPT) and the Metropolitan Washington Airports Authority (MWAA) filed concurrent 2232 public facility plan review and special exception applications for Phase I of the Dulles Corridor Metrorail Project for five Metrorail stations, (four in Tysons Corner and a station at Wiehle Avenue) on behalf of the Washington Metropolitan Area Transit Authority (WMATA). The Dulles Corridor Metrorail Project has completed all project development requirements necessary to receive federal funding for the project from the Federal Transit Administration (FTA). The Congressional review process will be completed by March 6, 2009, at which time MWAA and the FTA will execute a Full Funding Grant Agreement that will allow construction to begin on Phase I of the project to Wiehle Avenue.

Supervisor Hudgins noted that the Planning Commission public hearings will be conducted on January 28, 2009. Staff is recommending approval of the 2232 public facility application and the concurrent special exception application for each station with specific development conditions. To expedite the special exception process completion prior to the execution of the Full Funding Grant Agreement, the applicants have requested that the Board public hearing be scheduled on a date certain of February 23, 2009.

Therefore, Supervisor Hudgins moved that the Board direct staff to schedule public hearings to be held by the Board on February 23, 2009, at 4 p.m. for the following:

- Special Exception Application SE 2008-PR-033/Public Facilities Application 2232-P08-10 (Tysons East)
- Special Exception Application SE 2008-MD-034/Public Facilities Application 2232-MD08-13 (Tysons West)

- Special Exception Application SE 2008-PR-035/Public Facilities Application 2232-P08-11 (Tysons Central 123)
- Special Exception Application SE 2008-PR-036/Public Facilities Application 2232-MD08-12 (Tysons Central 7)
- Special Exception Application SE 2008-PR-038/Public Facilities Application 2232-H08-14 (Wiehle Avenue)

This motion should not be construed as a favorable recommendation by the Board on the pending applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

28. **GENERAL OBLIGATION (GO) BOND SALE AND REFUNDING BONDS**
(12:12 p.m.)

Supervisor Hudgins noted that the County sold \$199.5 million in GO bonds and refunding bonds of \$58.37 million. She noted the credit worthiness and management of the County.

29. **HYPOTHERMIA** (12:13 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item #26.)

Supervisor Hudgins expressed concern for individuals who may be experiencing issues with hypothermia.

30. **FAIRFAX COUNTY IS A GOOD INVESTMENT** (12:14 p.m.)

Vice-Chairman Bulova referenced an article in the *Washington Post* which indicated that the County continues to be a good investment and that it is exceptionally well managed.

31. **GUM SPRINGS NEIGHBORHOOD CONSERVATION DISTRICT**
(MOUNT VERNON DISTRICT) (12:15 p.m.)

Supervisor Hyland said that on December 22, 2008, he received a letter from the New Gum Springs Civic Association requesting the County to reactivate its expired Neighborhood Improvement Program and Conservation Plan. The Conservation Plan was adopted by the Board in April of 1979 and remained in effect for 25 years. In the intervening years, the neighborhood improvements to Gum Springs have long since been completed and bond money raised decades ago spent. However, language in the Comprehensive Plan still refers to the Gum Springs Conservation Plan. To dispel any confusion about the development of parcels in Gum Springs and to plan for the orderly development and

redevelopment of land, the association felt it prudent to reactivate the plan. The New Gum Springs Civic Association has agreed to form a committee to draft language and work with Housing and Community Development (HCD) staff.

Therefore, Supervisor Hyland moved that the Board direct HCD to work with the New Gum Springs Civic Association to reactivate its Conservation Plan. Supervisor McKay seconded the motion and it carried by unanimous vote.

32. **WORLD POLICE AND FIRE OLYMPIC GAMES** (12:16 p.m.)

Supervisor Frey announced that the County has been selected as a finalist for the World Police and Fire Olympic Games in 2015.

33. **RECESS/CLOSED SESSION** (12:19 p.m.)

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

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

1. *Robert D. Scrimshaw v. Russell J. Munyan, Jr., Property Maintenance/Senior Zoning Inspector, and Kevin C. Greenlief, Director, Department of Tax Administration, Case No. CL-2008-0015232 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
2. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)*

3. *Fairfax County Redevelopment and Housing Authority v. Yar Mella, Alexis Ujueta, Larry Rice, Trustee, Michelle Slattery, Trustee, First Horizon Home Loan Corporation, Mortgage Electronic Registration Systems, Inc., and First Horizon Bank*, Case No. CL-2007-0007611 (Fx. Co. Cir. Ct.) (Hunter Mill District)
4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Scott W. Pruitt and Paula E. Pruitt*, Case No. CL-2008-0001802 (Fx. Co. Cir. Ct.) (Sully District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)
6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Corinne B. Boals*, Case No. CL-2008-0011677 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Romero and Martha L. Santay*, Case No. CL-2008-0013623 (Fx. Co. Cir. Ct.) (Lee District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Huntington National Bank*, Case No. CL-2008-0011750 (Fx. Co. Cir. Ct.) (Springfield District)

11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ana Hernandez and Jose A. Hernandez*, Case No. CL-2008-0016868 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delzi Borba, Mario Borba, and Jose J. Gonzalez*, Case No. CL-2008-0016867 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vladimir Altamirano and Sandra Altamirano*, Case No. CL-2008-0016938 (Fx. Co. Cir. Ct.) (Providence District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Prospect at Evergreen, LLC*, Case No. CL-2008-0016977 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Savon Ok, Yeng Skam, and Makaravee Ok*, Case No. CL-2008-0016940 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio E. Ayala and Laura Sanchez*, Case No. CL-2008-0016939 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. William S. French, III, and Ann R. French*, Case No. CL-2008-0016979 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rodney C. Smith and Pamela W. Smith*, Case No. CL-2008-0016978 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. W. Martin Eakes and Helen A. Eakes*, Case No. CL-2008-0016980 (Fx. Co. Cir. Ct.) (Mason District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marco A. Guzman and Cinthia L. Guzman*, Case No. 08-0030691 (Fx. Co. Gen. Dist. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilge Navor Andrade, Liliana Andrea Andrade, and Ronal Juan Andrade*, Case No. 08-0033941 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *Beeren and Berry Investments, LLC, et al. v. AHC, Incorporated*, Record Number 072354, Supreme Court of Virginia
- *John McIntosh, et al. v. Amanda Perry*; Case Number CL-2009-0000354; Fairfax County Circuit Court
- *Fairfax County Water Authority v. City of Falls Church*, Case Number CL-2008-161 14; Fairfax County Circuit Court

Vice-Chairman Bulova seconded the motion and it carried by unanimous vote.

NV:nv

At 4:08 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Vice-Chairman Bulova presiding.

ACTION FROM CLOSED SESSION

34. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:09 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 Smyth 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."

AGENDA ITEMS

35. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-06 (THE AEROSPACE CORPORATION) (SULLY DISTRICT)**

AND**PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-026 (THE AEROSPACE CORPORATION) (SULLY DISTRICT)** (4:10 p.m.)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 78-S-063-06 and Special Exception Application SE 2008-SU-026 until **February 9, 2009, at 3:30 p.m.** Supervisor Hyland seconded the motion, which carried by unanimous vote.

36. **3 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (4:11 p.m.)

(BACs) At 4:11 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Vice-Chairman Bulova in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Solid Waste Authority:

- Adjourn until February 23, 2009, following the special election for Chairman of the Board of Supervisors.
- Defer all items on the agenda for the Solid Waste Annual Meeting until the meeting on February 23, 2009.

Supervisor Foust seconded the motion.

Vice-Chairman Bulova explained to the viewing public that the Board was taking this action because the Board Chairman serves as the Chairman of the Solid Waste Authority and the chairmanship will not be determined until the special election.

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

At 4:12 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

DAL:dal

37. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-06 (THE AEROSPACE CORPORATION) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-026 (THE AEROSPACE CORPORATION) (SULLY DISTRICT) (No Time)

(NOTE: Earlier in the meeting, the Board deferred this item. See Clerk's Summary Item #35.)

38. **4 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT S07-CW-5CP, REGARDING REVISIONS TO THE COMPREHENSIVE PLAN TO UPDATE INFORMATION ON HERITAGE RESOURCES**
(4:12 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 January 8 and January 15, 2009.

Laurie Turkawski, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Linda Blank, Historic Preservation Planner, Policy and Plan Development Branch, PD, DPZ, regarding the historic preservation process and signage.

Vice-Chairman Bulova recognized members of the History Commission.

Following the public hearing, which included testimony by two speakers, Supervisor Gross called the Board's attention to page 37 of the staff report and raised a question regarding the address listed for Mount Pleasant Baptist Church and cemetery in the Board Agenda Item. Discussion ensued, with input from Ms. Blank who stated that staff would have to check the address and report its findings.

Supervisor Hudgins called the Board's attention to page 92 of the staff report and raised a question regarding the Floris Colored School and discussion ensued with input from Ms. Turkawski and Ms. Blank who noted that the school has been demolished.

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to work with the Park Authority to ensure that the heritage resources for Villa Park are reflected in the comprehensive plan. Without objection, it was so ordered.

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

Supervisor Gross moved:

- Approval of proposed Plan Amendment S07-CW-5CP, as recommended by the Planning Commission on December 4, 2008.
- That the Board direct staff to work with the History and Planning Commissions to develop a process for updating the County inventory of historic sites in the comprehensive plan on a systematic basis.

Supervisor Smyth and Vice-Chairman Bulova jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room.

39. **BOARD RECESS** (4:34 p.m.)

At 4:34 p.m. the Board recessed briefly, and at 5:20 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Frey, and with Vice-Chairman Bulova presiding.

40. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-9MV, LOCATED SOUTH OF HUNTINGTON AVENUE, EAST OF BISCAYNE DRIVE, NORTH OF GLENDALE TERRACE, AND WEST OF BLAINE DRIVE (MOUNT VERNON DISTRICT)** (5:02 p.m.)

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 8 and January 15, 2009.

Lindsay Mason, Planner III, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), gave a brief description of the application and site location.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ, regarding the conservation plan.

Ms. Mason presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Mason, regarding the conservation area adjustment timeframe, the staff recommendation and proposed motion.

Supervisor Hyland moved approval of BRAC APR Item 08-IV-9MV, as shown on the Board's attachment dated January 26, 2009, which he distributed around the dais. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room.

Supervisor Hyland submitted the Mount Vernon Council's recommendation for the record.

41. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEMS 08-IV-10MV, 08-IV-11MV, 08-IV-12MV, AND 08-IV-13MV, LOCATED ON RICHMOND HIGHWAY IN THE WOODLAWN COMMUNITY BUSINESS CENTER (CBC) (MOUNT VERNON DISTRICT) (5:21 p.m.)**

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 8 and January 15, 2009.

Lindsay Mason, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, gave a brief description of the applications and site locations.

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

Supervisor Hyland moved approval of BRAC APR Items 08-IV-10MV, 08-IV-11MV, 08-IV-12MV, and 08-IV-13MV, as shown on the Board's attachment dated January 26, 2009, which he distributed around the dais. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room.

42. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-8FS, LOCATED NORTH OF COMMERCE STREET, EAST OF BRANDON AVENUE, WEST OF AUGUSTA DRIVE (LEE DISTRICT) (5:30 p.m.)**

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 8 and January 15, 2009.

Meghan Van Dam, Planner III, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Supervisor McKay moved approval of BRAC APR Item 08-IV-8FS, the alternative recommendation of the Planning Commission, as outlined in Attachment Four of the Board Agenda Item dated January 26, 2009. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room.

43. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-11FS, LOCATED ON THE NORTH-SIDE OF COMMERCE STREET, BETWEEN OLD KEENE MILL ROAD AND BACKLICK ROAD (LEE DISTRICT)** (5:38 p.m.)

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of January 8 and January 15, 2009.

Meghan Van Dam, Planner III, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Discussion ensued, with input from Ms. Van Dam, regarding the site location, what is currently located on the site, and whether affordable or workforce housing is proposed.

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

Supervisor McKay submitted an item for the record.

Supervisor McKay moved approval of BRAC APR Item 08-IV-11FS, the Planning Commission alternative, with an editorial amendment as found in Attachment Five of the Board Agenda Item dated January 26, 2009. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room.

ADDITIONAL BOARD MATTER

44. **SPECIAL ELECTION FOR CHAIRMAN OF THE BOARD OF SUPERVISORS** (5:53 p.m.)

Vice-Chairman Bulova reminded everyone that a special election will be held on February 3, 2009, to fill the vacant seat for Chairman of the Board of Supervisors. She noted that citizens can vote absentee in person the remainder of this week from 8 a.m. to 6 p.m. The Government Center will also be open from 9 a.m. to

5 p.m. on Saturday, January 31, 2009, which is the last day to vote absentee in person. Vice-Chairman Bulova said that on February 3 voters can vote in their regular polling place.

45. **BOARD ADJOURNMENT** (5:54 p.m.)

The Board adjourned.

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