



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
June 1, 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, June 1, 2009, at 9:36 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:37 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, Office of the 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 MATTERS1. **ORDERS OF THE DAY** (9:36 a.m.)

Chairman Bulova announced that the Board would begin with a moment of silence and then the meeting would be turned over to Merni Fitzgerald, Director, Office of Public Affairs, for introduction of the Department of the Army's Third Infantry Continental Color Guard and Old Guard Fife and Drum Corps.

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

Chairman Bulova asked everyone to keep in thoughts Mr. John Tremaine Ichter, father of Larry Ichter, Deputy Director, Planning and Design Division, Transportation Design, Department of Public Works and Environmental Services.

AGENDA ITEMS3. **PRESENTATION OF THE COLORS** (9:37 a.m.)

Following an introduction by Merni Fitzgerald, Director, Office of Public Affairs, the Continental Color Guard presented the colors and an element of the Old Guard Fife and Drum Corps performed.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO LORD AND LADY FAIRFAX HONOREES** (9:45 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to the following 2009 Lord and Lady Fairfax honorees as part of Celebrate Fairfax:

At Large

- Ms. Corazon Sandoval Foley
- Mr. William W. Hanks

Braddock District

- Ms. Pamela K. Barrett
- Mr. Thomas Frenzingier

Dranesville District

- Ms. Lisa Lombardozzi
- Mr. Vance S. Zavela

Hunter Mill District

- Ms. Joan Dempsey
- Mr. Howard J. Springsteen

Lee District

- Ms. Michele Menapace
- Mr. J. Douglas Koelemay

Mason District

- Ms. Suzanne Holland
- Mr. Kevin Holland

Mount Vernon District

- Ms. Christine Morin
- Mr. Gilbert McCutcheon (unable to attend)

Providence District

- Ms. Lola Quintela
- Dr. G. Ray Worley

Springfield District

- Ms. Leslie Carlin
- Mr. Erik Hawkins

Sully District

- Ms. Patricia Strat
- Mr. David L. Lacey

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova announced that the honoring of the Lords and Ladies of Fairfax comes as plans are finalized for the annual Celebrate Fairfax festival which will be held this weekend, opening Friday, June 5 at 6 p.m. through the evening of Sunday, June 7. She said the festival is produced by Celebrate Fairfax, Incorporated, and is the County's official fair featuring over 300 community and commercial exhibits with outstanding entertainment, thrilling carnival rides, and fantastic food.

Chairman Bulova noted that several members of the Board of Directors of Celebrate Fairfax were in the auditorium and asked them to stand and be recognized. Jennifer Kalka, Celebrate Fairfax Board Chair, made a short presentation.

ADDITIONAL BOARD MATTER

5. **RECOGNITION OF MAYOR M. JANE SEEMAN, TOWN OF VIENNA**
(10:08 a.m.)

Supervisor Hudgins acknowledged the presence of Mayor Seeman of the Town of Vienna, and asked her to stand and be recognized. Supervisor Hudgins noted that today is the Mayor's birthday.

6. **PROCLAMATION DESIGNATING JUNE 14-20, 2009, AS "ARMY STRONG WEEK" IN FAIRFAX COUNTY** (10:11 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation presented to Colonel Jerry L. Blixt, Commander, Fort Belvoir, designating June 14-20, 2009, as "*Army Strong Week*" in Fairfax County. Vice-Chairman Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Supervisor Hyland:

- Thanked Colonel Blixt for his efforts to move forward with the Base Realignment and Closing (BRAC) implementation.
- Stated that tomorrow he would be meeting with the Army Historical Foundation concerning ongoing efforts to establish a museum at Fort Belvoir telling the history of the Army and its significance to the country.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING JUNE 14–20, 2009, AS “FIRE AND EMERGENCY MEDICAL SUPPORT SERVICE SAFETY, HEALTH, AND SURVIVAL WEEK” IN FAIRFAX COUNTY** (10:18 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate June 14–20, 2009, as “*Fire and Emergency Medical Support Service Safety, Health, and Survival Week*” in Fairfax County. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE OAKTON HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM** (10:27 a.m.)

Supervisor Frey, jointly with Supervisor Hudgins and Supervisor Smyth, moved approval of the Certificate of Recognition presented to the Oakton High School Girls’ Varsity Basketball Team for its successful season and advancing to the finals of the Virginia State Championship. Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ARLINGTON-FAIRFAX CHAPTER OF THE IZAAK WALTON LEAGUE OF AMERICA, MR. COLIN RILEY, AND NUMEROUS OTHER VOLUNTEERS** (10:34 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to the Arlington-Fairfax Chapter of the Izaak Walton League of America, Mr. Colin Riley, and the numerous other volunteers, including Friends of Little Rocky Run, who cleaned up a dumping site in the Bull Run River Watershed. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

10. **PROCLAMATION DESIGNATING JUNE 13, 2009, AS “HEPATITIS AWARENESS DAY” IN FAIRFAX COUNTY** (10:40 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate June 13, 2009, as “*Hepatitis Awareness Day*” in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

David Naylor, Director, A New Beginning, Alcohol and Drug Services, Fairfax-Falls Church Community Services Board, invited the Board to the annual Tim Harmon 5K race which will be held on June 13 beginning at 8 a.m. at the Government Center.

11. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JOANNE JORGENSEN, RN, MPN (PROVIDENCE DISTRICT)** (10:46 a.m.)

Supervisor Smyth moved approval of the Resolution of Recognition presented to JoAnne Jorgenson, RN, MPN, for her 38 years of service to the County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Smyth noted that Ms. Jorgenson had also been honored as the Virginia Department of Health's Public Health 2009 Nurse of the Year.

12. **PROCLAMATION DESIGNATING JUNE 21-27, 2009, AS "MOSQUITO CONTROL AWARENESS WEEK" IN FAIRFAX COUNTY** (10:58 a.m.)

Supervisor Gross called the Board's attention to the fiftieth anniversary edition of the calendar "Fight the Bite," and moved approval of the Proclamation to designate June 21-27, 2009, as "*Mosquito Control Awareness Week*" in Fairfax County. Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Discussion ensued concerning the County's plan for spraying, with input from Jorge Arias, PhD, Supervisor, Disease Carrying Insects Program, Department of Health, concerning spraying certain park areas when man-biting mosquitoes are found and educating the public on personal protection.

The question was called on the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

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13. **ADMINISTRATIVE ITEMS** (11:08 a.m.)

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

ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

- Designated the following individuals, identified with their registration numbers, as Plans Examiners:
 - Timothy D. Jacoby 287
 - Michael D. Benton 288

- Designate the following individuals, identified with their registration numbers, as inactive Plans Examiners:
 - Sairan Aqrawi 233
 - Bharat Bhargava 131
 - Kyle Burchard 249
 - Selamawit Hailegiorgis 261
 - John Patrick Harty 126 (Retired)
 - Qayyum M. Khan 139 (Retired)
 - Charles D. Lucas III 168
 - Leon Lyles 226
 - Matthew T. Marshall 188
 - Herbert L. Parsons 176
 - Harold L. Rodriquez 270
 - Cyrus Salehi 181 (Retired)
 - Mark Tajnai 262
 - Steven C. Thompson 88
 - Jill Vinson 260
 - William Yauss 152

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (MASON, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
HE Backlick LLC (Backlick Plaza)	Mason	Backlick Road (Route 617) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Oaks	Providence	Valley Road (Route 1019) (Additional ROW Only)
Glenbrook Lot 8	Sully	Walney Road (Route 657) (Additional ROW Only)

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, MASON, MOUNT VERNON, AND SPRINGFIELD 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-S09-12	Cricket Communications Antenna colocation on existing transmission pole 12895 Clifton Creek Drive (Springfield District)	July 31, 2009
FS-B09-15	Verizon Wireless Antenna colocation on existing tower 7171 Wimsatt Road (Braddock District)	August 13, 2009
FS-V09-25	Fairfax County Public Schools South County Middle School Laurel Crest Drive (Mount Vernon District)	December 7, 2009
2232-M07-12	Columbia Crossroads LP East County Human Services Center (PPEA proposal) 5837 Columbia Pike (Mason District)	December 7, 2009

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE LAUREL ROAD (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2009, at 5 p.m.** regarding a proposal to vacate Laurel Road (Mount Vernon District).

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO AMEND THE HUNTINGTON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 1B (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to amend the Huntington RPPD, District 1B, to remove a portion of Fairhaven Avenue.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE HUNTINGTON GARDEN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 1E (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Huntington RPPD, District 1E.

ADMIN 7 – APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (LEE DISTRICT)

- (R)
- Adopted a Resolution authorizing a “Watch for Children” sign on Crestleigh Way (Lee District).
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law.

ADMIN 9 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT A GRANT FOR A YOUTH DRUG AND ALCOHOL PREVENTION GRANT THROUGH THE GOVERNOR’S OFFICE FOR SUBSTANCE ABUSE PREVENTION

Authorized CSB to apply for and, if awarded, accept \$49,500 from the Governor’s Office for Substance Abuse Prevention for replication of the Signs of Suicide (SOS) Program, an evidence-based prevention program for middle school and high school aged youth. Upon receipt of the actual award, CSB will request an expenditure appropriation and commensurate revenue increase of the actual award amount as part of its Fiscal Year 2009 Carryover Review submission.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09140 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM UNITED STATES (US) DEPARTMENT OF AGRICULTURE THROUGH THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR THE WOMEN, INFANTS AND CHILDREN (WIC) GRANT

(SAR) Approved SAR AS 09140 for the Health Department to accept funding from US Department of Agriculture through VDH for the WIC Grant in the amount of \$289,858. The purpose of the funding is to reach out to all potential WIC eligible families in the County. No local cash match is required. The grant period is from October 1, 2008 to September 30, 2009.

ADMIN 11 – APPROVAL TO APPLY FOR AND ACCEPT FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM FUNDS AND TO AMEND THE FISCAL YEAR (FY) 2009 CONSOLIDATED PLAN ONE-YEAR ACTION PLAN TO INCORPORATE PROPOSED USES OF FUNDING

- Authorized the Department of Housing and Community Development (HCD) to apply for and accept funding from the US Department of Housing and Urban Development (HUD) for the CDBG-R Program in the amount of \$1,610,504. No local cash match is required.
- Adopted the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to include the implementation of CDBG-R activities.
- Authorized signature of the Consolidated Plan Certifications and federal funding application form (SF424) required by HUD.

- Authorized HCD as the agency responsible for the administration, quality control, reporting of CDBG-R funds expended through this program, and oversight and monitoring of the funds.

ADMIN 12 – FORMAL OFFER TO DEDICATE TO THE BOARD 466 SQUARE FEET OF COMMON OPEN SPACE (COS), LOCATED IN THE MORRISONS WAY VILLAGE SUBDIVISION (SPRINGFIELD DISTRICT)

Declined the offer of the dedication of the 466 square feet COS (Parcel A), located in the Morrisons Way Village Subdivision, Tax Map Number 056-2-30-0000-A, pursuant to Paragraph 4 of Section 2-702 of the Zoning Ordinance.

14. **A-1 – ESTABLISHMENT OF A COMPLETE COUNT COMMITTEE TO PROMOTE THE 2010 US CENSUS** (11:08 a.m.)

(BACs) Chairman Bulova noted that a complete census count is required by Federal law every ten years. She also noted that appointments will be made to the Committee at the July 13 Board meeting.

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize creation of a Complete Count Committee and creation of a list of recommended representatives who have broad contacts within these “hard-to-count” communities to be “Census Champions” for the County. The members of the Complete Count Committee will be charged with encouraging members of their communities to complete the 2010 Census questionnaire in a timely and accurate manner. Supervisor Gross seconded the motion.

Supervisor Foust raised a question regarding how the appointments to the committee will be determined and discussion ensued, with input from Kenneth Disselkoen, Director, Department of Systems Management for Human Services (DSMHS).

Chairman Bulova noted that staff will provide the list of recommended appointees so the Board can take action at its July 13 meeting.

Following further discussion regarding the appointees, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide the list as soon as possible, even if it is not finalized.

Supervisor Hyland asked to amend the request to include the biography of each individual, in addition to what they have done in the community that would warrant being asked to help with this effort.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Further discussion ensued regarding the identification process and the complete count effort, with input from Anne Cahill, Demographer, DSMHS.

Supervisor Herrity raised a question regarding the number of appointees to the committee and discussion ensued with input from Mr. Disselkoen.

Chairman Bulova said that Board Members should forward their suggested appointees to Mr. Disselkoen for inclusion on the list.

Supervisor Smyth noted that the Board needs to take advantage of any opportunity to get the word out, i.e. summer concerts, festivals, and other community events.

Supervisor Cook said that it is important to note that the aim is to accurately count everyone, and not to count a certain group, but to reach out to as many people as possible.

Supervisor Hyland said that some Supervisor districts may need subgroups to reach out to individuals who are “hard to count.”

Following further discussion, with input from Janet Hubble, Region 2 Director, DSMHS, regarding the appointees, the question was called on the motion and it carried by unanimous vote.

15. **A-2 – APPROVAL OF A PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR COLUMBIA PIKE/ROUTE 7 RAMP STREETScape ENHANCEMENT PROJECT (MASON DISTRICT)** (11:36 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved execution of a project agreement with VDOT for the Columbia Pike/Route 7 Streetscape Enhancement project. The total enhancement project funding is \$262,500, which includes a VDOT enhancement allocation of \$210,000 and a local match contribution of \$52,500.

16. **A-3 – APPROVAL OF A PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ANNANDALE STREETScape COLUMBIA PIKE ENHANCEMENT PROJECT (MASON DISTRICT)** (11:36 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved execution of a project agreement with VDOT for the Annandale

Streetscape Columbia Pike Enhancement project. The total enhancement project funding is \$461,250, which includes a VDOT enhancement allocation of \$369,000 and a local match contribution of \$92,250.

17. **A-4 – AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION IN THE APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY FOR A 2009 STATUTORY REVIEW OF THE RATES, TERMS, AND CONDITIONS FOR THE PROVISION OF GENERATION, DISTRIBUTION, AND TRANSMISSION SERVICE** (11:37 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize the Department of Cable Communications and Consumer Protection (DCCCP) and the County Attorney's Office to file a Notice of Participation as a Respondent concerning the Application of Virginia Electric and Power Company (Dominion Virginia Power) in State Corporation Commission Case Number PUE-2009-00019. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Steve Sinclair, Chief, Public Utilities Branch, DCCCP, regarding the fiscal impact.

Supervisor Gross suggested that staff provide its recommendation no later than the first Board meeting in October.

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

18. **A-5 – ALLOCATION OF CONTRIBUTED ROAD FUNDS FROM THE TYSONS AREA FUND FOR TRANSPORTATION IMPROVEMENTS (PROVIDENCE, DRANESVILLE, AND HUNTER MILL DISTRICTS)** (11:44 a.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve allocation of up to \$3.35 million from the Fairfax County Contributed Roadway Funds, Fund 301, Tysons Area Fund, to partially address the Tysons Land Use Task Force recommendations. Supervisor Hudgins seconded the motion.

A lengthy discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation (DOT); Richard Stevens, Dulles Rail Project Coordinator, DOT; Leonard Wolfenstein, Chief, Transportation Planning Section, DOT; and Daniel Rathbone, Chief, Transportation Planning Division, DOT, regarding:

- The feasibility study
- The Tysons transportation fund

- The Tysons Metrorail Access Management Program
- High Occupancy Toll (HOT) lanes
- Funding for a public participation consultant
- Whether the community will get a presentation regarding the assumptions being made concerning the studies
- The estimated completion dates for the studies
- Community Impact Study

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

19. **A-6 – APPROVAL OF PROJECT AGREEMENT WITH THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FOR DESIGN AND CONSTRUCTION OF THE VIENNA/FAIRFAX-GMU METRORAIL STATION STAIRCASE (PROVIDENCE DISTRICT)** (12:20 p.m.)

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

- Approved, in substantial form, and authorized the County Executive to execute an agreement between the County and WMATA for the design and construction of a staircase connecting the platform and mezzanine levels at the Vienna/Fairfax-GMU Metrorail station.
- Authorized funding the project with no more than \$2 million in general obligation bonds authorized by the 2007 transportation bond referendum approved by County voters in November 2007.

20. **I-1 – CONTRACT AWARD - LAKE ACCOTINK DAM/SPILLWAY REPAIRS (BRADDOCK DISTRICT)** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda dated June 1, 2009, requesting authorization for staff to award a contract to Coastal Gunitite Construction Company in the amount of \$497,705 for the construction of the Lake Accotink Dam/Spillway Repairs project, located in the Lake Accotink Park, 5660 Heming Avenue, Springfield, Virginia. The work includes repairs of the existing concrete dam/spillway, replacement of the flashboard, installation of toe drain and observation wells, and related works.

The staff was directed administratively to proceed as proposed.

21. **I-2 – CONTRACT AWARD – SOUTH KINGS HIGHWAY/HARRISON LANE INTERSECTION IMPROVEMENT (LEE DISTRICT)** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated June 1, 2009, requesting authorization for staff to award a contract to Ashburn Contracting Corporation in the amount of \$1,146,656.18 for construction of South Kings Highway/Harrison Lane Intersection Improvement, Project 4YP012, in Fund 304, Transportation Improvements. This project provides for construction of a left-turn lane from westbound South Kings Highway to southbound Harrison Lane and a right-turn lane from eastbound South Kings Highway to southbound Harrison Lane. Construction includes paving, storm drainage, traffic signals, concrete sidewalk, 12 inch water main, and other related items. This project is included in the adopted Fiscal Years 2009 – 2013 Capital Improvement Program and is part of the first Four-Year Transportation Improvement Program.

The staff was directed administratively to proceed as proposed.

22. **I-3 – CONTRACT AWARD – VINE STREET POND, PHASE 1 (LEE DISTRICT)** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated June 1, 2009, requesting authorization for staff to award a contract to The Anderson Company, LLC in the amount of \$293,100 for construction of the Vine Street Pond, Phase 1, Project CA8000, Cameron Run Watershed Projects, in Fund 318, Stormwater Management Program. This project will retrofit an existing stormwater management facility immediately north of Vine Street to improve the water quality in the Cameron Run watershed and increase the facility's storage capacity. With increased capacity, the pond will help reduce flooding in the area. This project is included in the Fiscal Years 2010 – 2014 Adopted Capital Improvement Program.

The staff was directed administratively to proceed as proposed.

23. **I-4 – CONTRACT AWARD – POHICK STREAM VALLEY TRAIL, CCT PHASE II REROUTE (MOUNT VERNON DISTRICT)** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated June 1, 2009, requesting authorization for staff to award a contract to Avon Corporation in the amount of \$457,332 for the construction of Project 474606, Trails and Stream Crossings–2006, and Project 474604, Trails and Stream Crossings–2004, both in Fund 370, Park Authority Bond Construction. This work includes the construction of five concrete pedestrian fairweather crossings, an asphalt trail, and related improvements in the Pohick Stream Valley Park.

The staff was directed administratively to proceed as proposed.

24. **I-5 – CONTRACT AWARD – PSYCHIATRIC RESIDENCY SERVICES FOR MENTAL HEALTH CENTERS** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated June 1, 2009, requesting authorization for staff to award a contract to George Washington University Medical Center for the provision of psychiatric residency services for the mental health centers. This contract will begin on July 1, 2009, and terminate on June 30, 2014. The contract is a five year contract with five one-year renewal options. The total estimated amount of this contract is \$320,000.

The staff was directed administratively to proceed as proposed.

25. **I-6 – CONTRACT AWARD – TUTTLE ROAD TRAIL (SPRINGFIELD DISTRICT)** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated June 1, 2009, requesting authorization for staff to award a contract to The Anderson Company in the amount of \$179,800 for construction of Tuttle Road Trail, funded in these projects:

- Project 009475, Springfield District Capital Projects, in Fund 303, County Construction
- Project W00800, Springfield District walkways, in Fund 307 Pedestrian Walkway Improvements
- Project PPTF01, Pedestrian Task Force Recommendations, in Fund 124, County and Regional Transportation Projects

This project provides for construction of approximately 2,000 linear feet of asphalt trail, embankment, curb, gutter, storm drainage, handrail, and other related items. This trail will improve access to West Springfield High School. A portion of the trail is located on school property (frontage along Tuttle Road) and must be completed prior to the start of school in September 2009. This project is included in the Adopted Fiscal Years 2010 - FY 2014 Capital Improvement Program (Pedestrian Improvements).

DMS:dms

ADDITIONAL BOARD MATTERS

26. **NATURALIZATION CEREMONY** (12:22 p.m.)

Chairman Bulova stated that on May 29, 2009, the County held its very first naturalization ceremony at the Government Center. Members of the County's Asian American History Project Task Force suggested that this ceremony be hosted in the Government Center and served as a sponsor for the event. They

worked tirelessly with representatives from the federal government to ensure that the ceremony was an unqualified success.

Chairman Bulova noted that she was honored to be given the opportunity to see 75 new citizens naturalized. Chairman Bulova said that it was a moving experience to watch the culmination of a dream for so many. After this inspirational ceremony, these new Americans and others were eager to participate in the democratic process and over 200 new voters were registered by the Office of Elections. The ceremony and the reception that followed were graciously sponsored by Cox Communications and served as a great welcome for the new citizens of the County and of the United States.

Chairman Bulova stated that the County was fortunate to have so many volunteers who were willing to work hard to make this event a success. Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite these men and women to appear before the Board to receive a proclamation recognizing the hard work and excellence of the County's Asian American History Project Task Force and the many others who made this event such a success. Without objection, it was so ordered.

27. **COMPENSATION POLICY REVIEW** (12:24 p.m.)

Chairman Bulova stated that at the Board meeting on April 20, 2009, the Board approved Budget Guidance for Fiscal Year (FY) 2010 and FY 2011. Included in this guidance was direction for a review of compensation and benefits for County employees and retirees. The subject of compensation will also be covered during the Board's retreat later this month.

Chairman Bulova noted that per the Guidance document, staff is directed to review the issue of compensation and possible adjustments to the Pay for Performance system, and to work with representatives of various employee groups in the County to draft a compensation policy for Board review and approval. Staff has also been asked to review the requirements placed on the County's retirement system as a result of the economic downturn and examine and refine a number of policies related to those systems. Chairman Bulova said that it is important that employees have a place at the table for all of these discussions.

Therefore, Chairman Bulova moved that the Board direct:

- Staff to include representatives from County employee organizations in these discussions.
- The County Executive to provide a status report and timeline for undertaking this review and bringing policy recommendations to the Board.

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

28. **FOLLOW-UP ON COOL COUNTIES CLIMATE STABILIZATION DECLARATION** (12:26 p.m.)

Chairman Bulova stated that on July 16, 2007, the Board signed the Cool Counties Declaration. The Cool Counties initiative is a template for how local governments nationwide can respond to the challenge of climate change, and the County is proud to be one of the counties responsible for founding this initiative.

Chairman Bulova noted that as a signatory of the Cool Counties Declaration, the County has promised to perform an inventory of greenhouse gas emissions and this is a commitment the County will honor. To track the County's progress in reducing emissions, a greenhouse gas inventory is required to establish a starting point. Chairman Bulova said that she understands that staff is currently preparing an emissions inventory.

Therefore, Chairman Bulova moved that the Board direct staff to provide an update at a future meeting of the Environmental Committee on the status of the commitments the Board made by signing the Cool Counties Climate Stabilization Declaration, focusing on the following topics:

- A timeframe in which the Board can expect the emissions inventory to be completed.
- Data on the emissions reductions the County has already achieved since signing the Cool Counties Declaration.
- The status of the County's efforts to collaborate with the County's regional, State, and federal partners on addressing emissions more comprehensively.
- Recommendations on how the County can integrate this new information, including metrics based on inventory, with the County's existing programs to develop a more complete strategy for addressing climate change.

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

29. **CONGRESSIONAL DELEGATION ON ENERGY LEGISLATION** (12:29 p.m.)

In a joint Board Matter with Supervisor Gross and Supervisor McKay, Chairman Bulova stated that in 2007, the County signed the "Cool Counties Climate Stabilization Declaration," in which the County pledged to work closely with local, State, and federal governments and others to reduce greenhouse gas

emissions by 80 percent by 2050. In support of these efforts, the County has focused on:

- Reducing energy consumption in County facilities and increasing the County's use of renewable energy.
- Encouraging transit through land use planning and numerous transportation programs which reduce vehicle trips and vehicle miles traveled.
- Increasing the use of hybrid vehicles in the County fleet.
- Strengthening the County's tree preservation policies and procedures.

Chairman Bulova noted that at the beginning of the 111th Congress, and after years of hearings and deliberations, leadership in both chambers announced their intentions to pass bills in 2009 to reduce greenhouse gas emissions and address the issue of global climate change. Current policy attention has focused on "cap and trade" strategies to reduce greenhouse gas emissions, with additional actions aimed at promoting the technology development considered necessary to slow climate change significantly, including an increase in the use of renewable energy.

Therefore, Chairman Bulova moved that the Board direct staff to send the letter, copies of which were distributed around the dais, under the Chairman's signature, to the County's Congressional delegation, outlining the areas of support for climate change legislation. Vice-Chairman Gross seconded the motion.

Supervisor Cook stated that he would be voting against this motion due to his lack of time to research the proposed legislation.

Supervisor Herrity stated that he would be abstaining due to the "cap and trade" reference within this Board Matter. Chairman Bulova noted that the letter did not reference "cap and trade."

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook voting "NAY," Supervisor Herrity abstaining.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

30. **CHESTERBROOK RESIDENCES (DRANESVILLE DISTRICT)**
(12:44 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Hudgins, and Chairman Bulova, Supervisor Foust stated that Chesterbrook Residences, located in the Falls Church section of Dranesville, is a mixed income assisted living

facility consisting of 97 units that can accommodate 109 residents. Over 50 percent of the units are for low income residents, many of whom receive Housing Choice vouchers. It opened its doors in November 2007. Funding for the facility came from the Virginia Housing Development Authority, the State, the County, and members of the three sponsoring congregations, Lewinsville Presbyterian Church, Immanuel Presbyterian Church, and Temple Rodef Shalom. Supervisor Foust stated that the County provided nearly \$2 million in loans and grants to the non-profit Chesterbrook Residences, Incorporated.

Supervisor Foust noted that Chesterbrook Residences has become a model community that is very much appreciated and enjoyed by its residents. On its own initiative, the Residents Council nominated the facility for a Commonwealth Council on Aging 2009 Best Practices Award in the Housing category. On May 14, 2009, Ms. Gene Ecton Davis, Chairman of the Commonwealth Council on Aging, informed the President of Chesterbrook's Resident Council that Chesterbrook Residences had been selected the winner. This is a tremendous achievement as there are many proposals and a very competitive field of applicants. In announcing the award, Ms. Davis said "We are so proud of your innovative way of keeping the members of your community in the community... I would hope other congregations might see the wisdom of replicating your endeavor." Ms. Ecton has requested an opportunity to present the Best Practices Award to Chesterbrook Residences and asked that the media be invited to publicize what Chesterbrook has done to interest others in its replication.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to:

- Invite representatives of Chesterbrook Residences and the Commonwealth Council on Aging to appear before the Board on June 22, 2009, to be recognized for the accomplishments of Chesterbrook Residences.
- Provide an opportunity for the Council to make the presentation of the award.

Without objection, it was so ordered.

31. **ECONOMIC ADVISORY COMMISSION (EAC) PROCEDURAL MATTERS** (12:46 p.m.)

(BACs) Supervisor Foust noted that at its last meeting, the EAC agreed that the most effective way to proceed to accomplish the Commission's mission would be to form working committees. The initial committees established are:

- Strategic Planning Committee
- Regulatory Process and Legislative Committee

- Economic Development and Regulatory (sic) Committee*

Supervisor Foust noted that the Economic Development and Regulatory Committee should be the Economic Development and **Revitalization** Committee.

Most of the EAC members have joined one or more of these committees. An issue has arisen as to whether Board Members, who are also members of the EAC, should serve on the working committees. Supervisor Foust said that he believes that the consensus is that they should not. In addition, it is apparent that the EAC would benefit by the addition of an individual who has substantial experience in the area of the County's land use regulation process.

Therefore, Supervisor Foust moved that:

- Board Members shall not be eligible to serve as members of the working committees formed by the EAC.
- A new representative be added to the EAC as an At-Large Representative to be filled by a County resident with substantial experience with the County's land use regulatory process, and that member shall be nominated by the Chairman of the Board.

Chairman Bulova seconded the motion.

Supervisor Herrity asked to amend the motion to include notifications to the Board of the EAC's committee meetings so that staff is able to attend. This was accepted.

*Supervisor Smyth clarified that the name of the committee is the Economic Development and **Infrastructure** Committee.

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

NV:nv

32. **RECOGNITION OF THE SOUTH LAKES HIGH SCHOOL BOYS' TRACK TEAM (HUNTER MILL DISTRICT)** (12:50 p.m.)

Supervisor Hudgins reported that the South Lakes High School Boys' Track and Field Team captured first place at the Northern Region Championships on May 21-22. Led by senior Vincent Brown and team members Mike Harrell, Quintin Fortes, Sean Price, and Adrian Vaughn, the Seahawks soared into first place. This past weekend, the Seahawks competed in the Virginia AAA State Track and Field Championships and placed sixth overall. Vincent Brown took second in the 110 meter hurdles with a time of 14:05 seconds.

Accordingly, Supervisor Hudgins asked unanimous consent that Board direct staff to invite the Seahawks Boys Track and Field Team to appear before the Board at the July 13 meeting to be recognized for its outstanding accomplishments. Without objection, it was so ordered.

33. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR PAT HERRITY** (12:50 p.m.)

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

34. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE GROSS** (12:51 p.m.)

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

35. **GRASS MOWING AND GENERAL MAINTENANCE BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)** (12:51 p.m.)

Supervisor McKay called to the Board's attention the issue of tall grass and reduced maintenance on VDOT's medians. He said that it is VDOT's latest attempt to balance its budget by reducing its median maintenance to only three mowings during the growing season. A May 20 email sent to several Board Members by the VDOT (NOVA) Fairfax Maintenance Division stated, "I expect that you will get a lot of complaints concerning the lack of mowing, but in an effort to save us all time, I would appreciate you informing your constituents of VDOT's mowing policy this year."

Supervisor McKay asserted that not only is the State sidestepping its responsibilities, but it expects the Board to assume VDOT's obligation to communicate with its residents. This reinforces a common misconception—that the County is responsible for State roads. He said that at virtually every citizen meeting that he attends, he spends more than 50 percent of his speaking time answering questions and often complaints about these roads.

Supervisor McKay said that if VDOT believes that unkempt medians are no more than a cosmetic issue, then VDOT should be willing to state that upfront. He asserted that tall grass in the medians is more than an aesthetic issue. It is a safety issue not only because it blocks visibility, but also because drivers' attention may well be focused on what is not supposed to be there—tall waving grass—than what is. It sends the wrong message about local communities—unkempt public spaces invite unkempt private property and further diminish the property values of neighborhoods already hard hit by foreclosures and short sales. And most of all, it sends the message that the State is not functioning.

Citing his belief in the importance for the Board to be on the formal record with its concerns about the lack of VDOT maintenance, Supervisor McKay moved that the Board direct staff to:

- Send a letter to Secretary of Transportation Pierce Homer, expressing its concern about VDOT's median maintenance and communication policies.
- Prepare that letter to be sent by the end of this month.

Supervisor Foust and Chairman Bulova seconded the motion.

Supervisor Herrity asked to amend the motion to also send the letter to the County's delegation to the General Assembly, and this was accepted.

Following discussion about VDOT funding, Supervisor McKay amended his motion to send the letter to the legislators, with a copy to Secretary Homer, and this was accepted.

Following discussion regarding maintenance, Supervisor Smyth asked to amend the motion to add other rights-of-way in addition to medians, and this was accepted.

Following further discussion regarding regular road maintenance such as repairing potholes and resurfacing, Supervisor McKay amended his motion to include two letters, one regarding immediate issues such as the mowing and one regarding overall maintenance, and this was accepted.

Supervisor Gross reminded the Board that the grass mowing issue was raised last year and she suggested updating the previous letters on the subject to respond to the issue prior to the end of the month.

Following further discussion regarding road funding and maintenance, with input from Anthony H. Griffin, County Executive, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Hyland being out of the room.

(NOTE: Later in the meeting, the Board discussed VDOT maintenance and funding and took further action. See Clerk's Summary Items #63 and #64.)

36. **TRANSPORTATION IMPACT ANALYSIS (TIA) REGULATIONS FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)**
(1:11 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that on July 1, 2007, the new TIA took effect in Northern Virginia as well as other parts

of the Commonwealth. These regulations are now commonly known as the “VDOT 527” in the land use/transportation review process.

The VDOT 527 is intended to give the policymakers and community more information before making decisions on land use and planning activities, which may affect transportation. In some parts of the State, this process is great in determining necessary road improvements - especially in small counties with no thorough internal Department of Transportation (DOT) review outside that of VDOT. Supervisor McKay said that for the past 18 months he observed this process in the County in areas near transit stations. In some instances, the typical 527 review does not consider the types of developments – largely redevelopments – in urban counties like Fairfax.

Supervisor McKay said that in some cases, the County is looking for wider sidewalks, narrower lanes, pedestrian improvements, bike lanes, small traffic circulation fixes, signals, and general Transit Oriented Development (TOD) principles near transit stations; all of which the Board supports. VDOT, in those same instances, suggests the need for more lanes to move cars. This makes modes of transportation besides the car even more difficult.

Supervisor McKay added that another challenge in the 527 process is timing. With County staff already reviewing land use cases including DOT thoroughly, the VDOT process does not line up with the County’s process well. This can create long delays in reviewing cases. County staff has identified this problem and is working with VDOT on a remedy: to limit the maximum review of the 527 TIA to no more than 120 days.

Therefore Supervisor McKay moved that the Board authorize a letter from the Chairman to be sent to Secretary Pierce Homer at the Virginia Department of Transportation to consider:

- Establishing new criteria, as a part of their review that better supports more urban type redevelopment and the Transit Oriented Development guidelines
- To support DOT’s suggestion of limiting reviews of the 527 TIAs to no more than 120 days.

Supervisor Hudgins seconded the motion and discussion ensued.

Supervisor Hudgins asked to amend the motion to include in the letter the criteria that DOT developed. This was accepted as an attachment to the letter.

Further discussion ensued regarding the cause of delays including staffing, the information provided by the applicant, and federal regulations as well as what the 527 process entails.

Chairman Bulova reiterated the motion as a request for a letter to be sent to the Secretary of Transportation providing information regarding the County's experience with the 527 review and how in many cases it is not serving the County well and to send some of the criteria that County staff uses. The letter is to be drafted then circulated to the Board.

Supervisor McKay asked to amend the motion to request that the letter be included in the Board agenda as an Action item for the next Board meeting on June 22, and this was accepted.

Further discussion ensued regarding a disconnect between the 527 and the County's processes.

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

37. **ILLEGAL SIGNS ON THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHT-OF-WAY** (1:23 p.m.)

Supervisor McKay said that in December 2007, then-Supervisor Dana Kauffman brought forward a Board Matter on illegal signs in the VDOT right-of-way. This has been a topic of considerable discussion among Board Members. Recently, the South County Federation sent a letter requesting that the County enter into an agreement with the Commonwealth Transportation Commissioner to remove illegal signs in accordance with Virginia Code Section 33.1-375.1(D).

As Supervisor Kauffman pointed out, "Fairfax County's authority to enter into an agreement with the Commissioner is under a completely different section of the code [Section 33.1-375.1(A-C)] and we are the only locality in the State where signs and advertising erected for no more than three days are not subject to the agreement. The three-day specification for Fairfax County is significant and has caused our staff to recommend a sign removal pilot program that makes removal far more difficult than it is in any other locality in the State or even for VDOT themselves. If VDOT were to enforce its own rules with more vigor, the three-day limitation would not apply. And, if the County enters into an agreement to remove the signs for VDOT, then we should be able to keep the entire fine collected, not only half."

Supervisor McKay said that bills introduced by local State representatives were killed in the House Appropriations Committee last year. While he acknowledged that this is progress, he said that the residents of the County deserve better than a law that unfairly discriminates against the jurisdiction with the largest population. He asserted that the Board needs to continue to raise awareness of this issue and make sure the General Assembly does the right thing for the County and its residents.

Accordingly, jointly with Chairman Bulova and Supervisor Hyland, Supervisor McKay moved that the Board refer this issue to the Board's Legislative Committee and direct staff to explore an amendment that would give the County the same enforcement and collections authority other jurisdictions enjoy. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

38. **OUT-OF-TURN PLAN AMENDMENTS RELATING TO THE 2005 BASE REALIGNMENT AND CLOSURE (BRAC) (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (1:26 p.m.)

(NOTE: Earlier in the meeting, the Board discussed 527 reviews. See Clerk's Summary Item #36.)

Supervisor McKay reminded the Board that staff and the Lee, Mount Vernon, and Springfield Districts have been working diligently to analyze the impacts of the BRAC proceedings through a special Area Plans Review (APR) cycle of the Comprehensive Plan. This APR cycle examined the Plan recommendations for areas that would most likely be affected by BRAC actions, particularly in activity centers in the southern portion of the County. A task force, organized with representatives from the three districts, met over a period of six months to review the nominations. The Board adopted several nominations, including two in the Springfield area of the Lee District in January of this year.

Supervisor McKay said that other nominations that require the VDOT Chapter 527 review will be presented to the Board in August of this year. Three of these nominations, located in the Springfield area of the Lee District, were reviewed by the BRAC Task Force and underwent the additional 527 review. These nominations were supported by the task force and are viewed as potential opportunities for revitalization and reinvestment in the Springfield area, particularly on properties that are blighted and in need of improvement.

While this APR process was ongoing, the Board also authorized a separate, follow-up study to a May 2006 Urban Land Institute Advisory Services Panel report, entitled *Springfield, Virginia: Strategies for Revitalization* in June of 2006. This report focused on the reinvention of Springfield and made recommendations for the area to become a distinct and diverse marketplace at both the local and regional scale. The Department of Planning and Zoning, the Department of Transportation, the Office of Community Revitalization and Reinvestment, the Park Authority, and a consultant team have been working to complete this study, with the publication of the two-part *Springfield Connectivity Final Report*, consisting of the *Framework Plans and Street Typology* and *Transportation and Land Use Evaluation* sections in August of 2008. These documents explore and recommend multimodal accessibility and mobility improvements and re-envision the urban form in Springfield as a walkable, vibrant, and active community. Because of BRAC, there may be a real chance of accomplishing long-awaited revitalization in a systematic way on the ground and not on paper.

Supervisor McKay said that now is the time to bridge these two efforts and incorporate the elements of the Connectivity Study and the BRAC nominations into the Comprehensive Plan recommendations for the Springfield area. Accordingly, he moved that the Board:

- Authorize a Plan amendment for the subject area of the Springfield Connectivity Study, which includes the Springfield Community Revitalization District and the Franconia-Springfield Transit Station area, generally surrounding the intersection of Old Keene Mill Road/ Franconia Road and Interstate 95. This Plan amendment should evaluate the urban design, placemaking, and transportation recommendations of the Study for their potential incorporation into the Plan text. The review should be completed in four to six months to minimize delays in amending the plan in a reasonable timeframe to accommodate BRAC.
- Direct staff to examine how the three particular BRAC nominations relate to the Springfield Connectivity recommendations.

Supervisor McKay said that he would ask the Planning Commissioner for the Lee District to defer BRAC APR nominations 08-IV-5FS, 08-IV-7FS, and 08-IV-9FS at the Planning Commission's next meeting to be considered within this out-of-turn plan amendment.

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

PMH:pmh

39. **BRADDOCK DISTRICT OPEN HOUSE** (1:30 p.m.)

Supervisor Cook announced that on Sunday, June 14, from 3 p.m. until 5 p.m. he will host his first Open House at the Braddock District office.

Supervisor Cook said that this Open House is an invitation to Braddock District citizens to meet with him and see the office up close and personal. Light refreshments will be served and staff will be available to address needs or take questions about government resources.

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

40. **BRADDOCK DISTRICT'S FIRST CHANNEL 16 SHOW** (1:30 p.m.)

Supervisor Cook noted that the County's Channel 16 is a great resource that allows Board Members to provide their constituents with important information facing their communities. He said that the Braddock Neighborhood News is his new TV program on Channel 16 that will take advantage of this worthwhile tool by showcasing programs and services provided by the County, great things being done by neighbors, and what he is doing to respond to their concerns. Each month he will present a new program for residents.

Supervisor Cook announced that this month's program will provide timely and important information about illegal boarding houses: what they are, what the County is doing about the problem, and how citizens can help. He said that his guests are Deputy Zoning Administrator Michael Congleton and County Strike Team Operations Chief Jeff Blackford.

The program will air on Sunday, June 3, at 5 p.m. on Channel 16 and will then air every Sunday at 5 p.m., every Wednesday at 7 p.m., and every Friday at 5 p.m. through the month of June.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to publicize this show. Without objection, it was so ordered.

41. **IRON DOG RECOGNITION** (1:32 p.m.)

Supervisor Frey said that seven County police officers and their K-9 partners participated in an Iron Dog competition on May 20 taking first place in four categories: Overall Team Event, Narcotic Detection Packages, Area Search and Criminal Apprehension. The County teams also placed in several other categories. The Iron Dog competition consisted of a 1.5 mile run, with exercises stationed along the course. The annual event was coordinated by the Virginia Police Canine Association.

The Fairfax County Police Department K-9 teams placed as follows:

- Narcotics Detection Packages: Private First Class (PFC) Michael Gubesch and Scout placed first.
- Muzzle Event: PFC Robin Wyatt and Gallo placed second.
- Area Search: PFC Gubesch and Scout placed first and Master Police Officer (MPO) Mark Dale and Blitz placed second.
- Firearms Event: PFC Gubesch and Scout placed second, MPO Jason Herbert and Thunder placed third.

- Team Event: PFC Wyatt and Gallo, MPO Herbert and Thunder, and PFC Gubesch and Scout placed first; and PFC Lori Beach and Elvis, MPOfficer Gary Brown and Zeus and MPO Dale and Blitz placed third.
- Iron Dog — Best Overall — PFC Gubesch and Scout placed third.
- Sergeant Shawn Martin and Nero also participated in the team competition but had to participate with another team so that they had enough members.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite these K-9 teams to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

42. **TIM RUITER: SECOND PLACE FINISHER IN THE SCRIPPS NATIONAL SPELLING BEE (SULLY DISTRICT)** (1:33 p.m.)

Supervisor Frey said that last week, 12-year old Centreville resident Tim Ruter was the second place finisher in the Scripps National Spelling Bee in Washington, DC. He lasted 15 rounds, over a span of more than ten hours.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Tim to appear before the Board to be recognized for his tremendous accomplishment. Without objection, it was so ordered.

43. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR SMYTH** (1:34 p.m.)

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

44. **MOUNT VERNON MASONIC LODGE** (1:34 p.m.)

Supervisor Hyland said that Special Exception Application, SE 2008-MV-031 by the Mount Vernon Lodge Number 219 (Masons), along with Public Facilities Application 2232-V08-6 (T-Mobile), have been filed to re-establish the lodge as a public benefit association and install a cellular pole at 8717 Fort Hunt Road. The applications are currently scheduled for Planning Commission (PC) public hearing on July 9, 2009. The scheduled PC hearing date has been deferred twice to allow meetings with the community, and, in an effort to keep re-advertising costs down and the application moving forward, the PC and applicant have requested the scheduling of a Board public hearing.

Therefore, Supervisor Hyland moved that the Board direct staff to schedule a public hearing to be held before the Board for Special Exception Application SE 2008-MV-031 on **August 3, 2009, at 4 p.m.** This motion should in no way prejudice the full review of the application and does not preclude the applicant

from adherence to all adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

45. **INOVA LORTON HEALTHPLEX (MOUNT VERNON DISTRICT)**
(1:35 p.m.)

Supervisor Hyland said that in 2006 the Board approved an Out-of-Turn Plan Amendment (S05-IV-LP4) relating to Sub-unit B2, LP2-Lorton-South Route 1 Community Planning Sector of Area IV. This amendment recommended Sub-unit B2 for “office use at an intensity up to 0.25 floor area ratio that would accommodate medical office use with urgent care and outpatient services.” It cleared the way for Inova’s rezoning of 14.5 acres in Sub-unit B2 for a healthplex (Rezoning Application RZ 2005-MV-029). That rezoning to the C-3 district was approved by the Board on June 5, 2006, subject to extensive proffers and a generalized development plan which showed a healthplex with an emergency room and medical offices and a large parking structure. The residents of the southern portion of the County - the Lorton area in particular - were eager to have this much needed medical facility in the community.

Unfortunately, the current economic situation has made the project, as approved, infeasible. Inova remains very much committed to constructing a healthplex on the property but it must be permitted additional density and greater flexibility. It is vitally important that the healthplex be constructed without delay.

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

- Prepare an Out-of-Turn Plan Amendment which will permit greater density and uses which would support or complement the healthcare-oriented uses on the property.
- Coordinate with the Virginia Department of Transportation to expedite the review of any 527 studies that may be required and to schedule Inova’s proffered condition amendment application and its special exception application, should one be necessary, at the earliest available time following adoption of the Comprehensive Plan Amendment.
- Concurrently process the site plan and building plans while the proffered condition amendment and special exception applications are being processed.

Supervisor Hyland noted that these motions are made with the understanding that, if adopted, they would in no way prejudice the merits of the proposed comprehensive plan amendment or the proffered condition amendment and special exception applications. Supervisor McKay seconded the motion and it carried by unanimous vote.

46. **RECESS/CLOSED SESSION** (1:39 p.m.)

Supervisor Smyth 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. Personal Injury Claim of *Elena Norfolk*
2. *In Re: 4010 Royal Lytham Drive, Fairfax Virginia 22033, et al. v. Wachovia Bank, Fairfax County Department of Housing and Community Development, et al.*, Case No. CL-2009-0002107 (Fx. Co. Cir. Ct.) (Sully District)
3. *Alexander Hollis v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2009-0002345 (Fx. Co. Cir. Ct.); *Kathryn Hollis v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2009-0002346 (Fx. Co. Cir. Ct.); *Michael Ku v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2009-0004076 (Fx. Co. Cir. Ct.); *Conley Ku v. Schaeffer Pyrotechnics, Inc., et al.*, Case No. CL-2009-0004077 (Fx. Co. Cir. Ct.)
4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eusebio Rocha and Johnny Rocha*, Case No. CL-2009-0004027 (Fx. Co. Cir. Ct.) (Mason District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rising Sun Properties, LLC*, Case No. CL-2009-0004026 (Fx. Co. Cir. Ct.) (Lee District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016413 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose O. Montecino and Maria Montecino*, CL-2009-0005331 (Fx. Co. Cir. Ct.) (Sully District)
8. *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)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz*, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chalmer G. Dunbar*, Case No. CL-2006-0007489 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta, a/k/a Maria D'Angeles Argueta*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafael S. Chavarria*, Case No. CL-2009-0002074 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Assad Saliba and Roxanne Saliba*, Case No. CL-2008-0016552 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca Castillo*, Case

- No. CL-2009-0003879 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
15. *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)
 16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sonia Marlene Lopez De Cejas*, Case No. CL-2009-0002076 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
 17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Gutierrez and Julia B. Gutierrez*, Case No. CL-2009-0002829 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Soledad Marreros*, Case No. CL-2009-0002967 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Blanco and Steven N. Blanco*, Case No. CL-2009-0002257 (Fx. Co. Cir. Ct.) (Lee District)
 20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Vincent G. Hickey*, Case No. CL-2009-0006008 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Margaret E. Wayne*, Case No. CL-2009-0006358 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Lord*, Case No. CL-2009-0006752 (Fx. Co. Cir. Ct.) (Lee District)
 23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and*

- Androulla Demetriou*, Case No. CL-2009-0006842 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald O. Bussard, Jr.*, Case No. CL-2009-0006891 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. The Fairfax Development Corporation*, Case No. CL-2009-0006892 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Galileo Palma*, Case No. CL-2009-0006974 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. William J. Cook*, Case No. CL-2009-0006975 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ju Wan Ryu*, Case No. CL-2009-0006972 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No. CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronal Castellon and Dorith G. Castellon*, Case No. CL-2009-0007082 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mario A. Zeledon and Marlon E. Borge*, Case No. CL-2009-0007284 (Fx. Co. Cir. Ct.) (Mason District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Goher N. Khan*, Case No. 08-0009869 (Fx. Co. Gen. Dist. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lester R. Kerfoot, Jr., and Carole Jean Kerfoot*, Case Nos. 09-0010583 and 09-0010584 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo D. Ventura*, Case No. 09-0006930 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert D. Scrimshaw and Teresa Marie Scrimshaw*, Case Nos. 09-0009387 and 09-0009388 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Muhammad Aziz and Shahnaz Aziz*, Case No. 09-0012875 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *Board of Supervisors v. McLean Crest, LLC*, Case No. CL-2008-0006691 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- *Veolia Transportation Services, Incorporated v. Board of Supervisors of Fairfax County, Virginia, et al.*, Case Number CL-2009-5587
- *Comprehensive Agreement Between the Board of Supervisors of Fairfax County, Virginia and JPI Development Services, L.P.*, dated December 31, 2008
- *Board of Supervisors of Fairfax County v. Curtis Properties, Incorporated*, Case Number CL-2002-0204302

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

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At 3:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

47. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:47 p.m.)

Supervisor Gross 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 Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

48. **BOARD OF SUPERVISORS OF FAIRFAX COUNTY VERSUS CURTIS PROPERTIES, INCORPORATED** (3:48 p.m.)

Supervisor Gross moved that the Board accept the settlement offer from Curtis Properties, Incorporated, in the case of *Board of Supervisors of Fairfax County versus Curtis Properties, Incorporated*, (Case No. CL-2002-0204302) for the reasons set forth by the County Attorney in closed session. Chairman Bulova seconded the motion, and it carried by unanimous vote.

49. **BOARD OF SUPERVISORS VERSUS ELENA NORFOLK** (3:48 p.m.)

Supervisor Herrity moved that the Board deny the claim submitted by Elena Norfolk as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion, and it carried by unanimous vote.

50. **SETTLEMENT OFFER FOR 4010 ROYAL LYTHAM DRIVE, FAIRFAX VIRGINIA** (3:48 p.m.)

Supervisor Frey moved that the Board accept the settlement offer from Wachovia Bank, NA, *In Re: 4010 Royal Lytham Drive, Fairfax, Virginia*, Case No. CL-2009-0002107 for the reasons set forth by the County Attorney in closed session. Chairman Bulova seconded the motion, and it carried by unanimous vote.

AGENDA ITEMS

51. **3:30 P.M. – PH AND DECISION ON THE DISPOSITION OF COUNTY-OWNED PROPERTY IN CONNECTION WITH A PROPOSED TRANSIT ORIENTED DEVELOPMENT AT THE WIEHLE AVENUE METRORAIL STATION SITE IN RESTON (HUNTER MILL DISTRICT)** (No time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #55.)

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-LE-014 (OPUS EAST, LLC) (LEE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-LE-028 (OPUS EAST, LLC) (LEE DISTRICT) (3:50 p.m.)

The application property is located on the west side of Backlick Road approximately 500 feet north of the intersection of Fullerton Road and Backlick Road at 7800 Backlick Road, Tax Map 99-1 ((1)) 22 and 23A; 99-1 ((5)) 3 and 4.

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

Supervisor Herrity disclosed the following campaign contribution which he had received in excess of \$100 from:

- Sydney E. Albrittain

Supervisor McKay disclosed the following campaign contributions which he had received in excess of \$100 from the following partners at Pallone Asset Management, LLC:

- Michael Pallone
- Frank Joyce

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

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

53. **BOARD RECESS** (3:59 p.m.)

At 3:59 p.m. the Board recessed briefly to respond to an emergency fire alarm and at 4:17 p.m. reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

Chairman Bulova announced that the reason for the alarm was the result of a switch being pulled and that there was no fire in the building.

54. **CONTINUATION OF PH ON REZONING APPLICATION RZ 2008-LE-014 (OPUS EAST, LLC) (LEE DISTRICT)****AND****PH ON SPECIAL EXCEPTION APPLICATION SE 2008-LE-028 (OPUS EAST, LLC) (LEE DISTRICT)** (4:17 p.m.)

(O) (NOTE: Earlier in the meeting the public hearing was held. See Clerk's Summary Item CL#52.)

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-LE-014, from the I-5 and C-8 Districts to the C-4 District, subject to the proffers dated May 29, 2009.
- Approval of Special Exception Application SE 2008-LE-028, subject to the development conditions dated April 28, 2009.

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

55. **3:30 P.M. – PH AND DECISION ON THE DISPOSITION OF COUNTY-OWNED PROPERTY IN CONNECTION WITH A PROPOSED TRANSIT ORIENTED DEVELOPMENT AT THE WIEHLE AVENUE METRORAIL STATION SITE IN RESTON (HUNTER MILL DISTRICT)** (4:21 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 May 14 and May 21, 2009.

Richard Stevens, Dulles Rail Manager, Department of Transportation, and Leonard P. Wales, County Debt Manager, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins moved:

- Approval of the Comprehensive Agreement with Comstock Reston Station Holdings, LC and CRS Constructions Services, LC pertaining to the Wiehle Avenue Metro Site joint development in substantially the form presented to the Board, including approval of:
 - A deed of Lease with Comstock Reston Station Holdings, LC which sets forth the terms of the transfer of development rights and establish the rights and obligations to develop the property upon completion of the public facilities and to provide fair market compensation to the County for the use of its property.
 - A Development Agreement with CRS Construction Services, LC which sets out the terms for the construction of Metrorail Station facilities to include 2300 public parking spaces, 12 bus bays, 46 kiss-and-ride spaces and ancillary facilities to serve the new Metrorail Station.
- Adoption of the Wiehle Avenue Metro Site Bond Reimbursement Resolution in the form as presented to the Board.

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

56. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-H-066-02 [SUNOCO, INCORPORATED (R&M)] (HUNTER MILL DISTRICT)** (4:36 p.m.)

The application property is located at 13470 Coppermine Road, Tax Map 16-3 ((1)) 38A.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 95-H-066-02, subject to the development conditions dated May 19, 2009, with the addition of a condition providing for placement of bicycle racks at the station.
- Reaffirmation of the previously approved waivers and modifications which include modification of the transitional screening to the south and east in favor of the existing vegetation as well as waiver of the barrier requirements to the south and east, in favor of that shown on the SEA Plat.
- Waiver of the on-road bike lane requirement along Centreville Road in favor of the eight-foot wide sidewalk shown on the SEA Plat.

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

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-SP-012 (11-7 ASSOCIATES, LLC) (SPRINGFIELD DISTRICT)** (3:42 p.m.)

- (O) The application property is located on the south side of Lee Highway, east of its intersection with McKenzie Avenue, Tax Map 56-2 ((1)) 66.

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

Supervisor Herrity disclosed the following campaign contributions which he had received in excess of \$100 from:

- Ronald A. Deangelis
- ECS Corporate Services, LLC

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.

Following the public hearing, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Herrity moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-SP-012, from the R-1 District to the C-2 District, subject to the proffers dated May 27, 2009, with the addition of a proffer addressing maintenance of landscaping.
- Waiver of the construction of the on road bicycle lane for Lee Highway.
- Modification of the barrier requirement along the eastern property line to allow for a four-foot tall fence in lieu of a seven-foot tall brick or architectural block wall.
- Modification of the 25-foot transitional screening yard on the eastern property line to allow a taper to a minimum of 12 feet along the cemetery property.
- Modification of the transitional screening yard requirements to allow a two-thirds reduction of the 35-foot transitional screening yard along the eastern edge of the property to allow a 12-foot screening yard along the residential parcels to the east.
- Modification of the barrier requirement along the eastern property line to allow for a three-foot high screening/safety wall along the residential parcels to the east.
- Waiver of the 35-foot transitional screening yard and barrier requirement along the Lee Highway frontage of the property.
- Modification of the transitional screening yard requirements to allow a two-thirds reduction of the required 25-foot transitional screening yard along the southern property line and construction of a seven-foot tall brick or architectural block wall.

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

ADDITIONAL BOARD MATTER58. **INTRODUCTION OF BOY SCOUT TROOP 1131** (4:51 p.m.)

Chairman Bulova recognized members of Boy Scout Troop 1131 from Burke. On behalf of the Board, she warmly welcomed them to the Board Auditorium.

AGENDA ITEMS59. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-SU-002 (CENTREVILLE DAY SCHOOL/CENTREVILLE UNITED METHODIST CHURCH) (SULLY DISTRICT)** (4:52 p.m.)

The application property is located at 6400 Old Centreville Road, Tax Map 65-1 ((1)) 14A, 14A1 and 65-1 ((5)) J1.

Ms. Laura F. Miller reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Chris DeManche, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey submitted items for the record.

Supervisor Frey moved Approval of Special Exception Application SE 2009-SU-002, subject to the development conditions dated May 14, 2009, with the following modifications:

- Modification of the transitional screening requirement along the southern, western, and eastern boundaries in favor of the existing vegetation, as depicted on the SE Plat.
- Modification of the barrier requirement along the western boundary in favor of that depicted on the SE Plat, as conditioned.
- Waiver of the barrier requirement along the southern and eastern boundaries in favor of that depicted on the SE Plat, and as conditioned.

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

60. **4 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, ESTABLISHING THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)** (5:01 p.m.)

- (O) (NOTE: On March 30, 2009, the Board held a public hearing regarding this item and deferred decision until June 1, 2009.)

Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the NVCC RPPD. The proposed District establishment includes Raleigh Avenue (Route 2472) from Wakefield Drive (Route 1029) to Chapel Drive (Route 2473). Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room.

61. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE OLD MILL COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:04 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 May 14 and May 21, 2009.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Old Mill CPD, in accordance with current CPD restrictions. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room.

62. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SOUTH RUN CROSSING COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:21 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 May 14 and May 21, 2009.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by five speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the South Run Crossing CPD, in accordance with current CPD restrictions. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being out of the room.

63. **4 P.M. - JOINT PH ON THE SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2010 THROUGH 2015** (5:41 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding VDOT maintenance. See Clerk's Summary Item CL#35.)

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 May 14 and May 21, 2009.

Leonard Siegel, Arlington/Fairfax Preliminary Engineering Manager, VDOT, presented the staff report.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information on how much money has been spent on Rolling Road planning. Without objection, it was so ordered.

Discussion ensued with input from Katharine D. Ichter, Director, Department of Transportation, and Mr. Siegel, regarding the low amount of VDOT Transportation funding available for traffic calming measures.

Further discussion ensued with input from Mr. Siegel and Ms. Ichter on the funding that is available from the General Assembly.

Supervisor McKay moved approval of the proposed Six-Year VDOT Secondary System Construction Program for FY 2010 through 2015. Supervisor Hyland seconded the motion.

Continued discussion ensued, with input from Ms. Ichter, as to whether part of the funds could be used for grass cutting maintenance in the County.

Discussion ensued with input from Mr. Siegel and Anthony H. Griffin, County Executive, regarding funding.

Supervisor McKay asked to amend his motion to send a third letter to the General Assembly Members expressing the Board's concerns on the low funding for transportation programs, and this was accepted.

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

ADDITIONAL BOARD MATTER

64. **JOINT BOARD MATTER WITH SUPERVISOR MCKAY CONCERNING TESTIMONY FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT), FY 2010 THROUGH 2015** (6:13 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding VDOT funding. See Clerk's Summary Item #63.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Approve the proposed letter to Secretary Homer to be presented at the June 2, 2009, public hearing.
- Designate Supervisor Jeff McKay, Chairman of the Board's Transportation Committee, to present the Board's comments to the Commonwealth Transportation Board (CTB) at the Six Year Program hearing.

Supervisor McKay seconded the motion.

Supervisor McKay asked to amend the motion to add a new paragraph to the letter expressing the Board's frustration with the General Assembly's action not to provide adequate transportation funding and note that a separate letter will be sent to the General Assembly, and this was accepted.

Discussion ensued regarding the inadequate funding from the General Assembly.

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

Supervisor Gross returned the gavel to Chairman Bulova.

65. **BOARD ADJOURNMENT** (6:19 p.m.)

The Board adjourned.

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