



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 19, 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, October 19, 2009, at 9:09 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 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; 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** (9:09 a.m.)

Chairman Bulova asked to keep in thoughts the troops who are serving the country and who have put themselves in harm's way.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MAUREEN RIBBLE** (9:10 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Maureen Ribble for her selection as Ms. Virginia Senior America 2009, and advancing to the Ms. Senior America competition to be held in Atlantic City. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

There was a brief performance by Ms. Ribble.

3. **PROCLAMATION DESIGNATING NOVEMBER 2009 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (9:20 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate November 2009 as "*Adoption Awareness Month*" in Fairfax County. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

4. **PROCLAMATION DESIGNATING OCTOBER 19-24, 2009, AS "OPERATION MEDICINE CABINET CLEANOUT WEEK" IN FAIRFAX COUNTY** (9:28 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 19–24, 2009, as "*Operation Medicine Cabinet Cleanout Week*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **PROCLAMATION DESIGNATING NOVEMBER 2009 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (9:39 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate November 2009 as "*American Indian*

Heritage Month" in Fairfax County. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ROBIN THOMPSON** (9:55 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Ms. Robin Thompson for founding the ART of Driving program. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING NOVEMBER 2009 AS "PANCREATIC CANCER AWARENESS MONTH" IN FAIRFAX COUNTY** (10:01 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate November 2009 as "*Pancreatic Cancer Awareness Month*" in Fairfax County. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Information on pancreatic cancer can be found at www.pancan.org.

8. **PROCLAMATION DESIGNATING OCTOBER 2009 AS "BREAST CANCER AWARENESS MONTH" IN FAIRFAX COUNTY** (10:17 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate October 2009 as "*Breast Cancer Awareness Month*" in Fairfax County. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. KALA QUINTANA, MS. LAUREN WILLIAMSON, AND MS. MEGHAN HOFFMAN** (10:32 a.m.)

Supervisor Cook moved approval of the Certificates of Recognition presented to Ms. Kala Quintana, Ms. Lauren Williamson, and Ms. Meghan Hoffman of the Burke Centre Conservancy for organizing Doggie Dip. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

Ms. Quintana presented to the Board the funds raised for the County Animal Shelter.

10. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JIM DEDES**
(10:38 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. Jim Dedes for his years of service to the County. Supervisor Gross seconded the motion and it carried by unanimous vote.

11. **PROCLAMATION DESIGNATING OCTOBER 24, 2009, AS "VOLUNTEERFEST DAY 2009" IN FAIRFAX COUNTY** (10:47 a.m.)

Supervisor Gross moved approval of the Proclamation to designate October 24, 2009, as "*VolunteerFest Day 2009*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

12. **10 A.M. – PRESENTATION OF THE BARBARA VARON AWARD**
(10:59 a.m.)

(BACs) This annual award was established to recognize a Fairfax County resident's dedication to improving the community through volunteer service and to honor the memory of Barbara Varon, former chairman of the Electoral Board. The award's selection criteria states that nominees must reside in the County, demonstrate an appreciation for the diversity of the community's population, exhibit patriotism, show evidence of having a positive effect on the community, and be known for encouraging others to do the same.

Chairman Bulova presented the Barbara Varon Award to Ms. Louise H. Rooney.

13. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:10 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Braddock District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Citizen and the Lending Institution Representatives.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Farmer #3 Representative.

ARCHITECTURAL REVIEW BOARD

Supervisor Gross moved the reappointment of Mr. Robert Mobley as the Related Professional Group #1 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Ms. Susan W. Notkins as the Related Professional Group #3 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Ms. Michele C. Aubry as the Related Professional #2 Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Joy Marshall Ortiz as the Architect #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL

Supervisor Smyth moved the reappointment of Mr. Stephen McLaughlin as the Providence District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock District Alternate and the Dranesville District Alternate Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointments of the Alternate #2, and the Design Professional #3 and #6 Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Springfield District Representative.

CITIZENS CORPS COUNCIL

Chairman Bulova moved the appointment of Mr. Andrew S. Levy as the At-Large Chairman's Representative. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #8 Representative.

COMMISSION FOR WOMEN

Chairman Bulova moved the reappointment of Ms. Sook Kim as the At-Large Minority Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Ms. Diane Hoyer as the Dranesville District Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Michele Jones as the Hunter Mill District Representative. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointments of the At-Large Representative and the Providence District Representatives.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large #1 Business Community and the Providence District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Supervisor Frey moved the appointment of Mr. Rick F. Jensen as the Sully District Representative. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

Supervisor Foust moved the appointment of Ms. Dorri C. Scott as the Consumer #5 Representative. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Provider #1 Representative.

HISTORY COMMISSION

Supervisor McKay moved the appointment of Mr. Steve Sherman as the Citizen #9 representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

HUMAN RIGHTS COMMISSION

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

INDUSTRIAL DEVELOPMENT AUTHORITY

Supervisor Hudgins moved the appointment of Mr. Christopher Glaser as the At-Large #4 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #3 and #5 Representatives.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**CONFIRMATION:**

Supervisor Hyland moved confirmation of the following appointment:

- Mr. Paul Liberty as the Northern Virginia Technology Council Representative

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

The Board deferred the appointment of the Fairfax County #2 Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the Braddock and Providence District Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #4 Representative.

TENANT LANDLORD COMMISSION

Supervisor Foust moved the appointment of Mr. Michael B. McEneaney as the Landlord Member #3 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Citizen Member #1 and Tenant Member #3 Representatives.

TRAILS AND SIDEWALKS COMMITTEE

Chairman Bulova moved the appointment of Ms. Kala L. Quintana as the At-Large Chairman's Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

TRANSPORTATION ADVISORY COMMISSION

Supervisor Smyth moved the appointment of Mr. Stephen E. Still as the Providence District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

TREE COMMISSION

The Board deferred the appointments of the Providence, Springfield, and the Sully District Representatives.

WETLANDS BOARD

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

YOUTH BASKETBALL COUNCIL ADVISORY BOARD**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- Mr. E. J. Thomas as the Chairman and Vienna Youth Incorporated Representative
- Mr. Dave Vennergrund as the Commissioner and the Southwestern Youth Association Representative
- Mr. Dave Baker as the Secretary and the Mercer Basketball League Alternate Representative
- Mr. David Maher as the Member At-Large and the Arlington County Recreation Representative
- Mr. Fred McCarrick as the Treasurer
- Mr. Ray Cicale as the Boys Deputy Commissioner and the Lee District Basketball Representative
- Mr. Gordon Austin as the Girls Deputy Commissioner and the Burke Basketball Representative
- Mr. Frank DeLatour as the Parliamentarian and the Annandale Boys and Girls Club Alternate Representative
- Ms. Donna Troup as the Scheduler
- Mr. Steve Groff as the Fairfax County Recreation Representative
- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Mr. George Reid as the Annandale Boys and Girls Club Representative
- Mr. Phil McConnell as the Arlington County Alternate Representative
- Mr. Grady Bryant as the Baileys Community Center Representative

- Mr. Calvin Crenshaw as the Baileys Community Center Alternate Representative
- Mr. James Bosley as the Braddock Road Youth Club Representative
- Mr. Jim Watson as the Braddock Road Youth Club Alternate Representative
- Mr. Dave Baciocco as the Burke Basketball Alternate Representative
- Ms. Kate Sciorra as the Chantilly Youth Association Representative
- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative
- Mr. Bill Ellis as the David R. Pinn Recreation Center Representative
- Mr. Ned Barnes as the David R. Pinn Recreation Center Alternate Representative
- Mr. Kirk Intermill as the Fairfax Police Youth Club Representative
- Mr. Chris Madison as the Falls Church Parks and Recreation Representative
- Mr. Danny Schlitt as the Falls Church Parks and Recreation Alternate Representative
- Mr. Alton Greene as the Fort Belvoir Youth Services Representative
- Mr. Herb Marshall as the Fort Belvoir Youth Services Alternate Representative
- Ms. Catherine Gorham as the Fort Hunt Athletic Association Representative
- Mr. Dave Skaff as the Gainesville Basketball Association Representative

- Mr. Bernaldo Ormond as the Gainesville Basketball Association Alternate Representative
- Ms. Jennie Bishof as the Great Falls Athletic Association Representative
- Ms. Brenda Bosch as the Great Falls Athletic Association Alternate Representative
- Mr. Anthony Belk as the Gum Springs Community Center Representative
- Mr. Tom Benton as the Herndon Optimist Club Representative
- Mr. Jimmy Bernadez as the James Lee Community Center Representative
- Mr. Jim Shouman as the Lee District Basketball Alternate Representative
- Mr. William Morris as the Mercer Basketball League Representative
- Mr. Jeff Goettman as the McLean Youth Incorporated Representative
- Mr. Gerry Megas as the McLean Youth Incorporated Alternate Representative
- Ms. Mary Thompson as the Mott Community Center Representative
- Ms. Kenya Turner as the Mott Community Center Alternate Representative
- Mr. David Fields as the Mount Vernon Youth Association Representative
- Mr. Kevin Harris as the Mount Vernon Youth Association Alternate Representative
- Mr. Irvin Greene as the Reston Youth Basketball League Representative

- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Rob Barnard as the Springfield Youth Club Representative
- Mr. Chris Spera as the Springfield Youth Club Alternate Representative
- Mr. Mike Mastrota as the Turnpike Basketball Club Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative
- Mr. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

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

(NOTE: Later in the meeting, the Board made additional appointments. See Clerk's Summary Item #51.)

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14. **ADMINISTRATIVE ITEMS** (11:21 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 – STREET INTO THE SECONDARY SYSTEM (PROVIDENCE DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Amanda Place II	Providence	Amanda Court

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT, DE-CREATION/RE-CREATION OF SMALL SANITARY DISTRICTS FOR REFUSE AND/OR LEAF COLLECTION SERVICE (DRANESVILLE, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 16, 2009, at 4 p.m.** to consider the following changes to small sanitary districts for refuse and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 With Dranesville District (6811, 6813, and 6815 Wemberly Way)	Enlarge	Refuse	Approve
Small District 13 With Dranesville District (1801 Barbee Street)	Enlarge	Refuse	Approve
Small District 1 Within Mount Vernon District (1111B and 1111C I Street)	Enlarge	Refuse	Approve
Small District 1 Within Providence District (2710 and 2712 Welcome Drive)	De-Create/ Re-Create	Remove Refuse and Leaf	Approve

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) RELATED TO TRAFFIC CALMING AND CUT-THROUGH MEASURES

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on November 18, 2009, at 8:15 p.m. and before the Board on **December 7, 2009, at 4 p.m.** to consider proposed amendments to the PFM by replacing the traffic calming standards with references to the Virginia Department of Transportation's standards and the Department of Transportation's Residential Traffic Administration Program and removing the cut-through requirements.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-32 AND ARTICLE 5, REGARDING THE PARKING OF MOTOR VEHICLES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 16, 2009, at 4:30 p.m.** to consider proposed amendments to Sections 82-1-32, 82-5-1, 82-5-20.1, 82-5-26 and adopting new Section 82-5-26.1 to clarify language, enhance traffic flow and facilitate the enforcement of parking violations.

ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, MASON, 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>
FSA-P96-9-2	Verizon Wireless Replacement antennas 1950 Old Gallows Road (Providence District)	December 26, 2009
FS-D09-55	New Cingular Wireless PCS LLC Antenna colocation on existing (tree pole) monopole 1927 Pimmit Drive (Dranesville District)	January 1, 2010
FS-D09-56	Clearwire US LLC Antenna colocation on existing tower 6300 Georgetown Pike (Dranesville District)	January 1, 2010
FS-M09-57	Clearwire US LLC Rooftop antennas 6066 Leesburg Pike (Mason District)	January 1, 2010
FS-P09-58	Clearwire US LLC Antenna colocation on existing water tank 1766 Chain Bridge Road (Providence District)	January 1, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-H09-63	Clearwire US LLC Rooftop antennas 2231 Colts Neck Road (Hunter Mill District)	January 1, 2010
FS-P09-50	Clearwire US LLC Antenna colocation on existing water tank 3300 Gallows Road (Providence District)	January 2, 2010
FSA-V05-35-1	Verizon Wireless Additional antennas 5845 Richmond Highway (Mount Vernon District)	January 10, 2010
2232A-D04-7-1	Verizon Wireless Replacement antennas Georgetown Pike and Dolley Madison Boulevard intersection (Dranesville District)	January 14, 2010

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEES

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on November 19, 2009, at 8:15 p.m. and before the Board on **January 26, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to increase the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, and PRM Districts from \$1500 to \$1600.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE POTTERS GLEN COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 16, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Potters Glen CPD, in accordance with current CPD restrictions. The proposed expansion shall

encompass Old Franconia Road from Fleet Drive to Franconia Road, south side only

ADMIN 8 – AUTHORIZATION FOR DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND AUTHORIZATION FOR CONSOLIDATED PLAN CERTIFICATIONS

- Authorized HCD, in partnership with Pathway Homes, to apply for and accept funding, if awarded, for five renewal Shelter Plus Care grants totaling \$1,294,224. No local cash match is required.
- Authorized CSB to apply for and accept renewal funding in the amount of \$334,615, if awarded, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, \$254,642 is HUD funding and \$79,973 is local cash match.
- Endorsed the submission of one new project application by Pathway Homes to serve seven chronically homeless individuals for two years in leased units with services provided utilizing a housing first approach. This project totals \$333,828 for two years, of which \$306,798 is HUD funds and \$27,030 is private match funds.
- Endorsed 18 renewal grant applications totaling \$3,708,340 including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, \$2,642,975 is HUD funding, \$445,136 is State pass-through funds, and \$620,229 is private match. No local cash match is required; however, three applications by Christian Relief Services for a total of \$644,241 in HUD funds, one application by Pathway Homes, Incorporated, for a total of \$157,788 in HUD funds, and one application by PRS, Incorporated, for a total of \$168,450 in HUD funds require a combined cash match of \$445,136 for a one-year period. This match will be supported with State pass-through funds to the CSB. The remaining 13 nonprofit renewal applications totaling \$1,672,496 in HUD funds require no local cash match; however, private match of \$620,229 is included and committed by the applicants to support these applications.

- Authorized the Department of Family Services to apply for and accept funding, if awarded, for two renewal grants. This includes \$573,931, including \$67,000 in local cash match and \$53,585 in private funds for the RISE Supportive Housing Grant; and \$865,417, including \$433,837 in local cash match, for the Community Housing Resource Program – Award Three.

ADMIN 9 – AUTHORIZATION FOR ALCOHOL AND DRUG SERVICES (ADS) TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FOR A MATERNAL AND CHILD HEALTH GRANT FROM CAREFIRST FOR SUBSTANCE ABUSE SCREENING AND REFERRAL FOR MEDICAL STAFF THROUGHOUT NORTHERN VIRGINIA

Authorized ADS to apply for and, if awarded, accept up to \$108,072 in grant funding through the Maternal and Child Health Grants from CareFirst. Upon receipt of the actual award, the Fairfax-Falls Church Community Services Board will request an expenditure appropriation and commensurate revenue increase of the actual award amount as part of its Fiscal Year 2010 Third Quarter Budget Review.

15. **A-1 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US MARSHALS SERVICE** (11:22 a.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to renew a MOU between the FCPD and the US Marshals Service, authorizing the assignment of the County's Fugitive Section to the Capital Area Regional Fugitive Task Force.

16. **A-2 – ADOPTION OF A COUNTY ENERGY POLICY** (11:22 a.m.)

- (P) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff to approve and adopt the County Energy Policy statement expressing the County's commitment to energy efficiency and conservation in support of the Boards' Environmental Agenda and the Cool Counties Climate Stabilization Initiative. Vice-Chairman Gross seconded the motion and noted that the Environmental Committee had reviewed it. The question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

17. **A-3 – ENDORSEMENT OF SPOT ROADWAY, PEDESTRIAN, BIKE, AND BUS STOP TRANSPORTATION PROJECTS** (11:23 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the list of priority spot roadway, pedestrian, bike, and bus stop

transportation projects to be funded, as approved by the Board on July 13, 2009, with Fiscal Year (FY) 2009 through FY 2012 C and I revenues for transportation, as outlined in the Board Agenda Item dated October 19, 2009. Supervisor Gross seconded the motion.

Discussion ensued concerning set asides, with input from Katharine Ichter, Director, Department of Transportation (DOT).

Following additional discussion concerning Project Description #6 of the Board Agenda Item, with input from Ms. Ichter and Chris Wells, Pedestrian Program Manager, DOT, the question was called on the motion and it carried by unanimous vote.

18. **A-4 – AUTHORIZATION TO FILE TESTIMONY IN THE APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY FOR A 2009 STATUTORY REVIEW OF THE RATES, TERMS AND CONDITIONS PURSUANT TO SECTION 56-585.1.A OF THE CODE OF VIRGINIA, STATE CORPORATE COMMISSION (SCC) CASE NUMBER PUE-2009-00019** (11:27 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Cable Communications and Consumer Protection and the County Attorney's Office to file testimony concerning the application of Virginia Electric and Power Company in SCC Case Number PUE-2009-00019.

19. **A-5 – APPROVAL OF RESOLUTION TO INCLUDE SPOTSYLVANIA COUNTY AS A MEMBER OF THE VIRGINIA RAILWAY EXPRESS (VRE) AND AMEND THE VRE MASTER AGREEMENT** (11:29 a.m.)

- (R) On motion of Supervisor Foust, Supervisor Herrity, and Supervisor McKay, jointly seconded by Supervisor Hudgins and Supervisor Hyland, and 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," the Board concurred in the recommendation of staff and adopted a Resolution to execute the amended VRE Master Agreement to include Spotsylvania County as a signatory, effective February 15, 2010, and contingent upon all participating and contributing jurisdictions, including Spotsylvania County, and both the Northern Virginia and Potomac and Rappahannock Transportation Commissions, approving the amended VRE Master Agreement.

20. **A-6 – PROPOSED PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT – FIXING DATE FOR PUBLIC HEARING, SCHEDULING ADDITIONAL BOARD MEETING TO HOLD PUBLIC HEARING AND CONSIDER CREATION OF DISTRICT, AUTHORIZING PUBLIC NOTICE OF HEARING, AND AUTHORIZING DELIVERY OF COPY OF LANDOWNER PETITION AND PUBLIC HEARING NOTICE TO HERNDON TOWN COUNCIL (DRANESVILLE AND HUNTER MILL DISTRICTS)** (11:30 a.m.)

Chairman Bulova announced that this item would be considered following closed session.

(Note: Later in the meeting, the Board considered this matter. See Clerk's Summary Item #59.)

21. **A-7 – APPROVAL TO: 1) ACCEPT AN AWARD OF \$1,000,000 OF FEDERAL NEIGHBORHOOD STABILIZATION PROGRAM FUNDS THROUGH THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (VDHCD) FOR THE COUNTY'S SILVER LINING PLUS PROGRAM AND 2) AWARD NEIGHBORHOOD STABILIZATION PROGRAM FUNDS, OTHER FEDERAL FUNDS, AND THE HOME IMPROVEMENT LOAN PROGRAM FUNDS TO VARIOUS NON-PROFITS** (11:31 a.m.)

David P. Bobzien, County Attorney, announced that this item would be considered following closed session.

(Note: Later in the meeting, the Board considered this matter. See Clerk's Summary Item #60.)

22. **A-8 – APPROVAL OF FUNDING FOR CONSTRUCTION CLAIMS FOR THE HUNTINGTON METRORAIL STATION PARKING GARAGE** (11:31 a.m.)

On motion of Supervisor Hyland, jointly seconded by Supervisor Herrity and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the use of \$249,439 in County capital project balances remaining at the Washington Metropolitan Area Transit Authority (WMATA) for the payment of claims resulting from the construction of the new Huntington Metrorail Station parking structure.

23. **C-1 – 2009 VIRGINIA ASSOCIATION OF COUNTIES' (VACo) ANNUAL MEETING** (11:32 a.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2009, requesting Board designation of a voting delegate and alternate

voting delegate to represent the County at the VACo annual meeting to be held at the Homestead, in Bath County, Virginia, on November 10, 2009.

Supervisor Gross moved that the Board designate Supervisor Hyland as the voting delegate. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved that the Board designate Supervisor Gross as the alternate voting delegate. Supervisor McKay seconded the motion and it carried by unanimous vote.

24. **I-1 – AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR WASTE-TO-ENERGY FACILITY** (11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2009, requesting authorization for staff to award contracts to Dvirka and Bartilucci Consulting Engineers; HDR Engineering Incorporated; and Malcolm Pirnie Incorporated, each in an estimated amount of \$250,000 annually, with an annual cap of \$750,000 for professional engineering services for the Waste-to-Energy Facility.

The staff was directed administratively to proceed as proposed.

25. **I-2 – QUARTERLY STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2009, regarding the quarterly status report on the Board's second four-year transportation program.

Supervisor Cook asked unanimous consent that the Board direct staff to inform Board Members of changes to projects in their districts in a timely manner. Without objection, it was so ordered.

26. **I-3 – SERVICE CHANGES TO FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED IN NOVEMBER 2009** (11:34 a.m.)

The Board next considered an item contained in the Board Agenda dated October 19, 2009, requesting authorization for the Department of Transportation to implement service changes to Fairfax Connector routes in November 2009.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS**27. RECOGNITION OF RECENT TOP ACHIEVEMENTS AND AWARDS**
(11:35 a.m.)

Chairman Bulova noted that since the Board's last meeting, the County has been recognized for the following:

- The website, www.fairfaxcounty.gov, took first place in the county Web portal category at the Center for Digital Government's 2009 Best of the Web awards. Best of the Web ranks top US state and local Web portals and recognizes advances in digital solutions and communication between citizens, government communities, and business.
- The Virginia Coalition for Open Government awarded the County with its Freedom of Information Award in the government category. The County received this award for efforts to engage citizens online, by telephone, and at community dialogue sessions to identify solutions for closing the \$650 million revenue shortfall for Fiscal Year (FY) 2010.
- The County's Partnership for Permanent Housing Programs (PPH) was selected for a 2009 National Association for County Community and Economic Development Award of Excellence in the HOME Investment Partnerships Program category. PPH is part of the County's Ten Year Plan to Prevent and End Homelessness and is a successful model for moving homeless families into permanent housing and toward homeownership and sustainable self-sufficiency.

Chairman Bulova said that these awards are a reminder of the excellent work performed by staff and she expressed her pride in the quality services provided to residents.

28. STATUS REPORT ON YOUTH VIOLENCE (11:37 a.m.)

Chairman Bulova stated that a tragic recent incident in Chicago involving the beating death of a high school honor student after school has focused national attention on the problem of youth violence. According to the National Youth Violence Prevention Resource Center, 30 percent of students are involved in the bullying cycle, and 60 percent of bullies will have a criminal record by the age of 24. She said that it is important to address bullying to offer a child the necessary support.

Chairman Bulova noted that in 2005 the Board initiated a Gang Task Force which led to a tremendous increase in community education and dialogue about the impact of gangs and violence in the County. The Board created the Coordinating Council for Gang Prevention, expanded middle school after school programs, and started the Road DAWG program. Diligent coordination between the schools, juvenile and domestic relations courts, the job corps, and community organizations have kept youth violence in check over the last few years.

Chairman Bulova said that in 2008 a youth survey was commissioned in an effort to examine risk factors that influence the health and well-being of the County's youth. To stay on top of these issues, this study will continue to be administered every year to students in grades 6, 8, 10, and 12.

Chairman Bulova acknowledged that the County has not been without incidences of bullying and violence at its schools. While not widespread, these incidences serve as a reminder to remain vigilant against school violence and gang activity. Later this month a regional gang assessment will be released, which will provide more information and perspective on gang related activity in the metropolitan Washington area.

To give the Board the information it needs as it considers funding choices for Fiscal Year (FY) 2011, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide information on the status of gang related crimes and gang prevention activities in the region and in the County, as well as an update on ongoing efforts across departments for the prevention of youth violence.

Vice-Chairman Gross relinquished the Chair to Acting-Chairman Hyland and asked to amend the request to include an overview of the connection with drug use with youth violence and gangs, and this was accepted.

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

Supervisor Hudgins asked to amend the request to include information on suspensions and expulsions, and this was accepted.

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

29. **LIVABLE COMMUNITY (LIVCOM) AWARD TO SISTER CITY SONGPA-GU, SOUTH KOREA** (11:41 a.m.)

Chairman Bulova announced that Songpa-Gu, the South Korean city with which the County shares a sisterhood relationship, received a LivCom Award. This is the first time that this honor has been given to a district or city in Korea. Songpa-Gu received the bronze medal among cities with a population from 200,000 to 750,000.

Chairman Bulova explained that the LivCom Award is the most authoritative livable community award in the world, and it is endorsed by the United Nations Environment Program. More than 250 cities apply for this award every year. The global leading city is selected by comparing know-how on overall urban management.

Chairman Bulova said that acknowledging eco-friendly and green policies, though a variety of international events, is encouraged by the award committee. Songpa-Gu enhanced its brand value as a global city as well as the representative eco-city in Korea, and made a substantial contribution to strengthening the national brand of Korea, by winning the LivCom award.

Accordingly, Chairman Bulova asked unanimous consent that the Board direct staff to express congratulations to Songpa-Gu and to share this information with the community. Without objection, it was so ordered.

30. **FAIRFAX COUNTY CEMETERY PRESERVATION ASSOCIATION**
(11:43 a.m.)

Chairman Bulova noted that the Fairfax County Cemetery Preservation Association is a non-profit organization with a mission to protect and preserve the family cemeteries of the County. Many of these cemeteries are neglected, victims of vandalism, or threatened by development. After researching each family cemetery, the association members conduct on-site survey. If a cemetery is determined to be in crisis, the preservation association works to alleviate the problems associated with that cemetery.

Chairman Bulova said that when constituents call district offices with concerns about a family cemetery in the County, the association would like to assist by surveying the cemetery and making recommendations. Her office sent contact information for Mary Lipsey, association president, to each Board Member's office.

Chairman Bulova stated that these cemeteries are part of the cultural heritage and that it would be a shame to lose them. The association aspires to establish a County cemetery registry online for research and educational purposes. She asked unanimous consent that the Board direct staff to publicize this information with a press release. Without objection, it was so ordered.

Following discussion regarding the origin of the group and the State legal requirements for development affecting a cemetery, Supervisor Frey asked unanimous consent that the Board direct County legislative staff to work with archaeological staff to strengthen the current perfunctory process to require more outreach. Without objection, it was so ordered.

31. **FIFTIETH ANNIVERSARY OF THE ANNANDALE BOYS AND GIRLS CLUB** (11:48 a.m.)

Chairman Bulova announced that the Annandale Boys and Girls Club is celebrating its fiftieth anniversary this year. Accordingly, she asked unanimous consent that the Board direct staff to invite representatives of the club to appear before the Board at its November 16 meeting to be recognized. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

32. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR JOHN FOUST** (11:49 a.m.)

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

33. **AUTHORIZATION OF A PUBLIC HEARING FOR THE ABANDONMENT OF SEGMENTS OF BEULAH STREET AND WOODLAWN ROAD (MOUNT VERNON DISTRICT)** (11:49 a.m.)

- (A) Supervisor Hyland said that the Virginia Department of Transportation, in coordination with the Department of Defense and the County as part of the Base Realignment and Closure (BRAC) relocation to Fort Belvoir is working on a project to reconstruct Mulligan Road on the periphery of the base. As part of that project, a transfer of property is taking place to grant additional land area for the Woodlawn Plantation located adjacent to the base as well as the acquisition of right-of-way for the road project. Part of that transfer process involves the abandonment of two roadways within the base, Beulah Street and Woodlawn Road. These roadways have been closed to through traffic for approximately seven years. The construction of the Mulligan Road improvements is intended, in part, to address the closure of access to these roads as connections between Richmond Highway and Telegraph Road.

The abandonment of Beulah Street and Woodlawn Road is necessary to allow the transfer of property to take place as well as keep the road improvement project on schedule. Therefore, Supervisor Hyland moved that the Board authorize a public hearing to be held before the Board on December 7, 2009, on the abandonment of segments of Beulah Street and Woodlawn Road. Supervisor McKay seconded the motion and discussion ensued regarding timing.

Supervisor McKay asked to amend the motion to refer this issue to the Board's Transportation Committee for discussion and further action unless staff determines that there is a timing issue, and this was accepted.

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

(NOTE: Later in the meeting, the Board clarified this action as authorizing the December 7 public hearing. See Clerk's Summary Item #72.)

34. **NATIONAL MUSEUM OF THE US ARMY (NMUSA) (MOUNT VERNON DISTRICT)** (11:51 a.m.)

Supervisor Hyland reported that the NMUSA at Fort Belvoir has been actively fundraising to bring the complex to fruition. The NMUSA Board has been working with Northern Virginia's Congressional Delegation, specifically Congressman Connolly (D-11) to obtain funding for transportation infrastructure inside the museum's site. The site, near the Fairfax County Parkway and Kingman Gate, is federal property and appropriations for improvements require Congressional approval. At the request of Congressman Connolly who represents the area, the NMUSA Board has asked if the Board of Supervisors could add funding for the parking, circulation areas, fire access road and access road to the amphitheater to the Board's Fiscal Year (FY) 2011 Transportation and Infrastructure Project Requests to the Congressional delegation.

Therefore, Supervisor Hyland moved that the Board add the NMUSA's projects to the Board's Transportation and Infrastructure Project requests to the County's Congressional delegation.

Supervisor McKay seconded the motion with the provision that it be referred to the Board's Legislative Committee for discussion.

Following discussion regarding the process for requesting items for funding through the Legislative Committee, the question was called on the motion, which carried by unanimous vote.

35. **MOUNT VERNON COUNCIL TRANSPORTATION RESOLUTIONS** (11:53 a.m.)

Supervisor Hyland reported that the Mount Vernon Council of Citizens Associations transmitted to him two transportation resolutions, one for the improvement of traffic flow and a provision for mass transit on Richmond Highway as well as one supporting HR 1635, the Northern Virginia Metrorail Extension Act of 2009.

Supervisor Hyland said that the first resolution urges the Board, the Commonwealth Transportation Board, the Department of Transportation (DOT), and the Virginia Department of Transportation (VDOT) to act to secure funding to complete the widening of Richmond Highway to six lanes from Buckman Road and Route 235 to the Prince William County line. The resolution further requests that VDOT undertake a mass transit study of Richmond Highway "to explore and

compare the feasibility and utility of all rail mass transit options to include lower cost monorail/moonbeam systems as well as light rail and current Metrorail options for informed long term planning of the future of Richmond Highway.” The resolution goes on to state that the Board retain the current cross section of Richmond Highway shown in the Comprehensive Plan.

Supervisor Hyland added that the second resolution asks the Board to endorse HR 1635, which authorizes preliminary engineering for extensions of Metrorail lines and adds capacity.

Accordingly, Supervisor Hyland asked unanimous consent that the Board:

- Support HR 1635’s provision to extend Metrorail’s Yellow Line and notify the County’s Congressional delegation of this endorsement.
- Disseminate the Mount Vernon Council resolution 2009-01 to DOT staff for response.

Chairman Bulova stated that, consistent with the Board’s action on the previous item, this matter will be referred to the Board’s Legislative Committee for discussion and further action.

Following discussion regarding the Comprehensive Plan, the extension of the Yellow Line, the extension of rail to the I-66 corridor, priorities, and BRAC funding sources, Supervisor McKay asked to amend the request to send the resolution regarding Richmond Highway to the Board’s Transportation and the other to the Legislative Committee, and this was accepted.

Supervisor Hudgins noted that the Board had not held a forum with the Transportation Advisory Council (TAC) in some time.

Further discussion ensued regarding intermediary steps prior to rail and regional approaches to moving people from population centers to work centers.

Supervisor Hudgins asked unanimous consent that the Board direct staff to involve the TAC. Without objection, it was so ordered.

Without objection, the request to refer the resolutions to the two respective Board committees was so ordered.

36. **REQUEST FOR STATUS REPORT ON THE SECURE COMMUNITIES PROGRAM** (12:04 p.m.)

Supervisor Herrity said that immigration reform and enforcement is an extremely sensitive and complex federal issue, but one with a very real local impact and one that this Board should have a detailed discussion on at some point soon. One area

of agreement is that those who are here illegally and commit serious or violent crimes should be removed from the community and deported. He reminded the Board that last November he asked Sheriff Barry to update the Board on the County's attempt to enroll in the federal 287(g) program. At that time Sheriff Barry informed the Board that the 287(g) program had been suspended and that the County was pursuing an alternative program called "Secure Communities," which is also administered by US Immigration and Customs Enforcement (ICE).

Under the "Secure Communities" program, ICE agents are able to check available criminal and immigration records of every individual booked by Sheriff's deputies with a focus on identifying criminal aliens who have been convicted of L1 crimes, which include major drug offenses and violent offenses such as rape and murder. The County's application for "Secure Communities" was accepted and, according to the Sheriff's Office, the County received access to the program in March of this year.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to request Sheriff Stan Barry to provide a status report on the County's participation in the "Secure Communities" program. This report should include such relevant statistics as the number of serious and violent offenders who have been screened for immigration status, the number of offenders who have been turned over to ICE, those being held for deportation, and any other relevant information on this program. Supervisor McKay seconded the motion, which carried by unanimous vote.

37. **REQUEST FOR INFORMATION REGARDING COMPETING METROBUS SERVICE** (12:07 p.m.)

Supervisor Herrity said that last Wednesday those Board Members serving on the Northern Virginia Transportation Commission (NVTC) received an email notice about a "Special Meeting" called by NVTC Chairman Chris Zimmerman and Washington Metropolitan Area Transit Authority (WMATA)/NVTC Vice-Chairman Catherine Hudgins requesting the attendance of all NVTC Commissioners for a special NVTC meeting and public forum. The forum, co-hosted by NVTC and WMATA, will address Metro's critical budget issues including operating challenges and capital needs.

Supervisor Herrity noted that Metro is facing a budget gap of \$144 million, and the forum is to be the first of many conversations the region will have regarding leveraging current transit investments and identifying new ways to increase those investments. The options that are typically discussed to close Metro shortfalls are to:

- Cut service.
- Ask member jurisdictions to provide more money.

- Raise fares.
- Cut costs.
- Use a combination of the above.

Supervisor Herrity stated his belief that there is another option that should be aggressively explored and could actually improve service and reduce costs – the use of competition. He asserted that several recent transit developments in Northern Virginia demonstrate clearly why competition should be considered to close the Metro shortfall.

Supervisor Herrity said that for years the County successfully competed the contract for its bus services. The Connector has a lower overall service cost than Metrobus. The benefit of this competition was also evident when the Fairfax Connector recently took over the 12s and 20s routes from WMATA at a reduced operating cost and increased flexibility in determining the levels and types of bus service to be used in the County.

Supervisor Herrity noted that just last week, the Virginia Railway Express (VRE) Operations Board recommended Keolis Rail Services of America to replace Amtrak under the Operating and Maintenance Services contract at a savings of over \$1 million, or 5 percent, after a competitive procurement. Most importantly this change was not about saving money; it was about meeting the vision and raising the level of service the Operations Board expects from its service provider. The VRE Board was unanimous in its approval of both the need to compete the service and the selection of Keolis.

Supervisor Herrity said that another example of the benefits of competition can be found in a recent *Washington Times* article on the metro system in Hong Kong. Utilizing the competition process, Hong Kong's metro system MTR transports more than 3.4 million passengers at an average fare of just 84 cents. It operates without a subsidy and generates a profit for the contractor and the city. Its on time record is reported to be around 99 percent, higher than Metro's unachieved target of 95 percent.

At the upcoming meeting, Supervisor Herrity said that he will ask NVTC to recommend that WMATA consider competing its bus operations contract and/or turning additional bus routes back to localities where they may be performed more efficiently. He will also recommend that WMATA look at other areas in its system where competition could improve services, efficiency, and lower prices.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide to the Board Members on the NVTC, with a copy to the other Board members:

- Any reasonable measures of cost and efficiency of bus service that may be reasonably available for Metro and surrounding jurisdictions bus service.
- A list of other areas where competition has been successfully used in providing transit services.

Following discussion regarding successful efforts already undertaken, Supervisor McKay asked to amend the request to direct staff to include savings already achieved, and this was accepted.

Further discussion ensued regarding the regional compact.

Supervisor Hudgins asked to amend the request to direct staff to also put the information in the same framework as some of the data used as comparative data, and this was accepted.

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

38. **IN-SOURCING OF GOVERNMENT CONTRACTING** (12:14 p.m.)

Supervisor Herrity said that he recently raised the issue of what he considered a threat to the government contracting community—the issue of in-sourcing at some of the agencies.

To ensure that this issue is addressed on the federal agenda, Supervisor Herrity asked unanimous consent that the Board direct staff to refer this issue to the Board's Legislative Committee. He said that he will forward some letters that he received.

Without objection, it was so ordered.

39. **OAKTON LIBRARY RECEIVED LEED SILVER CERTIFICATION (PROVIDENCE DISTRICT)** (12:15 p.m.)

Supervisor Smyth noted that the Oakton Library recently received LEED Silver certification. Because of the green features of the building, it is estimated that it will save taxpayers approximately \$15,000 in annual energy and water consumption costs.

PMH:pmh

40. **DARTMOOR WOODS – BOARD’S OWN MOTION WITHDRAWAL – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-C-015 (SULLY DISTRICT)** (12:15 p.m.)

Supervisor Frey announced that Special Exception Amendment Application SEA 84-C-015 was initiated by a Board's Own Motion on March 19, 2001, to permit a special exception amendment on 27 acres of land zoned R-1 Cluster, and located at Tax Map 36-3 ((16)) (4) G. This property is part of the Dartmoor Woods Subdivision, and the application was intended to allow the construction of an embankment-only regional stormwater management pond as part of the County's Regional Stormwater Management Program.

Since that time, circumstances have changed and the Department of Public Works and Environmental Services is no longer pursuing construction of this pond. Therefore, Supervisor Frey moved that the Board withdraw Special Exception Amendment Application SEA 84-C-015. Supervisor Foust seconded the motion and it carried by unanimous vote.

41. **MOUNTAIN VIEW ALTERNATIVE HIGH SCHOOL (SULLY DISTRICT)** (12:16 p.m.)

Jointly with Supervisor Herrity, Supervisor Frey asked unanimous consent that the Board direct staff to invite the Mountain View Alternative High School principal and some of the staff and students to appear before the Board to commend them for its outstanding program and being ranked number six in the State. Without objection, it was so ordered.

42. **COLUMBIA PIKE TRANSIT INITIATIVE** (12:17 p.m.)

(BACs) Supervisor Gross noted that on March 30 the Board approved two project agreements for the environmental and preliminary engineering phase of the Columbia Pike Transit Initiative; one agreement was between the County and Arlington County to serve as joint sponsors of the project and the other was between the County and the Washington Metropolitan Area Transit Authority (WMATA) so WMATA could serve as technical project manager. Included in the terms of the Fairfax/Arlington agreement was the establishment of a Policy Committee to approve the overall direction, goals, and objectives of the project and to review any draft documents before they are presented to the public. These activities are now starting in a formal manner and it is time to populate the Policy Committee.

Therefore, Supervisor Gross announced that that the following individuals will be representing the County on this Committee:

- Chairman Bulova

- Supervisor Gross
- Katharine Ichter, Director, Department of Transportation

43. **MASON MATTERS (MASON DISTRICT)** (12:17 p.m.)

Supervisor Gross distributed to Board Members a copy of *Mason Matters*, her fall newsletter. She noted that the Mature Operators Driver Improvement Program (MODIP) has been over registered because it is so popular.

44. **INSTALLATION OF ELECTRICAL OUTLETS IN GARAGES OF HIGH RISE AND/OR CONDOMINIUM COMMUNITIES** (12:19 p.m.)

Supervisor Gross said that she has received inquiries from individuals in the Skyline high rise community about:

- Installing electrical outlets in parking spaces in garages for plug in cars
- Safety and installation codes in existing buildings
- How to retrofit a large underground garage
- How it will be metered
- Liability issues

Therefore, Supervisor Gross asked unanimous consent that the Board refer this issue to staff and the Environmental Coordinating Committee for review. Without objection, it was so ordered.

45. **NEIGHBOR TO NEIGHBOR** (12:21 p.m.)

Supervisor McKay referred to the recent mortgage fraud investigation that began with a dialogue of citizens in Lee District about code enforcement issues. He added that one of the remaining challenges is to get information about what is permitted and not permitted to neighborhood associations.

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

- Provide on the County's website easy-to-find information regarding some of the smaller violations that are still a problem and have an impact on neighborhoods. Topics may include, but are not limited to: outdoor storage, grass mowing, fence height, blocking sidewalks, parking on the lawn, trash at the curb,

inoperable vehicles, and other property maintenance concerns like displaying house numbers.

- Put this information in several formats that are easy for both neighbors and neighborhood associations to use including:
 - A “Neighbor to Neighbor” flyer format
 - A ready-to-cut-and-paste article format like “News to Use”

Without objection, it was so ordered.

Supervisor McKay referred to his written Board Matter which contained an example of a possible “Neighbor to Neighbor” flyer format for staff to use as a starting point.

This information should be available on the County website to the neighbors and neighborhood associations that want to download it and use it. It would not replace the active and improved enforcement programs but would provide critical outreach to the community and provide additional communication tools to neighborhoods beyond established enforcement methods.

Supervisor McKay further asked unanimous consent that the Board direct:

- The Office of Public Affairs to work with Code Enforcement officials to make this “Neighbor to Neighbor” information available to the public in the formats described.
- Staff to report with these requested tools no later than the end of this year.

Without objection, it was so ordered.

Following discussion of the request, Supervisor Gross asked unanimous consent that the Board direct staff to provide the flyer in other languages. Without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct staff to include in its response a list of red flags for permits for construction projects. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to review Prince William County’s program regarding code regulations and requirements. Without objection, it was so ordered.

46. **SOUTH COUNTY AREA PLANS REVIEW (APR) PROCESS (LEE DISTRICT)** (12:30 p.m.)

Supervisor McKay said that several nominations for Comprehensive Plan amendments were submitted to the 2009-2010 South County APR process that are located within the subject area of another, active Comprehensive Plan Amendment S09-IV-FS1. As a result, these nominations were rejected because they did not meet a submission requirement established by the Planning Commission (PC) for the APR process. The requirement states that property is excluded from nomination if the property is subject to any pending Plan amendment or special study. This exclusion ensures that studies may proceed in a timely manner.

However, the nature of Plan Amendment S09-IV-FS1 and the proposed APR nominations are totally different. The pending Plan amendment proposes to update the Overview section, regarding such general policy guidance as urban design, streetscapes, and transportation, for the entire planning area, while the APR nomination proposes specific land use changes for specific land areas. The pending amendment does not propose to address land use or intensity recommendations for the APR subject properties, but may help the review of the APR nominations.

The Plan amendment is scheduled for public hearing before the PC in December of this year and anticipated for public hearing before the Board in January 2010. In January 2010, the APR review will have just begun with the task force meetings. Because the Plan amendment will be concluded essentially at the very beginning of the APR process, it is foreseeable that the APR nominations can be reviewed in a timely and appropriate way within the APR cycle.

Since the land areas nominated in this APR cycle were not previously considered in Base Realignment and Closure (BRAC) or the last South County APR cycle, and the nature of the pending Plan amendment and proposed APRs are different, it would be appropriate to allow review of the APR nominations to implement the updated guidelines for redevelopment and to support the goal of creating a new town center in the Springfield Mall area as expeditiously as possible.

Therefore, Supervisor McKay moved that the Board direct:

- The PC to accept 2009-2010 South County APR nominations PC 2009-056, PC 2009-057, and PC 2009-064 for review as soon as the Board acts upon Plan Amendment S09-IV-FS1.
- Staff to expand the subject area for PC 2009-056 to include its entire land unit, west of Loisdale Road and south of Franconia Road, as this expansion would allow for a more coordinated review.

This motion shall in no way prejudice the pending re-planning process. The APR nominations would be subject to the same process and scrutiny as any of the other South County APR nominations. Supervisor Smyth seconded the motion and it carried by unanimous vote.

47. **REQUEST FOR CERTIFICATE OF APPRECIATION (LEE DISTRICT)**
(12:33 p.m.)

Jointly with Chairman Bulova, Supervisor McKay announced that on November 17, Bobbie Mae Johnson, a resident of Lee District and the County for more than 50 years, will celebrate her eightieth birthday.

Supervisor McKay referred to his written Board Matter and outlined Ms. Johnson's accomplishments. He asked unanimous consent of the Board to direct the Office of Public Affairs to prepare a certificate commending Ms. Johnson for her civic engagement and offering the Board's congratulations on her eightieth birthday to be presented to her at the birthday celebration that her family is holding for her on November 21. Without objection, it was so ordered.

48. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:34 p.m.)

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

49. **RECOGNIZING THE METROPOLITAN WASHINGTON AREA AIRPORTS AUTHORITY (MWAA) AND VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) COOPERATION FOR DULLES CORRIDOR EXPRESS BUS SERVICE** (12:35 p.m.)

Supervisor Hudgins said that on February 9, the Board approved a request to the VDOT to review use of the shoulder lane on the Dulles Connector Road (DCR) during the morning rush hour. Additional congestion was being experienced by Fairfax Connector Bus drivers who were dealing with further delays in trying to stay on schedule because of adjacent construction of the Dulles Corridor Metrorail Project which has a staging area at the DCR. The shoulder lane is used during the evening rush hour and has increased the efficiency of express bus service to the West Falls Church Station. The request was made directly to MWAA which now owns and operates the Dulles Corridor and is building Phase 1 of the rail project. VDOT continues jurisdiction over the DCR.

Therefore, Supervisor Hudgins moved that the Board recognize the cooperation of MWAA and VDOT, especially the contribution of Claudia Llana, for coordinating this request with the MegaProjects' staff by sending a letter to Morteza Salehi, VDOT's Northern Virginia District Administrator, copied to Transportation Secretary Pierce Homer and to Jim Bennett, President and CEO of MWAA. The Fairfax Connector Express Buses are now using the shoulder from 6 a.m. to 10 a.m., thereby reducing the wait time for commuters who make their

transit connections at the West Falls Church Metrorail Station. VDOT also responded to an additional request and approved the use of variable message signs permitting buses to use the shoulder during short-term daytime lane closures. Supervisor Herrity seconded the motion and it carried by unanimous vote.

50. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)
CUSTOMER SERVICE CENTER** (12:38 p.m.)

Supervisor Hudgins said that VDOT in general and the Northern Virginia District are undergoing major staff cutbacks impacting all areas of service. She said that it has come to her attention that the VDOT Customer Service Center will no longer exist.

Therefore, Supervisor Hudgins moved that the Board direct staff to ask VDOT what the reduction in staff will mean for its operations in Northern Virginia and how it intends to replace this valuable resource for constituent response. Chairman Bulova seconded the motion.

Supervisor McKay asked to amend the motion to:

- Send a copy of the letter to the delegation.
- In the letter remind the public that this is a State responsibility and remind the delegation that this customer service center is being eliminated.

This was accepted.

A brief discussion ensued regarding cuts by VDOT.

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

51. **RESTON COMMUNITY CENTER (RCC) PREFERENCE POLL
(HUNTER MILL DISTRICT)** (12:42 p.m.)

(BACs)
(APPTS)

Supervisor Hudgins said that the RCC has completed the annual preference poll election for its Board of Governors. The following individuals were elected to serve three year terms on the Reston Community Center Board of Governors:

- Mr. William G. Bouie
- Ms. Carol Ann Bradley
- Mr. Colin Mills

Therefore, Supervisor Hudgins moved the appointment of the above referenced individuals to serve on the RCC's Board of Governors so that they can be seated at the next Board of Governors' meeting. Chairman Bulova seconded the motion and it carried by unanimous vote.

52. **HUNTER MILL DISTRICT COAT CLOSET** (12:43 p.m.)

Supervisor Hudgins referred to her written Board Matter regarding the Hunter Mill District Coat Closet and moved that the Board direct the Office of Public Affairs to assist in disseminating information on the Hunter Mill Coat Closet so that those who are able to donate have the appropriate information and so that those in need may take advantage of the kindness and generosity of citizen and business donors. Chairman Bulova seconded the motion and it carried by unanimous vote.

53. **HALLOWEEN PARADE (HUNTER MILL DISTRICT)** (12:44 p.m.)

Supervisor Hudgins announced that the sixty-third annual Vienna Halloween parade will be held on October 28.

54. **RECESS/CLOSED SESSION** (12:44 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. *Claim of Charles H. Clark, Jr.*
 2. *Lenir Richardson v. Masyra Sadig, et al.*, Case No. CL-2008-0008758 (Fx. Co. Cir. Ct.)

3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juana Flores and Oscar A. Coreas*, Case No. CL-2008-0016022 (Fx. Co. Cir. Ct.) (Lee District)
4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph B. Howell, Garland Howell, and Teri Howell*, Case No. CL-2009-0006290 (Fx. Co. Cir. Ct.) (Mount Vernon District)
5. *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)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Giannina Perez*, Case No. CL-2009-0004927 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lawrence and Joyce Brawner*, Case No. CL-2009-0009307 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Augusto L. Borda and Rosario Castillo*, Case No. CL-2009-0013749 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. H. James Neary and Eileen M. Neary*, Case No. CL-2009-0013822 (Fx. Co. Cir. Ct.) (Mason District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Catalina Guevara*, Case No. CL-2009-0013873 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)

11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas N. Robinson, Jr.*, Case No. CL-2009-0013944 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harvard Umeres and Bety Cepeda*, Case No. CL-2009-0014110 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Rocha*, Case No. CL-2009-0014358 (Fx. Co. Cir. Ct.) (Lee District)
14. *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)
15. *Board of Supervisors of Fairfax County, Virginia v. Jade Dunn Loring Metro, LLC, and Greenwich Insurance Company*, Case No. CL-2008-0003247 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

- Discussion pursuant to *Virginia Code* Section 2.2-3711-A (5)
- *Board of Supervisors of Fairfax County, Virginia v. Krispy Kreme Doughnut Corporation*
- *Michael C. Judge and Doris Y. Judge v. Fairfax County Board of Supervisors*
- *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Pierre Johnson Housing Development Corporation of the National Capital Area*
- Notice of Initial Decision and Right of Appeal in the Matter of Paradise Springs Winery, LLC
- Action Item 6 – Proposed Phase II Dulles Rail Transportation Improvement District

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

DET:det

At 3:57 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

55. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:57 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 Smyth 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. **APPROVAL OF THE SETTLEMENT OFFER IN THE CLAIM OF CHARLES H. CLARK, JR.** (3:58 p.m.)

Supervisor Gross moved that the Board approve the settlement offer in the claim of Charles H. Clark, Jr., according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

57. **BOARD OF SUPERVISORS VERSUS KRISPY KREME DOUGHNUT CORPORATION, CASE NUMBER 1-09CV0653** (3:58 p.m.)

Supervisor Hyland moved that the Board authorize the County Attorney to prosecute, defend, and settle the case entitled *Board of Supervisors versus Krispy Kreme Doughnut Corporation*, Case Number 1-09cv0653 in the United States District Court for the Eastern District of Virginia, pursuant to the terms and conditions recommended by the County Attorney during closed session. Supervisor McKay seconded the motion and it carried by unanimous vote.

58. **SETTLEMENT OF MICHAEL C. JUDGE AND DORIS Y. JUDGE VERSUS FAIRFAX COUNTY BOARD OF SUPERVISORS, CASE NUMBER CL-2007-0003562** (3:59 p.m.)

Supervisor Frey moved that the Board authorize the County Attorney to settle the case currently pending in the Fairfax County Circuit Court styled *Michael C. Judge and Doris Y Judge versus Fairfax County Board of Supervisors*, Case Number CL-2007-0003562, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

59. **A-6 – PROPOSED PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT – FIXING DATE FOR PUBLIC HEARING, SCHEDULING ADDITIONAL BOARD MEETING TO HOLD PUBLIC HEARING AND CONSIDER CREATION OF DISTRICT, AUTHORIZING PUBLIC NOTICE OF HEARING, AND AUTHORIZING DELIVERY OF COPY OF LANDOWNER PETITION AND PUBLIC HEARING NOTICE TO HERNDON TOWN COUNCIL (DRANESVILLE AND HUNTER MILL DISTRICTS)** (3:59 p.m.)

- (A) (Note: Earlier in the meeting the Board deferred consideration of this Item. See Clerk's Summary Item #20.)

Supervisor Hudgins moved that the Board adopt the action to request that on the necessary dates in order to meet the requirements of the Codes of the public hearing on the consideration of whether to adopt a proposed resolution for Phase II occur on December 7, 2009, at 4:30 p.m., for the Board to consider whether or not to readopt the proposed resolution at its December 7 meeting thus creating the Phase II tax district.

Chairman Bulova restated the motion as follows:

- The public hearing would be scheduled on **December 7, 2009, at 4:30 p.m.**
- There would be a special meeting of the Board on **December 15, 2009, at 2:30 p.m.**, at which time the proposed resolution would be the only item on the agenda and at such time a vote would be taken.

stating that the dates for the public hearing listed in the Board Agenda Item dated October 19, 2009, interfered with the Thanksgiving holiday and were thus being changed. Chairman Bulova seconded the motion.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide a briefing at the public hearing regarding:

- Progress on rail to Dulles
- The two tax districts
- Financing mechanisms

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Noting that it was important that the Board fully understand the financial impact of adopting the tax district and future impact of Dulles Rail Phases I and II on future budgets, Supervisor Herrity asked to amend the motion to direct staff to provide the following information a week before the Board's December 7, 2009, public hearing:

- The information on projected tolls and traffic volumes that the Board requested at its last meeting.
- The latest projected costs of Phases I and II including projected interest costs.
- The latest sources of funds identified for the project both with and without the tax district and an indication of the amounts that have been capped.
- The projected cost of known projects that must be completed by the County or the State to support the project and the projected sources of funds if known.
- The identification of any anticipated transportation projects necessary to support the project, such as the Tyson's Circulator, that have not been quantified, providing estimates if possible.
- The projected operating expenses for the first seven year years of operation of Phases I and II, the increases in the projected operating subsidy from the County based on these increases in cost including the impact of the change in the funding formula based on the new stations in the County.
- The distribution of funding responsibility for any overruns on Phase I and Phase II.

This was accepted.

There was a brief discussion on the amendment.

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

60. **A-7 – APPROVAL TO: 1) ACCEPT AN AWARD OF \$1,000,000 OF FEDERAL NEIGHBORHOOD STABILIZATION PROGRAM FUNDS THROUGH THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (VDHCD) FOR THE COUNTY’S SILVER LINING PLUS PROGRAM AND 2) AWARD NEIGHBORHOOD STABILIZATION PROGRAM FUNDS, OTHER FEDERAL FUNDS, AND THE HOME IMPROVEMENT LOAN PROGRAM FUNDS TO VARIOUS NON-PROFITS** (4:09 p.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor Smyth, and 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,” the Board concurred in the recommendation of staff and:

- Approved acceptance of VDHCD’s award of \$1 million of Fiscal Year 2009 federal Neighborhood Stabilization Program funds to the County’s Silver Lining Plus Program for allocation to various non-profits.
- Adopted the Resolution as required by VDHCD for funding.
- Authorized execution of all documents required by VDHCD in regard to accepting this award.
- Approved the award of funds to various non-profits to acquire and/or rehabilitate properties for affordable rental housing with the Neighborhood Stabilization Program, Community Development Block Grant Recovery, and the HOME Investment Partnerships Program for Community Housing Development Organization. Home Improvement Loan Program funds administered by the Department of Housing and Community Development (HCD) will be made available to these projects as needed, subject to the approval of the FCRHA.

(Note: Earlier in the meeting the Board deferred consideration of this item. See Clerk’s Summary Item #21.)

DAL:dal

61. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-002 (SQUARE 1400, LC) (PROVIDENCE DISTRICT)**

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk’s Summary Item #63.)

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-HM-028 (PEDRO AND CARMEN TOSCANO, JR.) (HUNTER MILL DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2007-HM-023 (PEDRO AND CARMEN TOSCANO, JR.) (HUNTER MILL DISTRICT) (4:10 p.m.)

(NOTE: On July 13, 2009, the Board deferred the public hearing on these items until August 3, 2009. On August 3, 2009, the Board deferred the public hearing on these items until September 14, 2009. On September 14, 2009, the Board deferred the public hearing on these items until October 19, 2009.

The application property is located on the east side of Vale Road approximately 500 feet south of its intersection with Corsica Street at 9946 Vale Road, Tax Map 38-3 ((1)) 4 .

Mr. Pedro Toscano, Jr. reaffirmed the validity of the affidavit for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a description of the application and site location.

Mr. Toscano 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, which included testimony by three speakers, Supervisor Hudgins raised a question regarding the proffers and discussion ensued with input from Ms. Donna Logan (Speaker Three).

Following rebuttal by Mr. Toscano, discussion ensued with input from Mr. Toscano; Mr. Williams; Clinton Abernathy, Chief Site Review Engineer, Land Development Services, Department of Public Works and Environmental Services; and Cathy Lewis, Branch Chief, Rezoning and Special Exception Evaluation Branch, ZED, DPZ, regarding:

- The right-of-way dedication
- Whether the trail is being built in a public easement
- The existing dwelling unit
- Water/drainage issues
- The number of trees that were taken down for the structure to be built

- What will happen to the house if this application is denied
- Reforestation

Mr. Williams presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved to defer decision on Rezoning Application RZ 2005-HM-028 and Special Exception Application SE 2007-HM-023 until **November 16, 2009, at 3 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-002 (SQUARE 1400, LC) (PROVIDENCE DISTRICT)** (4:58 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2009-PR-002 until **November 16, 2009, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

64. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-L-080 (SUNOCO, INCORPORATED [R&M]) (LEE DISTRICT)** (4:59 p.m.)

(NOTE: On September 14, 2009, the Board deferred the public hearing regarding this item until October 19, 2009.)

Supervisor McKay moved to defer the public hearing on Special Exception Amendment Application SEA 89-L-080 until **December 7, 2009, at 3 p.m.** Supervisor Herrity and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

65. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO RENEW AGRICULTURAL RENEWAL APPLICATION AR 01-H-001 (HIU NEWCOMB FAMILY LLC, MARIETTE H., SARAH, HANA, LANI CHARLES NEWCOMB AND ANNA NEWCOMB BRADFORD) (DRANESVILLE DISTRICT)** (4:59 p.m.)

Supervisor Foust moved to defer the public hearing on Agricultural Renewal Application AR 01-H-001 until **November 16, 2009, at 3 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

66. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-D-025-03 (CRICKET COMMUNICATIONS, INCORPORATED) (DRANESVILLE DISTRICT)** (5 p.m.)

The application property is located at 11000 Leesburg Pike, Tax Map 12-1 ((1)) 36pt.

Mr. Edward Donohue reaffirmed the validity of the affidavit for the record.

Chris DeManche, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Donohue 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, Mr. Donohue presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Special Exception Amendment Application SEA 91-D-025-03, subject to the development conditions dated August 26, 2009. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Hyland being out of the room.

67. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), ARTICLE 7, REGARDING THE ADDITION OF CIVIL PENALTIES PROVISION FOR VIOLATION OF THE VIRGINIA MAINTENANCE CODE** (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 October 1 and October 8, 2009.

Michael Congleton, Property Maintenance Code Official, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Pam Pelto, Assistant County Attorney, regarding court-ordered abatements on commercial properties.

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), Section 61-7-1, Penalties, as set forth in the staff report dated September 14, 2009. Supervisor Cook seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor

Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER

68. **INTRODUCTION OF THOMAS PARK, AN INTERN IN THE OFFICE OF CLERK TO THE BOARD** (5:09 p.m.)

Chairman Bulova introduced Thomas Park, an intern with the Office of Clerk to the Board, who is a senior at Fairfax High School and is taking Advanced Placement (AP) Government. On behalf of the Board, she warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

69. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LEE COMMUNITY PARKING DISTRICT (LEE DISTRICT)** (5:09 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 October 1 and October 8, 2009.

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

Following the public hearing, which included testimony by six speakers, Supervisor McKay submitted items for the record.

Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, as shown in Attachment One of the Board Agenda Item, establishing the Lee CPD, in accordance with current CPD restrictions. Existing CPD signs within the Grove at Huntley Meadows, Hayfield View, Island Creek, Kingstowne, Lackawanna, Landsdowne, Manchester Lakes, Potters Glen, Runnymede, St. John and West Hampton CPDs that are within the new district will not be removed. Chairman Bulova seconded the motion.

Following discussion regarding other district-wide CPDs, Supervisor Frey asked unanimous consent that the Board direct staff to review the issue of RV/boat parking and compile a list of commercial lots and the range of prices that might be available to RV/boat owners. Without objection, it was so ordered.

Supervisor Hudgins said that not only do RV/boat owners have a problem with where to park, but how it will be funded. She said that when RV/boat owners purchase vehicles which are not accommodated on public streets, they should receive some type of assistance regarding storage/parking. Supervisor Hudgins said that it should be explored legislatively.

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

70. **4 P.M. – PH TO PROHIBIT THROUGH TRUCK TRAFFIC ON MEMORIAL STREET, HARRISON LANE, LOCKHEED BOULEVARD, SOUTHGATE DRIVE, LENCLAIR STREET, QUEENS ROAD AND GROVETON STREET (LEE AND MOUNT VERNON DISTRICTS)**
(5:39 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 October 1 and October 8, 2009.

Chairman Bulova noted that Mount Vernon District Supervisor Hyland had to leave early and this item was coordinated with Lee District Supervisor McKay.

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

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the Resolution endorsing the following streets to be included in the RTAP for a through truck traffic restriction:

- Memorial Street, between South Kings Highway and Richmond Highway
- Harrison Lane and Lockheed Boulevard between South Kings Highway and Richmond Highway
- Southgate Drive between South Kings Highway and Richmond Highway
- Lenclair Street and Memorial Street between South Kings Highway and Richmond Highway
- Queens Road and Groveton Street between South Kings Highway and Richmond Highway

Chairman Bulova seconded the motion.

Following discussion regarding the through truck traffic restriction, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

71. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:46 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 October 1 and October 8, 2009.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and included testimony by:

- Ms. Ellen Boer regarding storage containers and residential storage. She expressed her concerns about storage on vacant lots.

Following discussion, with input from Ms. Boer, regarding her concerns about the storage containers, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to review the matter and see if the County has any enforcement tools, and, if not, if it is something that needs to be discussed at the Legislative Committee or Development Process Committee meetings.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

- Mr. Tim Miller regarding non-payment of subcontract for the courthouse expansion and renovation project (Primary Contractor: Dick Corporation).

Supervisor Gross raised a question regarding whether the County has had any other contracts with Dick Corporation, and if so, whether there is any kind of reporting about it reneging on subcontracts. She also asked whether there were other avenues that can be taken to ensure that a contractor meets its obligations. Discussion ensued, with input from Anthony H. Griffin, County Executive, who said that he would review the issue and try jawboning, and suggested that the subcontractor hire an attorney to file a mechanics lien against the contractor.

Supervisor Hudgins raised a question regarding whether there are any tools that the County can put in place to ensure that the contractor meets his obligations to the subcontractor.

- Mr. Curtis Symonds regarding street signs. He expressed his concerns about his clients being unable to locate his business because of where it is situated. Mr. Symonds noted that another business which is located on the corner has given him permission to put up a sign on his property, however, the Zoning Ordinance does not permit it.

Following a discussion regarding the issue, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to explore the issue and review the Zoning Ordinance to see if something can be done for recreational facilities.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Herrity suggested that Mr. Symonds also contact the Virginia Department of Transportation regarding its signage requirements.

ADDITIONAL BOARD MATTERS

72. **CLARIFICATION OF AUTHORIZATION OF A PUBLIC HEARING FOR THE ABANDONMENT OF SEGMENTS OF BEULAH STREET AND WOODLAWN ROAD (MOUNT VERNON DISTRICT)** (6:13 p.m.)

- (A) (NOTE: Earlier in the meeting, the Board authorized the advertisement of this public hearing. See Clerk's Summary Item #33.)

Supervisor McKay noted that earlier in the meeting the Board had a discussion regarding Supervisor Hyland's Board Matter about a public hearing for the abandonment of segments of Beulah Street and Woodlawn Road and said he got a clarification from staff that deferring action and not authorizing the public hearing for December 7 would cause a problem with timing.

Therefore, for clarification purposes, Supervisor McKay moved that the Board authorize a public hearing to be held before the Board on December 7, 2009, regarding the abandonment of segments of Beulah Street and Woodlawn Road. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

73. **UPDATE ON THE CANCELLATION OF H1N1 VACCINATION CLINICS DUE TO SUPPLY SHORTAGE** (6:15 p.m.)

Chairman Bulova said that Board Members received an update from the Health Department regarding the 2009 H1N1 vaccine. Due to delays in the production of 2009 H1N1 vaccine, the Health Department is adjusting its mass vaccination

plans to match the limited supply of vaccine currently available, which is significantly less than anticipated. The County currently does not have enough vaccine available to hold the vaccination clinics that were scheduled to be held in ten County Public Schools on October 24 and 25. Instead, the amount of vaccine currently available will be distributed to children and pregnant women on Saturday, October 24, at the County Government Center located at 12000 Government Center Parkway, Fairfax, Virginia. The 2009 H1N1 vaccine will be voluntary and available on a walk in basis, free of charge.

The delay in distribution of the vaccine has impacted the entire nation and has resulted in uneven availability. In the coming weeks, more vaccine is expected to be delivered to health care providers, hospitals, and local health departments. Residents may check with their health care providers about the availability of the vaccine.

The Health Department is committed to vaccinating target populations as quickly as vaccine becomes available. Depending on the quantities available each week, vaccine will be distributed through the Health Department's district offices or mass vaccination clinics. Updated information about the availability and distribution of the vaccine will be posted on the County's website at www.fairfaxcounty.gov/flu. Residents with additional questions regarding availability in the County may call the Health Department at 703-267-3511.

Supervisor Cook raised a question regarding the time for the Saturday vaccinations with input from Merni Fitzgerald, Director, Office of Public Affairs, who noted that the time will be announced tomorrow.

74. **BOARD ADJOURNMENT** (6:18 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-4
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	4-12
Items Presented by the County Executive	
Administrative Items	12-17
Action Items	17-19, 40-42
Consideration Items	19-20
Information Items	20
Board Matters	
Chairman Bulova	21-24, 34, 49-50
Supervisor Cook	N/A
Supervisor Foust	N/A
Supervisor Frey	30
Supervisor Gross	30-31
Supervisor Herrity	26-29, 30
Supervisor Hudgins	34-36
Supervisor Hyland	24-26, 49
Supervisor McKay	31-34
Supervisor Smyth	29
Actions from Closed Session	39
Public Hearings	42-49