



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
November 16, 2009**

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**21-09**

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**DET:det**

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, November 16, 2009, at 9:43 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 Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Hyland was absent from the entire meeting.

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

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:44 a.m.)

Chairman Bulova announced that Supervisor Hyland would be absent for the entire meeting.

On behalf of the Board, Chairman Bulova expressed sincere sympathy and condolences to the families and loved ones of those who were killed or injured earlier this month at Fort Hood, Texas. She noted that the Board is proud of the men and women who serve the country during these difficult times and pray for their safety. She stated that the County is a diverse community of citizens of many faiths and backgrounds and that it was important that a tragedy such as this leads to a redoubling of efforts to build peace, tolerance, and respect in the community.

Supervisor Herrity asked everyone to keep in thoughts the family of the late Ms. Ann Rodriguez, a business leader and long-time community activist who made a tremendous impact on the quality of life in the County as the former Chair of the Greater Reston Chamber, former Vice-Chairman of the Arts Center, most recently a member of the Economic Development Authority, and as President and CEO of the Arts Council. Supervisor Hudgins added that Ms. Rodriguez was a Hunter Mill District resident and a friend noting that the County had moved forward in its service to the arts based on the vision of the work that she was able to do.

Supervisor Hudgins asked everyone to keep in thoughts the family of the late Mr. Clay Ormsby, a long-time resident of the County, who, with his late wife Sally, greatly contributed to the fabric of the County.

**AGENDA ITEMS**2. **CERTIFICATE OF RECOGNITION PRESENTED TO INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 2068** (9:49 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition to commend the International Association of Fire Fighters Local 2068 for the Labor Day 2009 Fill the Boot campaign which raised nearly \$453,000 for the Muscular Dystrophy Association and again being one of the leading two jurisdictions in the nation for funds collected. Supervisor Smyth seconded the motion.

Discussion ensued concerning additional volunteer efforts by the association including the distribution of coats and backpacks. The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO THE CHANTILLY AMERICAN LITTLE LEAGUE MAJOR TEAM** (10:01 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to the Chantilly American Little League Major Team state champions for its accomplishment. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hyland being absent.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO TELEVISION (TV) CONVERSION EQUIPMENT VOLUNTEERS** (10:08 a.m.)

Supervisor Herrity moved approval of the Certificates of Recognition presented to the volunteers who installed TV conversion equipment for older adults and adults with disabilities during the nationwide change to digital format. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hyland being absent.

5. **RESOLUTION OF RECOGNITION PRESENTED TO SELF-HELP AND RESOURCE EXCHANGE, INCORPORATED, ALSO KNOWN AS SHARE** (10:16 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to Self-Help and Resource Exchange, Incorporated, also known as SHARE, for its fortieth anniversary. Supervisor Gross, Supervisor Herrity, and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor McKay being out of the room, Supervisor Hyland being absent.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE HERNDON FORTNIGHTLY CLUB (DRANESVILLE DISTRICT)** (10:25 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the Herndon Fortnightly Club for its 120th anniversary. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor McKay being out of the room, Supervisor Hyland being absent.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE COMMUNITY SERVICES BOARD (CSB)** (10:33 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to CSB for its fortieth anniversary. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Cook being out of the room, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING DECEMBER 1, 2009, AS "AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:49 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate December 1, 2009, as "*AIDS Awareness Day*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Cook being out of the room, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **10:30 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (11:03 a.m.)

Stella M. Koch, Chairman, EQAC, recognized members of EQAC who were in the auditorium and then presented the report which included the following recommendations:

- That the stormwater program continue to be funded by the Service District and that the rate be increased to a penny and a half.
- That remote hazardous waste events be reinstated.
- That the County explore whether commitments should be sought from developers to reduce their greenhouse gas emissions by reducing their energy consumption or by obtaining energy from sources that do not emit greenhouse gases.
- That additional information could be incorporated into the Integrated Parcel Lifecycle System to make it more useful.

Discussion ensued, concerning implementation of a "state of the plan," with input from Anthony H. Griffin, County Executive; Ms. Koch; and George W. Lamb, Vice-Chairman, EQAC.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to develop a timeline for its implementation. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion ensued concerning the need for non-residential (commercial) data on the tax assessment website and a schedule for future hazardous waste collection events with input from Mr. Griffin and Johna Gagnon, Member, EQAC, concerning the disposal of light bulbs.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide disposal recommendations. Vice-Chairman Gross stated that she would be making a motion to accept the EQAC report and refer items to the appropriate staff and Board committees. Chairman Bulova withdrew her request noting that due to its urgency this matter needed to be specifically addressed in any motion. Vice-Chairman Gross returned the gavel to Chairman Bulova.

Following additional discussion concerning remote hazardous waste events, with input from Ms. Koch and Mr. Griffin, Supervisor Gross stated that a stormwater increase of 1.5 cents would not be enough and asked unanimous consent that the Board direct staff to include in its analysis items that will be required at the federal and state levels. Without objection, it was so ordered.

Discussion continued concerning focusing on fixing problems specifically in the County, total maximum density load (TMDL) requirements, streams, and addressing light pollution through changes to the Public Facilities Manual, with additional input from Ms. Koch.

Supervisor Gross moved that the Board accept the recommendations of EQAC and disseminate those recommendations to appropriate staff and committees for further action. Supervisor Foust seconded the motion. Chairman Bulova restated her earlier request for immediate information on hazardous materials and light bulbs. The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publish information concerning the TMDL hearings which will be held on December 14, 2009, at 6:30 p.m. at Falls Church High School. Without objection, it was so ordered.

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10. **10:50 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.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD****CONFIRMATIONS:**

Supervisor Gross moved confirmation of the following appointments:

- Mr. James D. Miller as the Fairfax-Falls Church Community Services Board Representative
- Ms. Laura Sauer as the Fairfax-Falls Church Community Services Board Representative

Supervisor Herrity seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

**ATHLETIC COUNCIL**

The Board deferred the appointments of the Braddock District Alternate, Dranesville District Alternate, Diversity At-Large Alternate, and the Member At-Large Representatives.

**CONFIRMATIONS:**

Supervisor Gross moved confirmation of the following appointments:

- Mr. Carl Coan, III as the Adult Softball Council Principal Representative
- Ms. Sharon Sealock as the Adult Softball Council Alternate Representative
- Mr. Rob Hahne as the Baseball Council Principal Representative
- Ms. Lisa Lombardozzi as the Baseball Council Alternate Representative
- Mr. Chris Leonard as the Community and Recreation Services Principal Representative
- Mr. William Minto as the Fast Pitch Softball Council Principal Representative
- Mr. Jim Pendergast as the Fast Pitch Softball Council Alternate Representative

- Mr. Mark Meana as the Football Council Principal Representative
- Mr. Rocky Styer as the Football Council Alternate Representative
- Mr. Bret Bailey as the Lacrosse Council Principal Representative
- Ms. Mary Ann Wagner as the Lacrosse Council Alternate Representative
- Mr. George Lovelace as the Park Authority Principal Representative
- Mr. Todd Johnson as the Park Authority Alternate Representative
- Mr. William Curan as the School Board Principal Representative
- Ms. Amy Craig as the School Board Alternate Representative
- Ms. Lisa Cherubini as the Soccer Council Principal Representative
- Ms. Lula Bauer as the Soccer Council Alternate Representative
- Mr. Jeffrey Stein as the Town of Clifton Principal Representative
- Mr. Sam Althoff as the Town of Vienna Principal Representative
- Ms. Jill Fitzgerald as the Volleyball Council Principal Representative
- Mr. E. J. Thomas as the Basketball Council Principal Representative

Supervisor Cook and Supervisor McKay jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

**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.

**CIVIL SERVICE COMMISSION**

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

**COMMISSION FOR WOMEN**

Supervisor Cook moved the appointment of Ms. Nancy Krakover as the Braddock District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board direct staff to invite Ms. Theresa Wanbaugh to appear before the Board to be recognized for her many years of service. Vice-Chairman Gross seconded the motion, and it carried by a vote of nine, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

The Board deferred the appointment of the Mason District Representative.

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

Supervisor McKay moved the appointment of Ms. Suzette Kern as the Lee District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

The Board deferred the appointment of the Religious Community Representative.

**CONFIRMATION:**

Supervisor Gross moved confirmation of the following appointment:

- Judge Roger Wesley as the National Kidney Foundation of the National Capital Area Representative

Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

### **COMMUNITY ACTION ADVISORY BOARD**

#### **CONFIRMATION:**

Supervisor Hudgins moved confirmation of the following appointment:

- Ms. Vanessa Anderson as the Elected South Target Area #2 Technology Council Representative

Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

### **CRIMINAL JUSTICE ADVISORY BOARD**

Supervisor Smyth moved the appointment of Mr. Glenn Robinson as the Providence District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

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

### **ECONOMIC DEVELOPMENT AUTHORITY**

Chairman Bulova moved the appointment of Ms. Catherine Lange as the At-Large #7 Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Chairman Bulova announced the resignation of Mr. William Soza as the At-Large #6 Representative and moved to appoint Mr. Mark Lowham to fill his unexpired term. Supervisor Gross seconded the motion.

Following a brief discussion on the motion, Chairman Bulova withdrew the motion until the next meeting.

(NOTE: Later in the meeting, the Board took action to recognize Mr. Soza for his services. See Clerk's Summary Item #56.)

### **ENGINEERING STANDARDS REVIEW COMMITTEE**

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

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Supervisor Foust moved the reappointment of Mr. Frank Crandall as the Dranesville District Representative. Supervisor McKay and Supervisor Smyth jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Supervisor Foust moved the reappointment of Dr. Tapan Banerjee as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Hudgins moved the reappointment of Ms. Michele Hymer Blitz as the Hunter Mill District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor McKay moved the reappointment of Ms. Barbara Lawrence as the Lee District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Herrity moved the reappointment of Ms. Keysha Blakely as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Frey asked unanimous consent that the Board refer the term limit requirement of the Disability Services Board to the Legislative Committee to review the possibility of changing it. Without objection, it was so ordered.

The Board deferred the appointment of the At-Large Chairman's, and At-Large #1 Business Community Representatives, Providence, and Sully District Representatives.

**HEALTH SYSTEMS AGENCY BOARD**

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

**HUMAN RIGHTS COMMISSION**

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

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Supervisor Herrity moved the appointment of Ms. Inge Gedo as the At-Large #3 Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, supervisor Hyland being absent.

The Board deferred the appointment of the At-Large #5 Representative.

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS  
ADVISORY COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**CONFIRMATION:**

Supervisor Gross moved confirmation of the following appointment:

- Mr. John Harold as the Fairfax City Representative

Supervisor Herrity seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

**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**

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

**TREE COMMISSION**

Supervisor Foust moved the reappointment of Mr. Robert Vickers, Jr. as the Dranesville District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Hudgins moved the reappointment of Mr. Ron Rubin as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

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

**TRESPASS TOWING ADVISORY BOARD****CONFIRMATIONS:**

Supervisor Gross moved confirmation of the following appointments:

- MPO Steven M. Lescallett as the Law Enforcement #1 Representative
- Sergeant Jeffrey B. Thompson as the Law Enforcement #2 Representative

Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

**UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES****CONFIRMATIONS:**

Supervisor Gross moved confirmation of the following appointment:

- Second Lieutenant Charles Formeck as the Uniformed Employee Representative

Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

**WETLANDS BOARD**

Supervisor Gross moved the appointment of Ms. Elizabeth Martin as the At-Large #1 Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

**YOUTH BASKETBALL COUNCIL ADVISORY BOARD****CONFIRMATION:**

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Ayannah Arrington as the Gum Springs Community Center Representative

Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

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11. **ADMINISTRATIVE ITEMS** (11:57 a.m.)

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

Chairman Bulova called the Board's attention to Admin 14 – Approval of Traffic Calming Measures and Installation of Multi-Way Stop and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Sully, Lee, Springfield, and Hunter Mill Districts) and noted that the item had been revised.

Supervisor Smyth called the Board's attention to Admin 2 – Approval of Supplemental Appropriation Resolution AS 10007 for the Department of Family Services to Accept Grant Funding from the Virginia Department of Education to Continue the Virginia Preschool Initiative Program and discussion ensued, with input from Anne-Marie Twohie, Acting Director, Office for Children, regarding indirect costs and the pilot program.

Supervisor Foust called the Board's attention to Admin 15 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles And Traffic), Section 82-5-7, Related to Parking of Commercial Vehicles in Residential Districts and discussion ensued with input from Ellen Gallagher, Chief, Capital Projects and Operations Division, Department of Transportation, and Corinne Lockett, Assistant County Attorney, regarding vehicles that exceed size and weight limits.

The question was called on the motion to approve the Administrative Items 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 absent.

**ADMIN 1 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10077 FOR THE HEALTH DEPARTMENT TO ACCEPT A DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) SUB-GRANT AWARD THROUGH THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS**

(SAR) Approved SAR AS 10077 for the Health Department to accept a DHHS Fiscal Year 2010 sub-grant award through VDH for Public Health Emergency Preparedness and Response in the amount of \$936,462 to support the agency's H1N1 influenza vaccination campaign.

**ADMIN 2 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10007 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EDUCATION (VDOE) TO CONTINUE THE VIRGINIA PRESCHOOL INITIATIVE PROGRAM**

(SAR) (NOTE: Earlier in the meeting, the Board discussed this item. See page 13.)

Approved SAR AS 10007 for DFS to accept grant funding from VDOE in the amount of \$2,678,000, including \$50,000 in local cash match from the County, to provide preschool programs for at-risk four-year-olds.

**ADMIN 3 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10085 FOR VARIOUS COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARDS FROM THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY**

(SAR) Approved SAR AS 10085 in the amount of \$9,013,454 for the County to accept DHS Fiscal Year 2009 UASI sub-grant awards from the State Administrative Agency for the National Capital Region. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment One of the Board Agenda Item dated November 16, 2009. All projects will be implemented in accordance with the program guidance documents. No local cash match is required.

**ADMIN 4 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10071 FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY (DIT) TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARDS FROM THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY**

(SAR) Approved SAR AS 10071 DIT to accept funding in the amount of \$4,708,334. These funds will be used for efforts to define a comprehensive governance model to sustain and manage technical capabilities established under the UASI program that have been deployed in the national capital region using UASI grant funds that provided an integrated, interoperable system for communications and information sharing and to support the continued operation and maintenance of regional interoperable communications assets, the regional Data Exchange Hub and NCRnet infrastructure, for a twelve month period. No local cash match is required.

**ADMIN 5 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) TO CONTINUE SUPPORT FOR A PROGRAM IN INTERNATIONAL URBAN SEARCH AND RESCUE**

Authorized FRD to apply for and accept a cooperative agreement and funding from the USAID in the amount of \$846,293 to support the provision of urban search and rescue assistance and technical assistance for USAID. No local cash match is required.

**ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (LEE, MASON, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-M09-23	Fairfax County Park Authority Athletic field improvements 3312 Peace Valley Lane (JEB Stuart Park) Mason District	May 11, 2010
FS-V09-71	Clearwire US LLC Antenna colocation on existing tower 9128 Belvoir Court Mount Vernon District	January 31, 2010
FS-P09-80	Clearwire US LLC Rooftop antennas 11250 Waples Mill Road Providence District	January 23, 2010
FS-P09-86	Clearwire US LLC Rooftop antennas 8200 Greensboro Drive Providence District	January 30, 2010
FS-P09-91	Clearwire US LLC Rooftop antennas 8100 Oak Street Providence District	January 21, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-Y09-94	Clearwire US LLC Antenna colocation on existing transmission pole 3799 Lees Corner Road Sully District	January 25, 2010
FS-V09-98	Clearwire US LLC Rooftop antennas 2501 Parkers Lane Mount Vernon District	January 31, 2010
FS-M09-100	Clearwire US LLC Rooftop antennas 6461 Edsall Road Mason District	January 30, 2010
FS-P09-105	Clearwire US LLC Rooftop antennas 7115 Leesburg Pike Providence District	January 30, 2010
FS-Y09-107	Clearwire US LLC Antenna colocation on existing treepole 10922 Vale Road Sully District	January 21, 2010
FS-L09-109	Clearwire US LLC Antenna colocation on existing transmission tower 7150 Hayfield Road Lee District	January 31, 2010

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 6, TO ABBREVIATE THE DEFERRED COMPENSATION ORDINANCE BY AUTHORIZING MAINTENANCE OF A SEPARATE DEFERRED COMPENSATION PLAN DOCUMENT**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2009, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 6, abbreviating the ordinance by authorizing maintenance of a separate Deferred Compensation Plan document.

**ADMIN 8 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL AND SPRINGFIELD DISTRICTS)**

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
The Fairfax County Park Authority Stratton Woods Park	Hunter Mill	Club Pond Lane (Route 7855)
		Stratton Woods Park Access Drive
		Fox Mill Road (Route 665) (Additional ROW Only)
		Fox Mill Road (Route 665) (Additional ROW Only)
The Trustees of the Seoul Presbyterian Church	Springfield	Wolf Run Shoals Road (Route 610) (Additional ROW Only)

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED CUT-THROUGH TRAFFIC MITIGATION PLAN FOR SUTTON ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2009, at 4:30 p.m.** to consider endorsing Sutton Road, between Courthouse Road and Marywood Road, for a cut-through traffic mitigation plan as part of the RTAP. The proposed plan consists of two speed humps on Sutton Road.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE FRANKLIN FARM COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Franklin Farm CPD, in accordance with current CPD restrictions.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE GEORGE MASON UNIVERSITY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 40 (BRADDOCK DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the George Mason University RPPD, District 40. The proposed District establishment includes Tapestry Drive (Route 6545) from Catterick Court (Route 6548) to the western boundary of 68-2((5)) parcel 1679A and the western boundary of 68-2((5)) parcel 1680.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SPRINGDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 33 (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Springdale RPPD, District 33. The proposed District expansion includes the following streets:
- Munson Road (Route 795) east side only from Arnet Street (Route 1845) to Summers Lane (Route 3399)
  - Summers Lane north side from eastern boundary of 61-4((1)) parcel 0042 to the western boundary of 61-4((1)) parcel 0041A

**ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE AMBERWOOD COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Amberwood CPD.

**ADMIN 14 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF MULTI-WAY STOP AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SULLY, LEE, SPRINGFIELD, AND HUNTER MILL DISTRICTS)**

- (Rs) (NOTE: Earlier in the meeting, the Board discussed this item. See page 13.)

- Endorsed a traffic calming measure for Thorngate Drive consisting of one speed hump on Thorngate Drive (Sully District).
- Approved multi-way stops at the following intersections:
  - Tilton Valley Drive and Birdsboro Drive (Sully District)
  - Tilton Valley Drive and Hickory Knoll Drive (Sully District)
  - Point Pleasant Drive and Middle Ridge Drive (Springfield District)
  - LaVista Drive and Larno Drive (Lee District)
- Adopted the Resolution authorizing installation of a “Watch for Children” sign on Spring Drive (Lee District).
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

**ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-7, RELATED TO PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**

(A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2009, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-7, related to parking of commercial vehicles in residential districts.

12. **A-1 – APPROVAL OF STATE LITTER PREVENTION AND RECYCLING GRANT FUNDING TRANSFER TO CLEAN FAIRFAX COUNCIL, INCORPORATED** (12:04 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the transfer of \$99,861 to Clean Fairfax Council, Incorporated, noting that the amount is less this year than it was last year because it is based upon sales tax revenue. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Jeffrey Smithberger, Director, Division of Solid Waste Collection and Recycling, Department of Public Works and Environmental Services, regarding the use of the grant.

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

13. **A-2 – ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT)** (12:07 p.m.)

(R)

(BONDS) Supervisor Gross disclosed that she represents the County on the Inova Health Systems Board of Trustees.

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution approving the issuance by the Industrial Development Authority of its Health Care Revenue Bonds (Inova Health System Project) Series 2009, to be issued in one or more series, in an aggregate principal amount not to exceed \$135 million. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Supervisor Frey disclosed that he represents the County on the Inova Health Care Services Board.

Discussion ensued, with input from James McGettrick, Assistant County Attorney, and Richard Magenheimer, Chief Financial Officer, Inova Health Systems, regarding the use of the bonds and the issuance of bonds in other jurisdictions.

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 absent.

14. **A-3 – APPROVAL OF AGREEMENT BETWEEN THE COUNTY AND THE VIRGINIA RAILWAY EXPRESS (VRE) FOR THE ENVIRONMENTAL WORK, PRELIMINARY ENGINEERING, AND FINAL DESIGN OF THE LORTON VRE STATION SECOND PLATFORM AND THE LOCAL MATCH PAYMENT FOR THE PROJECT** (12:10 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Herrity, and carried by a vote of nine, Supervisor Hyland being absent, the Board concurred in the recommendation of staff and:

- Approved an agreement between VRE and the County for VRE to perform the environmental work, preliminary engineering, and final design for the project.

- Approved a local match for environmental work, preliminary engineering, and final design of a second platform at the Lorton VRE Station. An amount of up to \$321,000 from County balances at the Northern Virginia Transportation Commission is required for the local match for a Department of Rail and Public Transportation Rail Enhancement Grant of \$749,000 awarded to VRE to perform this work.

15. **A-4 – ENDORSEMENT OF FISCAL YEAR 2011 VIRGINIA DEPARTMENT OF TRANSPORTATION’S (VDOT) ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (12:10 p.m.)

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

- Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match.
- Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board.

Supervisor Gross and Supervisor Hudgins jointly seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, regarding the applications received for endorsement.

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 absent.

16. **A-5 – AUTHORIZATION TO USE ROUTE 28 TAX DISTRICT FUNDING FOR DESIGN OF SPOT IMPROVEMENTS** (12:13 p.m.)

On motion of Supervisor Frey, jointly seconded by Supervisor Foust and Supervisor Hudgins, and carried by a vote of nine, Supervisor Hyland being absent, the Board concurred in the recommendation of staff and authorized the Route 28 Tax District Commission to use \$1,075,000 of the Route 28 Project Completion Fund for 30 percent design plans for the widening of Route 28 at the following three priority locations, as authorized under the Route 28 Highway Transportation Improvements District agreements:

- Priority 1: Route 28 southbound between Sterling Boulevard and the Dulles Toll Road (\$400,000)

- Priority 2: Route 28 northbound between McLearen Road and the Dulles Toll Road (\$325,000)
- Priority 3: Route 28 southbound between the Dulles Toll Road and Route 50 (\$350,000)

17. **I-1 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORTS AND THE ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION; PERFORMANCE MEASUREMENT PROGRAM BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; AND INVESTMENT POLICY BY THE ASSOCIATION OF PUBLIC TREASURERS**  
(12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, announcing that the County received several awards.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct Merni Fitzgerald, Director, Office of Public Affairs, to publicize this information. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **I-2 – PLANNING COMMISSION ACTION ON APPLICATION 2232-D09-2, NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC, NODE GFE9 (DRANESVILLE DISTRICT)** (12:15 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, announcing the Planning Commission's approval Application 2232-D09-2, Newpath Networks, LLC and New Cingular Wireless PCS, LLC, Node GFE9 of the Distributive Antenna System, which had been previously deferred. The Commission noted that this section of the application also met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. This part of application 2232-D09-2 sought approval to construct Node GFE9 on Beach Mill Road, a component of the Distributed Antenna System previously-approved along portions of Arnon Chapel Road, Beach Mill Road, Georgetown Pike, River Bend Road, Seneca Road, Springvale Road, Utterback Store Road, and Walker Road in the Great Falls area. This node will be located on a portion of Virginia Department of Transportation public right-of-way on Tax Map 8-1.

19. **I-3 – PLANNING COMMISSION ACTION ON APPLICATION 2232-M09-23, FAIRFAX COUNTY PARK AUTHORITY (MASON DISTRICT)** (12:15 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, announcing the Planning Commission's approval of Application 2232-M09-23, Fairfax County Park Authority. The Commission noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. Application 2232-M09-23 sought approval by the Park Authority to add field lights (to meet Title IX equity requirements) and reconfigure a baseball diamond and open play area at JEB Stuart Park, located at 3312 Peace Valley Lane, Falls Church. Tax Map 61-1 ((1)) 15.

20. **I-4 – CONTRACT AWARD – OPEN ENDED CONTRACT FOR CULTURAL LANDSCAPE REPORTS AND TREATMENT SERVICES** (12:15 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, requesting authorization for staff to award open end contracts for consultant services to EDAW, Incorporated; John Milner Associates, Incorporated; and Versar, to provide Cultural Landscape Reports and Treatment Plans. These projects will be done in support of capital improvement projects and Master Plans. Funds are available in Project 004534, Park Contingency, Fund 371, Park Capital Improvement Fund to open these contracts.

Discussion ensued, with input from Elizabeth Crowell, Manager, Cultural Resource Protection, Park Authority, regarding how the funds will be spent, why the work is being contracted out, and the fiscal impact. Ms. Crowell also noted that each contract is in an amount not to exceed \$250,000.

The staff was directed administratively to proceed as proposed.

21. **I-5 – CONTRACT AWARD – OPEN ENDED CONTRACT FOR ARCHAEOLOGICAL SERVICES** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, requesting authorization for staff to award open end contracts to Louis Berger Group; John Milner Associates, Incorporated; URS Corporation; and Versar Incorporated, for consultant services to provide Archaeological Services. Funds are available in Project 004534, Park Contingency, Fund 371, Park Capital Improvement Fund to open these contracts.

The staff was directed administratively to proceed as proposed.

22. **I-6 – PLANNING COMMISSION ACTION ON APPLICATION 2232-Y09-18, T-MOBILE NORTHEAST LLC AND MILESTONE COMMUNICATIONS (SULLY DISTRICT)** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, announcing the Planning Commission's approval of Application 2232-Y09-18, T-Mobile Northeast LLC and Milestone Communications. The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. Application 2232-Y09-18 sought approval to construct a telecommunications facility consisting of a 125-foot monopole and separate equipment compound at Westfield High School, 4700 Stonecroft Boulevard, Chantilly, Tax Map 43-2 ((1)) 1.

The staff was directed administratively to proceed as proposed.

23. **I-7 – PLANNING COMMISSION ACTION ON APPLICATION 2232-L09-13, NEW CINGULAR WIRELESS PCS, LLC, T-MOBILE NORTHEAST LLC, APC REALTY AND EQUIPMENT COMPANY LLC/SPRINT NEXTEL, AND CRICKET COMMUNICATIONS, INCORPORATED (LEE DISTRICT)** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, announcing the Planning Commission's approval of Application 2232-L09-13, New Cingular Wireless PCS, LLC, T-Mobile Northeast LLC, APC Realty and Equipment Company LLC/Sprint Nextel, and Cricket Communications, Incorporated. The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. Application 2232-L09-13 sought approval to construct a telecommunications facility consisting of a 155-foot tall simulated evergreen tree monopole and separate equipment compound at 6500 Byron Avenue, in the northeast corner of the parking lot, Tax Map 80-3 ((1)) 2, 2C and 90-1((1)) 2.

The staff was directed administratively to proceed as proposed.

24. **I-8 – CONTRACT AWARD – REHABILITATION OF THE DOGUE CREEK SEWAGE PUMPING STATION (MOUNT VERNON DISTRICT)** (12:26 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, requesting authorization for staff to award a contract to American Contracting and Environmental Services Incorporated in the amount of \$4,224,000 for the construction of the Rehabilitation of the Dogue Creek Sewage Pumping Station, Project L00117, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

25. **I-9 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR OLD COURTHOUSE RENEWAL AND RENOVATION (PROVIDENCE DISTRICT)** (12:26 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, requesting authorization for staff to award a contract to Davis Buckley Architects and Planners in the amount of \$114,000 for architectural and engineering services for Project 009601, Public Safety Capital Renewal, in Fund 317, Capital Renewal Construction for the Old Courthouse Renewal and Renovation project.

Supervisor Smyth raised questions concerning historical archives, why the old Courthouse is being used, and cost effectiveness. Discussion ensued, with input from Carey Needham, Branch Chief, Planning and Design Division, Department of Public Works and Environmental Services, who noted that he would share the concerns with the judge.

The staff was directed administratively to proceed as proposed.

26. **I-10 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING (A/E) BASIC ORDERING AGREEMENT (BOA) CONTRACT FOR PSA-DEWBERRY, INCORPORATED** (12:29 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, requesting authorization for staff to award a contract to PSA-Dewberry, Incorporated, in the amount of \$500,000 for the initial year with two one-year renewals at the option of the County for professional services for various projects throughout the County.

The staff was directed administratively to proceed as proposed.

27. **I-11 – PLANNING COMMISSION ACTION ON APPLICATION 2232-L09-16, T-MOBILE NORTHEAST LLC, AND MILESTONE COMMUNICATIONS (LEE DISTRICT)** (12:30 p.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2009, announcing the Planning Commission's approval of Application 2232-L09-16, T-Mobile Northeast LLC, and Milestone Communications. The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. Application 2232-L09-16 sought approval to construct a telecommunications facility consisting of a 115-foot replacement light monopole and related equipment at Robert E. Lee High School, 6540 Franconia Road, Springfield, Tax Map 80-4 ((1)) 37.

NV:nv

28. **ORDERS OF THE DAY** (12:30 p.m.)

Noting the lateness of the hour, Chairman Bulova announced that the Board would proceed directly to closed session at the conclusion of the presentation of Board Matters. Between 2:15 and 2:30 p.m., there will be an announcement in the Government Center Forum that the Board will attend.

Following input from Anthony H. Griffin, County Executive, Chairman Bulova announced that the Board would recess at 1 p.m. for closed session and resume Board Matters later in the day.

**ADDITIONAL BOARD MATTERS**29. **AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA): COMMUNITIES PUTTING PREVENTION TO WORK (CPPW) GRANT APPLICATIONS** (12:31 p.m.)

Chairman Bulova noted that the County has built a foundation and a framework for combating obesity and increasing the wellness of its children, youth, and families. In 2007 the Prevention Strategy Team, a cross organizational leadership team comprised of human services, School Division, and public safety representatives, established a goal that "Children will be Physically Fit with Good Nutritional Habits" and developed a plan to prevent obesity and increase levels of physical activity, but these efforts have been stymied due to limited resources.

Chairman Bulova said that the Health Department has been informed that, through the Centers for Disease Control (CDC), ARRA funding is available to communities to fund programs that combat obesity and improve physical activity and nutrition services. Funding through the CPPW grant will allow the County to implement the multitude of strategies needed to improve health outcomes for its residents. The CDC will award a specific amount based on the proposed interventions, population size, ability to reduce health disparities, and the likelihood of success.

The County's grant submission will include funding requests for the development of a social marketing campaign, implementation of an after school physical education program, funding for neighborhood enhancement mini grants for signage, lighting, and playgrounds, and development of a master bike plan. In accordance with the Board's policy on grant applications for ARRA dollars, a Board Item will be prepared and the Board will, at that time, make the final decision whether to accept approval of the grant.

Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board direct staff to provide a letter of support for this initiative and designate a representative to serve on the CPPW Leadership Team.

Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

30. **RECOGNITION OF ORGANIZATIONS** (12:34 p.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to invite the following to appear before the Board:

- Representatives from the Academic Boosters Club of Thomas Jefferson High School for Science and Technology to receive a proclamation recognizing their achievements.
- Representatives from the Department of Public Works and Environmental Services, together with engineer representatives from other departments, to accept a proclamation on February 9, 2010, recognizing February 14-20, 2010, as “Engineers Week” in Fairfax County.

Without objection, it was so ordered.

31. **BOARD GOALS/PRIORITIES AND BUDGET DEVELOPMENT**  
(12:34 p.m.)

Chairman Bulova said that during the Board's retreat in June common themes and priorities were expressed by Members of the Board. These priorities closely tracked those goals previously stated and held by the Board:

- Affordable Housing
- Environmental Protection
- Strong Investment in Education
- Revenue Diversification to Reduce the Burden on Homeowners
- Public Safety and Gang Prevention
- Transportation Improvements

Additionally, Chairman Bulova noted that the *Employee Vision Statement* and *Core Purpose and Vision Elements*, which appear in all County budget documents, support these goals. All general County programs and services are measured by their contribution to these elements.

Based on the Board's discussions at the retreat, and so there is clarity regarding this current Board's priorities, Chairman Bulova presented, for Board confirmation, the following Priorities and Goal Statements. Further, as the Board proceeds with deliberations on the development of a finding plan for Fiscal Year 2011, she asked unanimous consent that these goals be considered as guiding principals for making budget decisions:

"By engaging County residents and businesses in the process of addressing these challenging times, protecting investment in our **most critical priorities**, and by maintaining **strong responsible fiscal stewardship**, we **must ensure**:

- **A Quality Educational System**: Education is Fairfax County's highest priority. We will continue the investment needed to protect and enhance this primary community asset. Our children are our greatest resource. Because of our excellent schools, businesses are eager to locate here and our children are able to find good jobs. A well-educated constituency is best able to put back into their community.
- **Safe Streets and Neighborhoods**: Fairfax County is the safest community of our size in the US. We will continue to invest in public safety to respond to emergency situations, as well as efforts to prevent and intervene in destructive behaviors, such as gang activity and substance abuse.
- **A Clean, Sustainable Environment**: Fairfax County will continue to protect our drinking water, air quality, stream valleys, and tree canopy through responsible environmental regulations and practices. We will continue to take a lead in initiatives to address energy efficiency and sustainability and to preserve and protect open space for our residents to enjoy.
- **Livable, Caring and Affordable Communities**: As Fairfax County continues to grow we will do so in ways that address environmental and mobility challenges. We will encourage housing that is affordable to our children, seniors and members of our workforce. We will provide compassionate and efficient services to members of our community who are in need. We will continue to protect and support our stable lower density neighborhoods. We will encourage and support participation in community organizations and other activities that address community needs and opportunities.
- **A Vibrant Economy**: Fairfax County has a well-earned reputation as a business-friendly community. We will vigorously pursue economic development and revitalization opportunities. We will support the business community and encourage this healthy

partnership. We will continue to be sensitive and responsive to the needs of our corporate neighbors in the areas of workforce development and availability, affordable housing, regulation, and taxation.

- **Efficient Transportation Network**: Fairfax County makes it a priority to connect People and Places. We will continue to plan for and invest in transportation improvements to include comprehensive bicycle and pedestrian initiatives, bus and para transit, road and intersection improvements and expansion of Metrorail and VRE.
- **Recreational and Cultural Opportunities**: A desirable community is one where there is a lot going on that residents can enjoy. Fairfax County will continue to provide for athletic, artistic, intellectual and recreational activities, in our parks, libraries, and schools.”

Chairman Bulova asked unanimous consent that the Board direct staff to place the discussion of this document on the agenda of the Board's next Budget Committee meeting, scheduled for November 23 at 1 p.m. She said that she would bring the document back, with any changes per that discussion, at the Board meeting on December 7.

Following discussion of possible changes to the document, without objection, the request was so ordered.

32. **H1N1 VACCINATION PROGRAM** (12:41 p.m.)

Chairman Bulova said that on Saturday, October 24, she had the opportunity to see the impressive work of the Health Department, as its staff vaccinated children and pregnant women in the highest risk category for H1N1. A few people had shown up at 8 p.m. the night before to ensure a place in line. By 9 a.m. on Saturday, the line reached all the way from the Government Center almost to the Fairfax Corner shopping center. Employees of the Health Department were aided by more than 300 volunteers from the County's Medical Reserve Corps and EMT personnel from the Department of Fire and Rescue.

This operation, and a second on Saturday, November 7, was extremely well executed, with the lines moving so quickly that by 3 p.m. there was little wait. These efficient operations were the result of intensive 24/7 planning, training, and execution on the part of Health Department employees, working hand-in-hand with well-trained volunteers and EMT personnel. Chairman Bulova declared that they are truly "First Responders," and the County is fortunate to have such a professional and dedicated workforce.

The Health Department has administered over 21,000 vaccines at the two mass vaccination clinics at the Government Center as well as other health clinic vaccinations in the County. Medical Reserve Corps totaled 3,900 hours of service valued at \$96,292 per clinic.

Chairman Bulova said that due to the delays in the vaccine production and the uneven distribution of the limited supplies of the vaccine nationwide the flu vaccination program has been a challenging situation for County residents and the Health Department. Throughout this emergency the Health Department has used the Incident Command System and has developed an innovative numbering and time-return system in the district office clinics to significantly limit wait times.

The Health Department Call Center responded to over 700 calls during the first two weeks of October and currently averages over 250 calls a day. The Health Department's Incident Management Team has been working tirelessly to manage public expectations and to communicate the department's rationale and strategy for distributing limited amounts of available vaccine to the County's large population.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite representatives of the Health Department, the Medical Reserve Corps, and others who were involved in these operations to appear before the Board to receive certificates of recognition for their impressive contributions. Without objection, it was so ordered.

33. **RESCHEDULING OF BOARD MEETING TO CONSIDER FINAL ADOPTION OF PHASE II DULLES RAIL DISTRICT RESOLUTION**  
(12:44 p.m.)

Chairman Bulova said that at the October 19 meeting, the Board approved a schedule for consideration of the petition that asks the Board to create a Phase II Dulles Rail District to help pay the cost of constructing the Dulles Rail Project west of Wiehle Avenue. The public hearing on the proposal was set for December 7, then a subsequent meeting was scheduled for December 15 to allow the Board to readopt the proposed resolution in final form to create the Phase II District. She said that the previously scheduled December 15 meeting needs to be rescheduled to December 21 at 11 a.m. to comply with the timing requirements of the applicable statute.

Accordingly, Chairman Bulova moved that the Board cancel the Board meeting previously scheduled for December 15 at 2:30 p.m. and in its place schedule a meeting of the Board at **11 a.m. on Monday, December 21** to consider final adoption of a resolution to create a proposed Phase II Dulles Rail District. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor Cook being out of the room, Supervisor Hyland being absent.

34. **TOWN MEETING: ENERGIZING FAIRFAX COUNTY** (12:46 p.m.)

Chairman Bulova announced said that she would be hosting an Energy Efficiency and Climate Change Town meeting at Cavalier Hall, W.T. Woodson High School, 9525 Main Street, Fairfax, from 7 p.m. until 9 p.m. on November 18. She distributed copies of the agenda and highlighted the speakers and topics.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

35. **REQUEST FOR CONCURRENT PROCESSING FOR COSTCO APPLICATIONS (SPRINGFIELD DISTRICT)** (12:47 p.m.)

Supervisor Herrity said that Special Exception Application SE 2007-SP-001 and Proffered Condition Amendment Application PCA 87-S-023-3 is a request for approval of 17,404 square foot expansion of the Costco Retail Warehouse located off West Ox Road. The applicant will be making improvements to the private interior road of the shopping center also. The applications were heard by the Planning Commission on October 29 and received recommendation of approval. The applications have the support of the community and the Springfield Land Use Committee. On that basis, the applicant has requested concurrent processing of the site plan.

Given the absence of any significant community or staff concerns that cannot be resolved, Supervisor Herrity moved that the Board authorize concurrent processing of the site plan. He noted that the approval of this motion shall in no way prejudice or affect any ongoing staff review and should not be construed as support for the applications by the Board. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

36. **FEDERAL AND STATE LEGISLATIVE CHANGES TO HELP SCHOOL RENOVATION NEEDS** (12:48 p.m.)

With reference to his written Board Matter on the subject, which he said that he mentioned at a previous meeting of the Board's Legislative Committee, Supervisor Herrity acknowledged that the County is facing a huge school renovation and construction backlog. He noted that aging buildings have tremendous operating cost issues, and that infrastructure challenges are a nationwide problem.

Supervisor Herrity said that one innovative and bi-partisan solution has been proposed by former Governor and Senator George Allen and former Democratic Party of Virginia Chairman Paul Goldman. Their proposal would make a simple change to federal tax law to allow private investors to receive a tax credit when converting old, outdated school buildings into new, modern facilities. Under current tax law the Internal Revenue Services "prior use" rule disallows such credits to be used when the building is rehabilitated and used in the same manner

for which it was originally built. Thus, the tax credit is only applicable when an aging local school building is renovated for a different use by private investors.

Supervisor Herrity added that another solution that he asked Delegate David Albo to examine is a change in the eligibility for receiving Virginia's Rehabilitation Tax Credit. Under current Virginia law, the tax credit is available only when renovating buildings that are more than 50 years old. He asserted that lowering this requirement to 40 years for schools would allow many of the older schools that are in dire need of renovation, but not yet 50 years old, to potentially be renovated by a private investor using the tax credit, thus lowering the overall cost of the project.

Supervisor Herrity said that during these difficult economic times, the County has the unique opportunity to renovate its aging schools by:

- Taking advantage of the 20 to 30 percent reduction in construction costs.
- Taking advantage of historically low interest rates.
- Realizing savings in operating cost and environmental benefits from the renovations.

Supervisor Herrity noted that renovation tax credits would add to these saving and that he has discussed with the School System ways to take advantage of these potential savings. The opportunity may be short lived.

Therefore, Supervisor Herrity moved that the Board:

- Include both of these items in its 2010 General Assembly Legislative Program as well as its 2010 Federal Legislative Program.
- Direct County legislative staff to work with School Division legislative staff to ensure that the State legislation is crafted in a way most beneficial to the County.

Supervisor Cook and Supervisor Frey jointly seconded the motion.

Following discussion, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to direct staff to include this item for Board endorsement, and this was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

The question was called on the motion, as amended, which **CARRIED** by a recorded vote of eight, Supervisor Hudgins voting “**NAY**,” Supervisor Hyland being absent.

37. **ORDERS OF THE DAY** (1 p.m.)

Noting the hour and that he was scheduled to present Board Matters last, Supervisor Cook asked unanimous consent to proceed because several County staff were on hand for one of his items. Chairman Bulova said that the Board would recess, but would try to proceed with that item first after the recess.

(NOTE: Later in the meeting, this item was presented. See Clerk’s Summary Item #75.)

(NOTE: Later in the meeting, additional Board Matters were presented. See Clerk’s Summary Items #55 – 75.)

38. **RECESS/CLOSED SESSION** (1:02 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. *Mary Ann and Robert Berkowitz and Mary Ann Brewer v. County of Fairfax*, Case No. CL-2009-0012072 (Fx. Co. Cir. Ct.) (Braddock District)
  2. *Bourj, Ltd. v. Board of Supervisors of Fairfax County*, Case No. CL-2008-0017107 (Fx. Co. Cir. Ct.) (Braddock District)

3. *Adonis Wright v. Fairfax County, G. S. Tuggle, and Officer Shifflett, and Other Unnamed Officers, John Does*, Case No. 1:09CV949 (E.D. Va.)
4. *Martin F. Wiesner v. Fairfax County Police Department*, Record No. 091670 (Va. Sup. Ct.)
5. *Melia Nebeker v. Fairfax County, Virginia, and Steven Souder*, Case No. CL-2009-0014802 (Fx. Co. Cir. Ct.)
6. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia, and Hilltop Sand and Gravel Company, Inc.*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
7. *Board of Supervisors of Fairfax County, Virginia v. Curtis Properties, Inc.*, Case No. CL-2002-0204302 (Fx. Co. Cir. Ct.) (Mason District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Lord and Nancy Lord Zearfoss*, Case No. CL-2009-0012456 (Fx. Co. Cir. Ct.) (Springfield District)
9. *Mark J. Stadskev and Susan M. K. Stadskev v. Board of Zoning Appeals of Fairfax County and the Zoning Administrator for Fairfax County*, Case No. CL 2009-0015289 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Mark J. Stadskev and Susan M. K. Stadskev v. Board of Zoning Appeals of Fairfax County and the Zoning Administrator for Fairfax County*, Case No. CL 2009-0015290 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luis F. Becerra Barba*, Case No. CL-2009-0005210 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter Maranon and Nelly M. Maranon*, Case No. CL-2009-0003972 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio E. Ayala and Laura Sanchez*, Case No. CL-2008-0016939 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar Solomon Villatoro and Silvia Villatoro*, Case No. CL-2008-0001699 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Gutierrez and Julia B. Gutierrez*, Case No. CL-2009-0002829 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald Joseph Grieme*, Case No. CL-2008-0014416 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph B. Long and Alma J. Long*, Case No. CL-2009-0013120 (Fx. Co. Cir. Ct.) (Springfield District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert R. McKim*, Case No. CL-2009-0013286 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raimundo Guevara-Mendieta*, Case No. CL-2007-0012705 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mouhammad A. Kassar, Amine M. Kassar, and Samy A. Kassar*, Case No. CL-2009-0004611 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Curtis O. Williams and Barbara J. Williams*, Case No. CL-2009-0011792 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. FCW, LLC*, Case No. CL-2009-0004760; *FCW, LLC v. Fairfax County Board of Zoning Appeals*, Case No. CL-2009-0001435 (Fx. Co. Cir. Ct.) (Providence District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nest Estates, LLC*, Case No. CL-2009-0003771 (Fx. Co. Cir. Ct.) (Dranesville District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mario A. Zeledon and Marlon E. Borge*, Case No. CL-2009-0007284 (Fx. Co. Cir. Ct.) (Mason District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Sheila G. Cheatham Trust*, Case No. CL-2009-0001724 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2008-0014600 (Fx. Co. Cir. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)

38. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee, Gayet Living Trust*, Case No. CL-2009-0014359 (Fx. Co. Cir. Ct.) (Dranesville District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Su Sheue and Hao Kang Chen*, Case No. CL-2009-0014559 (Fx. Co. Cir. Ct.) (Braddock District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kyung Jin Cho*, Case No. CL-2009-0014661 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tomas Perez*, Case No. CL-2009-0014660 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team)
42. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank G. Eubank, Jr., Trustee of the Frank G. Eubank, Jr., Trust*, Case No. CL-2009-0014688 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., and Judith M. Shifflett*, Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell*, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gustavo A. Veliz and Veronica Darcy Cortez-Veliz*, Case No. CL-2009-0014879 (Fx. Co. Cir. Ct.) (Mason District)

46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thu Hong Dang and Tham Thu Dang*, Case No. CL-2009-0014881 (Fx. Co. Cir. Ct.) (Mason District)
47. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John Y. C. Wang, a/k/a John V. Wang, Trustee of the John Y. C. and Wan-Shi Wang Living Trust, Wan-Shi Wang, a/k/a Wan S. Wang, Trustee of the John Y.C. and Wan-Shi Wang Living Trust, John Y. C. Wang, a/k/a John Y. Wang, Individually, and Wan-Shi Wang, a/k/a Wan S. Wang, Individually*, Case No. CL-2009-0015056 (Fx. Co. Cir. Ct.) (Lee District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walid Aboroomi*, Case No. CL-2009-0015135 (Fx. Co. Cir. Ct.) (Mason District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Novin Ghoudsi-Moghaddam*, Case No. CL-2009-0015190 (Fx. Co. Cir. Ct.) (Lee District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Selso Rodriguez*, Case No. CL-2009-0015532 (Fx. Co. Cir. Ct.) (Providence District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2009-0015518 (Fx. Co. Cir. Ct.) (Providence District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Ventura*, Case No. CL-2009-0015574 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team)

53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Asghar & Sons, Inc.*, Case No. CL-2009-0015539 (Fx. Co. Cir. Ct.) (Mason District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde*, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omer Malik*, Case No. CL-2009-0015575 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maury A. Audet*, Case Nos. 09-0016479 and 09-0016480 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hung V. Nguyen*, Case Nos. 09-0023790 and 09-0023791 (Fx. Co. Gen. Dist. Ct.) (Lee District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro A. Cestti and Gladys A. Caballero*, Case No. 09-0020542 (Fx. Co. Gen. Dist. Ct.) (Lee District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jeffrey D. Holt*, Case No. 09-0024045 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Bracamonte Castillo*, Case Nos. 09-0026686 and 09-0026687 (Fx. Co. Gen. Dist. Ct.) (Lee District)
61. *Board of Supervisors of Fairfax County, Virginia v. Foxhall of McLean, LLC, Arch Insurance Co., Everest Reinsurance Co., and XL Reinsurance America, Inc.*, Case No. CL-2009-0001186 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Discussion pursuant to *Virginia Code* Sections 2.2-3711-A(1), (3), and (5)
- *Board of Supervisors of Fairfax County, Virginia v. Krispy Kreme Doughnut Corporation*
- *Fairfax County Water Authority v. City of Falls Church*
- *Dunn, McCormack & MacPherson v. Gerald Connolly*

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

**DET:det**

At 3:41 p.m., the Board reconvened in the Board Auditorium with all Members, with the exception Supervisor Hyland, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:41 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 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 absent.

40. **APPOINTMENT OF MR. JAMES PATTESON AS DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (3:42 p.m.)

Supervisor Gross, as Chair of the Board's Personnel Committee, moved the appointment of Mr. James Patteson to the position as Director of DPWES, Grade E-13, at a starting salary of \$164,000, effective December 7, 2009. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

EBE:ebe

**AGENDA ITEMS**

41. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2005-HM-028 (PEDRO AND CARMEN M. TOSCANO, JR.) (HUNTER MILL DISTRICT) AND SPECIAL EXCEPTION APPLICATION SE 2007-HM-023 (PEDRO AND CARMEN M. TOSCANO, JR.) (HUNTER MILL DISTRICT)** (3:44 p.m.)

(NOTE: On October 19, 2009, the Board held a public hearing regarding these items and deferred decision until November 16, 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.

Supervisor Hudgins moved **DENIAL** of Rezoning Application RZ 2005-HM-028 and Special Exception Application SE 2007-HM-023. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

42. **3 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)** (3:52 p.m.)

- (O) (NOTE: On October 19, 2009, the Board deferred the public hearing on this item until November 16, 2009.)

The application property is located at 9627 Leesburg Pike, Tax Map 19-1 ((14)) Z, 20Z-23Z; 19-3 ((1)) 42A.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report.

A brief discussion ensued regarding the current State law and whether a change can be made through the Legislative Committee.

Further discussion ensued, with input from Kris Abrahamson, Branch Chief, ZED, DPZ, regarding the tax relief benefit that is associated with the State law.

Following the public hearing, which included testimony by six speakers, Ms. Zottl presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Agricultural Renewal Application AR 01-H-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Potomac Vegetable Farm II Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 6, 2009.
- Direction to staff to investigate alternative means of providing favorable tax status for parcel 19-3 ((1)) 42A, including but not limited to pursuit in the General Assembly of appropriate enabling legislation to amend the current legislation governing this topic (the lack of contiguity of the smaller 5-acre parcel with the larger 21-acre parcel).

Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being out of the room, Supervisor Hyland being absent.

#### **ADDITIONAL BOARD MATTER**

43. **INTRODUCTION OF CUB SCOUT PACK 991 (BRADDOCK DISTRICT)**  
(4:28 p.m.)

Supervisor Cook recognized members of Cub Scout Pack 991 from Ravensworth Elementary School. On behalf of the Board, he warmly welcomed them to the Board Auditorium.

#### **AGENDA ITEMS**

44. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-MV-007 (JK INVESTMENTS, INCORPORATED) (MOUNT VERNON DISTRICT)**

#### **AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-137 (JK INVESTMENTS, INCORPORATED) (MOUNT VERNON DISTRICT)** (4:30 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay moved to defer indefinitely the public hearing on Rezoning Application RZ 2008-MV-007 and Special Exception Amendment Application SEA 85-L-137. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-002 (SQUARE 1400, LC) (PROVIDENCE DISTRICT)** (4:31 p.m.)

Supervisor Smyth moved to defer indefinitely the public hearing on Rezoning Application RZ 2009-PR-002. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MV-031 (TRUSTEES FOR MOUNT VERNON LODGE NUMBER 219, AF AND AM, NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY AND T-MOBILE NORTHEAST, LLC) (MOUNT VERNON DISTRICT)** (4:32 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay moved to defer the public hearing on Special Exception Application SE 2008-MV-031, concurrent with Public Facilities Application 2232-V08-6, until December 7, 2009. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-LE-001 (NAZIR A. BHAGAT AND ASHRAF N. BHAGAT) (LEE DISTRICT)** (4:33 p.m.)

The application property is located at 5966, 5970, 5974 and 5978 Clames Drive, Tax Map 81-4 ((16)) 19 - 22.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle 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.

Chairman Bulova disclosed the following campaign contribution which she had received in excess of \$100 from:

- Nazir A. Bhagat

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

- Ashraf N. Bhagat

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

- Nazir A. Bhagat

Following a brief discussion regarding the age limit requirement, Supervisor McKay submitted items for the record.

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

Supervisor McKay moved:

- Approval of Special Exception Application SE-2009-LE-001, subject to the development conditions dated November 16, 2009.
- Modification of Additional Standard 1, Paragraph One of Section 9-306 of the Zoning Ordinance, to permit a reduction in the minimum age requirement for this Independent Living from 62 years to 55 years of age.
- Approval of a waiver of Additional Standard 5, Paragraph Five of Section 9-306 of the Zoning Ordinance, for independent living facilities requiring that such use be on a parcel of land fronting on, and with direct access to, a collector street or major thoroughfare.
- Waiver of the barrier requirement along the northern, western, and southern boundaries of the property.
- Modification of the transitional screening requirements along the northern, western, and southern boundaries of the site, to that shown on the SE Plat.

Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Hyland being absent.

48. **3:30 P.M. – PH ON REZONING APPLICATION 2009-LE-001 (TAVARES FAMILY LIMITED PARTNERSHIP) (LEE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-LE-036 (TAVARES CONCRETE COMPANY, INCORPORATED) (LEE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-LE-023 (TAVARES CONCRETE COMPANY, INCORPORATED) (LEE DISTRICT) (4:54 p.m.)**

- (O) The Rezoning Application RZ 2009-LE-001 property is located on the east side of Cinder Bed Road approximately 1,300 feet north of its intersection with Hill Park Drive, Tax Map 99-2 ((1)) 17 pt., 18 and 19 pt.

The Proffered Condition Amendment Application PCA 1999-LE-036 property is located on the east side of Cinder Bed Road approximately 1,300 feet north of its intersection with Hill Park Drive and at the terminus of Azalea Cove Terrace, Tax Map 99-2 ((16)) B pt.

The Proffered Condition Amendment Application PCA 2000-LE-023 property is located on the east side of Cinder Bed Road approximately 1,300 feet north of its intersection with Hill Park Drive, Tax Map 99-2 ((1)) 17, 18, and 19.

Ms. Lori R. Greenlief reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-LE-001, from the I-5 District to the PDH-5 District, subject to the proffers dated November 13, 2009.

- Approval of Proffered Condition Amendment Application PCA 1999-LE-036 and the associated Conceptual Development Plan Amendment, subject to the proffers dated September 25, 2009.
- Approval of Proffered Condition Amendment Application PCA 2000-LE-023, subject to the proffers dated September 11, 2009.
- Modification of the transitional screening requirement along the eastern and northern lot lines of Proffered Condition Amendment Application PCA 2000-LE-023 to that shown on the plan.
- Waiver of the 600-foot maximum length requirement for a private street for Rezoning/Final Development Application RZ/FDP 2009-LE-001.
- Direction to the Director of the Department of Public Works and Environmental Services to permit deviation from the tree preservation target percentage, for Proffered Condition Amendment Application PCA 2000-LE-023 and Rezoning/Final Development Plan Application RZ/FDP 2009-LE-001, in favor of the proposed landscaping shown on the proffered plan.

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins being out of the room, Supervisor Hyland being absent.

(NOTE: On October 15, 2009, the Planning Commission approved Final Development Plan Application FDP 2009-LE-001 and Final Development Plan Amendment Application FDPA 1999-LE-036.)

49.

**3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-PR-037 (BEECH GROVE NEIGHBORHOODS LLC AND KENDALL SQUARE HOMEOWNERS ASSOCIATION) (PROVIDENCE DISTRICT) (5:05 p.m.)**

The application property is located on the south side of Kingsbridge Drive approximately 400 feet west of its intersection with Blake Lane, Tax Map 48-3 ((48)) A and 6-19.

Mr. Brian Winterhalter reaffirmed the validity of the affidavit for the record.

Mr. Winterhalter 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, Brenda Cho, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2003-PR-037, subject to proffers dated October 14, 2009.
- Approval of Final Development Plan Amendment Application FDPA 2003-PR-037 subject to the development conditions dated September 29, 2009.
- Waiver of the requirement for a 200-square foot privacy yard for each dwelling unit.

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

(NOTE: On October 15, 2009, The Planning Commission approved Final Development Plan Amendment Application FDPA 2003-PR-037 subject to the development conditions dated October 14, 2009.)

50. **4 P.M. – PH TO CONVEY COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE FAIRFAX COUNTY PARKWAY EXPANSION PROJECT (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (5:10 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 29 and November 5, 2009.

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

Following the public hearing, Supervisor McKay moved adoption of the Resolution authorizing the conveyance of the necessary land rights to VDOT for the Fairfax County Parkway Expansion Project. Supervisor Herrity 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 absent.

51. **4 P.M. – PH FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL SANITARY DISTRICTS FOR REFUSE AND/OR LEAF COLLECTION SERVICE (DRANESVILLE, MOUNT VERNON, AND PROVIDENCE DISTRICTS)** (5:13 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 29 and November 5, 2009.

Terry Czarny, Sanitary District Administrator, Solid Waste Collection and Recycling, Department of Public Works and Environment Services, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the Resolution approving the proposed petitions within Dranesville, Mount Vernon, and Providence Districts, as follows:

<b><u>Sanitary District</u></b>	<b><u>Action</u></b>	<b><u>Service</u></b>	<b><u>Recommendation</u></b>
Small District 6 Within Dranesville District (6811, 6813, and 6815 Wemberly Way)	Enlarge	Refuse	Approve
Small District 13 Within 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

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being out of the room, Supervisor Hyland being absent.

52. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-32 AND ARTICLE 5, RELATED TO THE PARKING OF MOTOR VEHICLES** (5:16 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 29 and November 5, 2009.

David Ferris, Manager, Policy and Planning, Police Department, presented the staff report.

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82, related to the parking of motor vehicles. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room, Supervisor Hyland being absent.

53. **4:30 P.M. – PH TO CONVEY COUNTY-OWNED PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY TO BE DESIGNATED AS A CULTURAL RESOURCE PARK (DRANESVILLE DISTRICT)** (5:17 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 29 and November 5, 2009.

The subject property is located near the intersection of Lewinsville Road and Hardison Lane, Tax Map Number 029-1((24)) parcel B.

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

Following the public hearing, Supervisor Foust moved adoption of the Resolution to convey County-owned property to the Park Authority to be designated as a cultural resource park. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor McKay being out of the room, Supervisor Hyland being absent.

54. **5 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2010 VIRGINIA GENERAL ASSEMBLY** (5:20 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 29 and November 5, 2009.

Following the public hearing, Supervisor Herrity asked unanimous consent that the Board leave the record open until December 7, 2009, to permit persons wishing to provide testimony on the Legislative Program to do so. Without objection, it was so ordered.

Supervisor McKay, Chairman of the Board's Legislative Committee, provided a brief overview of the proposed Legislative program. Supervisor McKay announced that the Annual Legislative Work Session with the Fairfax County Delegation to the General Assembly is scheduled for December 9, 2009. He also announced that the Legislative Committee meeting scheduled for November 30, 2009, has been cancelled.

NV:nv

**ADDITIONAL BOARD MATTERS**

55. **IMPROVING THE FIRE AND RESCUE DEPARTMENT'S ACQUIRED STRUCTURE PROGRAM (ASP)** (5:24 p.m.)

Supervisor Foust said that the Fire and Rescue Department's ASP is an important program that provides recruit, career, and volunteer firefighters with a realistic training atmosphere of an actual residential fire environment while remaining a real time controlled training exercise. The program provides fire training using donated structures that are slated for demolition. The training on real structures cannot be duplicated in the classroom.

Supervisor Foust noted that one of his constituents who has had several acquired structures in his neighborhood raised some areas of concern about the program including the following:

- Lack of published criteria for accepting properties into the program.
- Lack of notice given to civic associations and neighborhoods when an acquired structure will be burned.
- Responsibility for securing damaged buildings upon completion of training.

- Possible misunderstandings about the tax consequences of contributing a building to the program.

Supervisor Foust said that the constituent made several suggestions for improving the planning, management, safety, and transparency of the program which have been discussed with the Fire Chief.

Accordingly, Supervisor Foust moved that the Board direct staff to investigate whether, and if so, how, the ASP can be revised to address the concerns expressed above and report with recommendations. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

56. **RECOGNITION OF MR. WILLIAM SOZA** (5:26 p.m.)

(BACs) (NOTE: Earlier in the meeting, during appointments, Mr. Soza's resignation was announced.)

As noted earlier in the meeting by Chairman Bulova, Supervisor Foust said that McLean resident William Soza is stepping down from his position as an At-Large Representative to the Economic Development Authority after a long and distinguished period of service. Accordingly, Supervisor Foust asked unanimous consent that the Board direct staff to invite Mr. Soza to appear before the Board for recognition of his service to the County. Without objection, it was so ordered.

57. **REQUEST FOR PUBLIC HEARING SCHEDULING AND CONCURRENT PROCESSING (LEE DISTRICT)** (5:27 p.m.)

Supervisor McKay said that on September 15, 2003, the Board approved Proffered Condition Amendment PCA 1998-LE-048-2 concurrent with a final development plan amendment (FDPA). The developer would now like the option to build one of the approved office buildings within the complex as a LEED Platinum Certified structure. However, to do so, a panel of no more than 20 feet in height may be required to be installed on the roof of the structure which currently has a proffered height limitation of 145 feet. The proposed panel is not exempt from the Zoning Ordinance height limitations and therefore, cannot be approved administratively as a minor modification. The applicant's agent has filed a PCA application concurrent with an FDPA application to simply allow for the up to 20 foot increase in building height for the specific structure that will be pursuing LEED Platinum certification. Supervisor McKay said that he understood that the applications have been accepted by Department of Planning and Zoning (DPZ) staff and scheduling is to occur upon the submission of the associated FDPA plans by the agent.

Therefore, Supervisor McKay moved that the Board authorize:

- The director of the Zoning Evaluation Division, DPZ, to expeditiously schedule and advertise the Planning Commission and

Board public hearings for Proffered Condition Amendment Application PCA 1998-LE-048-3 and Final Development Plan Amendment FDPA 1998-LE-048-1-3 to be held no later than the month of February 2010.

- Concurrent processing of any required site plans or site plan revisions.

This motion should in no way prejudice the full review of this application and does not preclude the applicant from adherence to all adopted standards in any way.

Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

58. **REQUEST FOR WAIVER OF APPLICATION FEES FOR FLEA MARKETS HOSTED BY THE SPRINGFIELD-FRANCONIA HOST LIONS CLUB CHARITIES, INCORPORATED** (5:28 p.m.)

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

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

Therefore, Supervisor McKay moved that the Board waive the application fees for 21-day permits associated with the Springfield-Franconia Host Lions Club Charities 2010 flea markets. With a notation that the flea markets take place in the Mason District, Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

59. **REQUEST FOR BOARD CONCURRENCE AND EXPEDITED PROCESSING FOR THE LORTON ARTS FOUNDATION (LAF) FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION (FDPA) (MOUNT VERNON DISTRICT)** (5:30 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that in July 2006, the County entered into a long term lease with the LAF for development of the Workhouse Arts Center on an approximately 55 acre portion of the former Lorton

Correctional Complex. Since that time LAF has restored and improved historic buildings, among other improvements that benefit the County and help meet its obligations to the Federal Government for the preservation of the Lorton site.

Most recently, on August 3, 2009, the Board approved Proffered Condition Amendment Application PCA 2003-MV-033 concurrent with a FDPA for Phase II of the LAF. Since that approval, a number of discrepancies of an editorial nature have been identified that require the filing of a final development plan to more accurately reflect existing and revised building numbers, building names, and structures on the site. Because the County owns the Workhouse land and buildings, the County must concur in the filing of the application to correct these discrepancies.

Therefore, Supervisor McKay moved that the Board:

- Concur in the filing of Final Development Plan Amendment Application FDPA 2003-MV-033-2 by the LAF.
- Authorize the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously schedule the Planning Commission public hearing to occur in January 2010.

This motion should not be construed as a favorable recommendation of the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application.

Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

60. **RECOGNITION FOR BRAIN INJURY SERVICES, INCORPORATED**  
(5:32 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that Brain Injury Services, Incorporated, formerly Head Injury Services Partnership, was established in 1989 in response to recommendations made by a brain injury work-study group formed under the direction of the Board. The work group identified traumatic brain injury as a major cause of disability in Virginia and identified a void in coordinated community based services for this disability group. The Commonwealth and the County accepted the recommendation that a unique non-profit agency, specializing to provide services for persons with brain injuries be created to be an effective and efficient community based rehabilitation system. Over the last 20 years, Brain Injury Services has been able to thrive and develop model programs and services for children and adults with brain injuries. Currently, Brain Injury Services is creating a vision for its organization for the next 20 years.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite representatives from Brain Injury Services to appear before the Board to be recognized for its 20 years of service to the County. Without objection, it was so ordered.

61. **PARAMOUNT – LIBRARY FOUNDATION DEED OF GIFT (HUNTER MILL DISTRICT)** (5:33 p.m.)

Supervisor Hudgins said that pursuant to the zoning approval processes that allowed for the construction of Paramount condominiums, a 100-unit multi-family high-rise located at the intersection of Fountain Drive and New Dominion Parkway, a commitment was made in the development conditions of the Conceptual Plan approved on April 4, 2002, to reserve a parcel of land identified on the Fairfax County Real Property Identification Map as Tax Map Number 17-1((17) parcel 5B, which contains 16,599 square feet and is located at the intersection of Fountain Drive and Bowman Towne Drive, for up to 15 years for future dedication to the Fairfax County Public Library Foundation, Incorporated, without compensation for the purpose of accommodating the future expansion of the Reston Regional Library located on the adjacent parcels to the west of the site. The Fairfax County Public Library Foundation, Incorporated, has obtained title to the dedicated land area and now desires to convey the land to the Board by a deed of gift. This generous gift will allow the Board to incorporate the land area into its planning efforts for public uses within the North County Governmental Center Area.

Therefore, Supervisor Hudgins moved that the Board authorize and direct the County Executive, on behalf of the Board, to accept this gift by executing a deed in a form approved by the County Attorney that conveys from the Fairfax County Public Library Foundation, Incorporated, to the Board in fee simple the property identified on the Fairfax County Real Property Identification Map as Tax Map Number 17-1((17) parcel 5B. Supervisor Frey seconded the motion, which carried by a vote of eight, Supervisor Cook being out of the room, Supervisor Hyland being absent.

62. **RESTON ACCESSIBILITY COMMITTEE (RAC)/ACCESSIBILITY FOR THE DISABLED (HUNTER MILL DISTRICT)** (5:35 p.m.)

Supervisor Hudgins noted that RAC was formed in 2008 by the Reston Citizens Association (RCA) to advocate for barrier-free access for persons with physical disabilities. Initial emphasis was to secure safe and comfortable access to a variety of establishments for customers and residents with mobility impairments.

Supervisor Hudgins outlined the committee's several forms of outreach and noted that in the process of identifying accessibility issues and trying to work with the specific owners and/or management companies, oftentimes RAC is met with resistance and flat out refusal to address the problems. One of the biggest

concerns of the Committee is getting complaints addressed and resolved through the County.

Accordingly, Supervisor Hudgins moved that the Board direct staff to:

- Invite representatives of the RCA Reston Accessibility Committee to appear before the Board to be recognized for their commitment to ensuring barrier-free access for persons with physical and mobility impairments within the Reston community.
- Establish an inter-agency work group with representation from key organizations such as the Department of Family Services, the Disability Service Board, Human Rights, Code Enforcement, and other appropriate agencies, to review existing policies and determine if there are opportunities to improve the complaint process.

Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

63. **RESTON NATURE CENTER (HUNTER MILL DISTRICT)** (5:39 p.m.)

Supervisor Hudgins said that on Saturday, November 21, from 1 p.m. to 5 p.m., Reston Association and the Friends of Reston will celebrate a milestone event in Reston's eco-history at the grand opening of the Nature House. A fully functioning nature center has been envisioned for Reston since 1964. The Nature House will be Reston's first LEED Certified building. The Nature House is expected to achieve the second highest level of recognition, LEED Gold certification. This will make it the first LEED Gold building in the Hunter Mill District and one of only 17 new LEED Gold certified buildings in Virginia.

Supervisor Hudgins explained that the Nature House is open year-round and will be a hub for environmental learning and appreciation in Reston, teaching people of all ages about green spaces and how to care for the environment. Key environmental areas include: energy savings, water efficiency, CO<sub>2</sub> emissions reductions, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Accordingly Supervisor Hudgins moved that the Board direct the Office of Public Affairs to disseminate information regarding the Grand Opening of the Reston Nature House and invite representatives from Reston Association and the Friends of Reston to appear before the Board to be recognized for the construction of LEED Gold Certification Reston Nature House. It is one of a very few non-profits that is LEED certified. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

64. **RESTON TOWN CENTER HOLIDAY PARADE (HUNTER MILL DISTRICT)** (5:41 p.m.)

Supervisor Hudgins announced that the Reston Town Center will hold its annual holiday parade at 11 a.m. on Friday, November 27 and officially kick off a year long celebration of the center's twentieth anniversary. She asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the parade and the twentieth anniversary kickoff. Without objection, it was so ordered.

65. **VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) CUSTOMER SERVICE CENTER** (5:42 p.m.)

Supervisor Hudgins said that at the last Board meeting, she expressed concern about the possible loss of VDOT's valued Customer Service Center that is so essential to residents and Board Members alike especially during severe weather events. While the Board has received reassurance that this is not the case from the Northern Virginia District Administrator, Morteza Salehi, and that the dedicated phone numbers and e-mail contact information will still be available, she included Mr. Salehi's letter for the record. He noted that some of the Center's functions are now located in the new McConnell Public Safety Transportation Operations Center that is shared with Virginia State Police, County Police, 911, and VDOT's traffic controllers so that service will be more efficient than ever.

Supervisor Hudgins expressed the Board's continued appreciation to VDOT's Northern Virginia District office and its staff for continued and conscientious attention to the Board's specific transportation concerns.

66. **COUNTY AWARDS** (5:42 p.m.)

Supervisor Hudgins reported that she attended the Virginia Association of County's (VACo) annual conference last week and that the County received three awards. One of the awards included a \$1000 cash award for the "Go Green Government Challenge." She said that the check will go to the County Executive for appropriate action. Another award was for criminal justice and public safety, and the third was for organizational development.

**PMH:pmh**

67. **WESTFIELD GOLF TEAM WINS VIRGINIA AAA STATE GOLF CHAMPIONSHIP (SULLY DISTRICT)** (5:44 p.m.)

Supervisor Frey announced that the Westfield golf team won the Virginia AAA State Golf Championship on October 20. The Bulldogs won seven straight tournaments en route to their State title.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite coach Tim Vigotsky and the members of the Westfield golf team to appear before the Board on January 12, 2010, for recognition of this outstanding accomplishment. Without objection, it was so ordered.

68. **BOARD'S OWN MOTION – CENTREVILLE HISTORIC OVERLAY DISTRICT (SULLY DISTRICT)** (5:45 p.m.)

(R) Supervisor Frey said that a Resolution has been prepared to authorize a Board's own motion rezoning to remove one of the parcels from the expanded Centreville Historic Overlay District [Tax Map 54-4((2)) parcel 13] owned by Michael and Doris Judge.

Therefore, Supervisor Frey moved:

- Adoption of the Resolution to initiate a Board's own motion rezoning for the property located at 5424 Summit Street, Centreville, Virginia [Tax Map 54-4((2)) parcel 13] to rezone such property from the R-1 and Historic Overlay Districts to the R-1 District.
- That the Board authorize the advertisement of a public hearing to be held before the Board regarding the rezoning of Tax Map 54-4((2)) parcel 13 to lift the designation of Historic Overlay designation on this parcel.

Chairman Bulova 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 absent.

69. **VIRGINIA WAR MEMORIAL** (5:46 p.m.)

Supervisor Gross said that at the recent Virginia Association of Counties annual meeting, she had occasion to visit with staff of the Virginia War Memorial, which is located in Richmond. Originally authorized to commemorate the heroes of World War II, the memorial was expanded to include Korean War dead when it was constructed in 1955. An addition was dedicated in 1981 to honor those Virginians killed in Vietnam, and in 1996, the names of Virginians killed in the Persian Gulf were added. The memorial is open every day of the year.

Last week's observance of Veterans Day, coupled with the tragic shootings at Fort Hood, Texas, was a reminder that freedom is not free, and a number of County residents are among the fallen honored at the Virginia War Memorial. She distributed to Board Members a list of County residents who have fallen. On behalf of the Board, Supervisor Gross honored and thanked them for their sacrifice.

70. **ADDITIONAL HOLIDAYS FOR COUNTY EMPLOYEES** (5:47 p.m.)

Jointly with Chairman Bulova, Supervisor Gross said that 2009 has been a challenging year for everyone, including County employees. The year began with a furlough day for all employees, followed by pay freezes and a reduction-in-force to help balance the budget. At the same time, County employees were asked to maintain their usual stellar level of service to County residents.

Supervisor Gross noted that given the current national economy, the coming holiday season probably will be a difficult one for many of employees. She added that Christmas falls on a Friday this year and, traditionally, the County holiday schedule includes a half-day paid holiday on Christmas Eve. New Year's Day also falls on a Friday, but no additional time is granted for New Year's Eve. To acknowledge their good work and the fiscal challenges that have impacted them personally and professionally, jointly with Chairman Bulova, Supervisor Gross moved that the Board approve the following additional holidays for County employees in 2009:

- An additional half-day on December 24, making it a full day holiday
- A half-day on Thursday, December 31

Supervisor Cook, Supervisor Herrity, Supervisor Hudgins, and Supervisor Smyth, seconded the motion.

A brief discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the fiscal impact.

Further discussion ensued, with input from Mr. Griffin, regarding granting a full day of leave on December 31 versus a half-day.

Supervisor Frey asked to amend the motion to match the State holiday leave plan for December 31 (full day of leave), and this was accepted.

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

71. **DRIVING WHILE INTOXICATED (DWI) COST RECOVERY PROGRAM** (5:56 p.m.)

Supervisor Gross said that Virginia Code Section 15.2-1716 (*Reimbursement of expenses incurred in responding to DUI incidents and other traffic incidents.*) allows local government to bill a driver convicted of any of the following:

- DWI

- Driving after illegally consuming alcohol
- DWI or BAC =1> .04 percent commercial vehicle
- Involuntary manslaughter by DWI
- Maiming by DWI
- DWI boat or reckless operation
- Driving boat after illegally consuming alcohol
- Reckless driving
- Driving with revoked or suspended license
- Leaving the scene of an accident

Billing is allowed as a flat fee of \$250, or a minute-by-minute accounting up to \$1000 for related expenses. The County Oversight Committee on Drinking and Driving is recommending that the County adopt the necessary amendments to the County Code to enable the collection of these costs from convicted offenders similar to that which is successfully being done by the City of Virginia Beach, and Chesterfield and Powhatan Counties. Although a similar recommendation was made by the Committee in 2002, the County has not taken advantage of this civil reimbursement process, which has the potential to raise significant funding in recovery costs.

Therefore, Supervisor Gross moved that the Board direct the County Executive and the County Attorney to reassess this issue and report their findings to the Board as to whether it should institute such a cost recovery program. Supervisor McKay seconded the motion.

Following discussion of the motion, Supervisor McKay asked to amend the motion to review re-writing the County Code not the State Code, and this was accepted.

Discussion ensued regarding deer accidents.

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

72.

**COMPREHENSIVE PLAN AMENDMENT FOR THE VISUAL AND PERFORMING ARTS** (6 p.m.)

Supervisor Gross said that in 2008, the Commission on the Future of the Arts in

the County presented its final report to the Board. The final report contains findings on the current state of the visual and performing arts as well as recommendations for strengthening the arts as an important component in the overall quality of life and economic vitality of the County. At the direction of the Board, an inter-agency arts committee was formed to promote and implement recommendations from the final report. As part of its work, the arts committee briefed Board Members or their staff and the Planning Commission's Policy and Procedures Committee on a draft "straw man" for possible consideration and inclusion as a new section to the Policy Plan. Comments on the draft have been generally favorable with the understanding that implementation of such Comprehensive Plan guidance in support of the arts be optional, not mandatory.

Therefore, Supervisor Gross moved that the Board authorize:

- A Comprehensive Plan amendment for the visual and performing arts using the straw man Policy Plan text, developed by the County's arts committee, as a template.
- That the Comprehensive Plan amendment be considered by the Planning Commission and the Board no later than June 2010.

Supervisor Foust seconded the motion.

Following discussion regarding the motion, with input from Anthony H. Griffin, County Executive, Supervisor Herrity asked unanimous consent that the Board direct staff to report with information on staff cost, time, and burden. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to review the recording of this discussion for incorporation in its recommendations. Without objection, it was so ordered.

The question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Cook and Supervisor Herrity voting "NAY," Supervisor Frey being out of the room, Supervisor Hyland being absent.

73. **OCOQUAN WORKHOUSE HISTORICAL MARKER DEDICATION**  
(6:22 p.m.)

Supervisor Gross said that she attended the Occoquan Workhouse Historical Marker Dedication at Lorton. She said that she learned that the League of Women Voters will publish a book later this month that relates the 100 year history of the women's movement in Virginia.

Supervisor Gross asked unanimous consent that the Board direct staff to invite Olga Hernandez, State League of Women's Voters President, and other members

of the League to appear before the Board to discuss the book. Without objection, it was so ordered.

74. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (6:23 p.m.)

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

75. **A NEW HOUSING POLICY TO HELP THOSE MOST IN NEED** (6:24 p.m.)

Supervisor Cook said that since the inception of the Penny Fund for Affordable Housing, over 2200 units of affordable housing have been preserved. However, only 17 are structurally accessible units for people with physical disabilities and few, if any, serve those with significant intellectual disabilities. He asserted that in each of the next 30 years the County will pay \$6 million per year on debt service for Wedgewood, but nearly 80 percent (537 of 672) of the units are currently slated for households with incomes over 50 percent of AMI (about \$50,000 annually). At the same time, the Fairfax-Falls Church Community Services Board (CSB) has identified approximately 3,000 extremely low-income persons with disabilities who, over time, are at risk for homelessness. Of these, the 2009 Annual Point in Time survey identified 129 individuals who are literally living on the streets or in the woods. There is anecdotal evidence from outreach workers suggesting that this number has increased since the survey was conducted almost a year ago.

Exacerbating matters, because the Penny Fund does not direct monies to those most in need, Supervisor Cook said that the CSB must annually divert to housing approximately \$2.5 million in funds intended for the treatment of those with physical and intellectual disabilities, mental health needs, and substance abuse issues. The CSB does this because, as the Board-endorsed Beeman Commission Report identified, stable housing is the cornerstone for resilience and recovery from mental illness and substance abuse. The report also called for significantly increased housing opportunities for persons with mental disabilities as part of an overall plan to improve mental health services in the County. The current model, however, results in draining available funds from treatment.

At the Board's June retreat, the Board discussed affordable housing at length, and directed the County Executive to develop a program for using affordable housing funds for those most in need. The proposal offered by the Department of Housing and Community Development (HCD) to the Board on September 29, however, hands this responsibility to non-profit agencies, and continues to purchase and construct housing, which it admitted would serve primarily those households over 30 percent AMI.

Supervisor Cook proposed that the Board set aside \$2 million of the \$4 million collected each year in rent at Wedgewood to be targeted toward the Ten Year Plan

to End Homelessness and specifically targeted to homeless people who have disabilities. The CSB would coordinate with the Office to End Homelessness and the two agencies would use the aforementioned funds to house people with disabilities who are homeless, or who are below 10 percent AMI and at imminent risk of homelessness. This would free critical CSB funds for the treatment services for which they were originally intended. It would also implement the Board's desire to focus housing funds on those most in need.

Supervisor Cook asserted that the current finding priorities are making it impossible for the County to make measurable progress toward its goal of eliminating homelessness.

Therefore, Supervisor Cook moved that this matter be referred to the Housing Committee for further review, and the CSB, the Office to End Homelessness and other County and nonprofit partners be invited to appear at a future meeting of the Housing Committee to explain how a coordinated approach can be implemented to maximize the use of the funds for those most in need. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Dean Klein, Director, Office to Prevent and End Homelessness, and George Braunstein, Fairfax-Falls Church Community Services Board (CSB), regarding the:

- Rents paid at Wedgewood
- Housing policy
- Initiative for homelessness
- Housing Committee meeting agenda

Supervisor Herrity asked unanimous consent that the Board direct staff to report with information on how much property now moved into the affordable range because of the reduction of property values due to the economy.

Following input from Anthony H. Griffin, County Executive, who asked for additional time to respond, the request, without objection, was so ordered.

Without objection, the request to place this issue on the Housing Committee agenda was so ordered.

76. **BOARD ADJOURNMENT** (6:58 p.m.)

The Board adjourned.

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