



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 26, 2010**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 26, 2010, at 9:38 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 Gerald W. Hyland, Mount Vernon District, arrived at 9:40 a.m.

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:39 a.m.)

Supervisor Foust asked everyone to keep in thoughts Chris Collins, who died recently. He was the director of Public Affairs for Fluor-Lane, the high occupancy toll (HOT) lanes company.

Supervisor Herrity asked everyone to keep in thoughts the victims and families of the earthquake in Haiti, and including County personnel who are there trying to save lives and rescue people. He stated that it was a monumental disaster and they will need contributions, thoughts, and prayers as they try to rebuild their country.

Chairman Bulova stated that she will present a Board Matter later in the meeting regarding the earthquake.

Supervisor Gross asked everyone to keep in thoughts a long time Mason District resident, Ms. Irene V. Shuman, who died recently. She was like the “mayor” of the Glen Forest community. She would have been 94 years of age on her next birthday.

Supervisor Hudgins asked everyone to keep in thoughts Ms. Jan Mulvaney, former member of the Arts Council and the Fairfax City Public Schools system. She was a wonderful contributor to the youth in the community as an educator and arts supporter.

(NOTE: Later in the meeting, Chairman Bulova presented a Board Matter regarding the earthquake in Haiti. See Clerk’s Summary Item #17.)

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LAKE BRADDOCK SECONDARY SCHOOL GIRLS CROSS COUNTRY TEAM (BRADDOCK DISTRICT)** (9:42 a.m.)

Supervisor Cook moved approval of the Certificate to Recognition presented to members of the Lake Braddock Secondary School Girls Cross Country Team for exceptional sportsmanship, outstanding spirit, and noteworthy determination resulting in the 2009 Virginia AAA State Championship. Supervisor Hyland seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. BRIANNA HUSSEIN (BRADDOCK DISTRICT)** (9:52 a.m.)

Supervisor Cook moved approval of the Certificate to Recognition presented to Ms. Brianna Hussein for her quick thinking and response to a medical emergency.

Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE RESTON ACCESSIBILITY COMMITTEE (HUNTER MILL DISTRICT)** (9:58 a.m.)

Supervisor Hudgins moved approval of the Certificate to Recognition presented to the Reston Accessibility Committee for its commitment to ensure barrier-free access for people with physical and mobility impairments. Supervisor Foust seconded the motion and it carried by unanimous vote.

Following discussion regarding snow removal and handicap accessible parking, Supervisor Foust stated that he would present a Board Matter later in the meeting regarding the issue.

Supervisor McKay noted that the fine recently increased to \$500 for illegally parking in a handicap accessible space.

(NOTE: Later in the meeting, Supervisor Foust presented a Board Matter regarding handicap accessibility. See Clerk's Summary Item #24.)

5. **CERTIFICATES OF RECOGNITION PRESENTED TO THE RESTON ASSOCIATION AND THE FRIENDS OF RESTON (HUNTER MILL DISTRICT)** (10:16 a.m.)

Supervisor Hudgins moved approval of the Certificate to Recognition presented to the Reston Association and the Friends of Reston for the construction of the Nature House – Reston's first Leadership in Energy and Environmental Design (LEED) certified building. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

6. **PROCLAMATION DESIGNATING JANUARY 29, 2010, AS "EARNED INCOME TAX CREDIT AWARENESS DAY" IN FAIRFAX COUNTY** (10:24 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate January 29, 2010, as "*Earned Income Tax Credit Awareness Day*" in Fairfax County and to urge residents to help spread the word about the availability of free tax preparation services to help qualifying residents claim the tax credit. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING FEBRUARY 2010 AS "AFRICAN AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (10:34 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate February 2010 as "*African American History Month*" in Fairfax County. Supervisor Foust and Supervisor Gross jointly seconded the motion.

Following discussion regarding African American history, Chairman Bulova noted that there were numerous celebratory programs held throughout the County on Monday, January 18, 2010, in observance of the Martin Luther King, Jr. holiday.

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

Further discussion ensued regarding the Washington DC Martin Luther King National Memorial Project which is scheduled for dedication in the fall of 2011.

8. **RESOLUTION OF RECOGNITION URGING COUNTY RESIDENTS TO FILL OUT 2010 CENSUS FORMS** (10:53 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution to urge all County residents to fill out and return their census forms by April 1, 2010, to help ensure that the County receives its fair share of funding for schools, roads, and other services. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Frey being out of the room.

ADDITIONAL BOARD MATTER

Inclusion of Notice Regarding Census in Spring Real Estate Tax Assessment Notices

Chairman Bulova said that in 2000, when the last census was conducted, the County included a notice about the census with real estate tax assessment notices.

Therefore, Chairman Bulova asked unanimous consent that the Department of Tax Administration include an insert in the spring real estate tax assessment notices notifying residents of the census to assist with the Census Bureau's effort to ensure a complete and accurate count. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **10:15 A.M. – PRESENTATION OF DON SMITH AWARD** (11:04 a.m.)

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

Judy Schambach, EAC Representative, presented:

- An honorable mention award to Marjorie Braxton, administrative assistant, Department of Public Works and Environmental Services
- The Don Smith Award to **Nancy Klein**, librarian, Fairfax County Public Library

The following nominees received certificates of appreciation at an earlier ceremony: Evelyn Carroll, Circuit Court; Yvonne Dabney, Fire and Rescue Department; and Brenda Sweet, Department of Family Services.

10. **10:20 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (11:17 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, expressed his appreciation to Board Members who attended the lengthy meeting on Friday, January 22. He briefed the Board on the status of select legislation initiated by the County.

Supervisor McKay announced that the next meeting of the Board's Legislative Committee will be held on Friday, January 29 at 4 p.m. in Government Center Conference Rooms 9 and 10.

Supervisor McKay reminded the Board of the annual reception with the legislators scheduled for Wednesday, February 24, at 5:30 p.m., at the Library of Virginia. He noted that further information is forthcoming from staff.

Supervisor McKay moved adoption of 2010 Legislative Report Number One. Supervisor Gross seconded the motion.

Following a brief discussion, Supervisor Gross noted that Board Members who serve on the Virginia Association of Counties (VACo) Board will be attending the VACo/VML Day on February 11, in Richmond. Supervisor Gross asked unanimous consent that the Board direct legislative staff to provide "talking points" so that Members are prepared. Without objection, it was so ordered.

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

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11. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:24 p.m.)

(APPTS)

(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Chairman Bulova moved the reappointment of Mr. Clifford L. Fields as the At-Large Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Ms. Kerrie Wilson as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Ron Copeland as the Hunter Mill District Representative. Chairman Bulova and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

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

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

Supervisor Hyland moved the reappointment of Mr. John R. Byers as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

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

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

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

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.

AIRPORTS ADVISORY COMMITTEE

Supervisor Cook moved the reappointment of Mr. Robert Devery as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Ms. Penny Chaboudy as the Dranesville District Representative. Chairman Bulova and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. George Page as the Hunter Mill District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

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

Supervisor Smyth moved the reappointment of Mr. Robert A. Peter as the Providence District Representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Viki Kinsman as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Lee District Representative.

ATHLETIC COUNCIL

Supervisor Cook moved the appointment of Ms. Tonya McCreary as the Braddock District Alternate Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

AUDIT COMMITTEE

Chairman Bulova moved the reappointment of Mr. Sean Coleman as the At-Large #1 Representative. Supervisor Gross and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. Michael Hershman as the At-Large #2 Representative. Supervisor Herrity and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Supervisor McKay moved the appointment of Mr. Brian Halston as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Chairman Bulova moved the appointment of Mr. Wayne Bryan as the Alternate #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the appointment of Mr. D. Anthony Beale as the Design Professional #3 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the appointment of Mr. Brian Halston as the Design Professional #6 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Chairman Bulova moved the reappointment of Mr. John Yeatman as the Professional #1 Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #8 and #9 Representatives.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Mason District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Cook moved the reappointment of Mr. Charles Dane as the Braddock District Representative. Chairman Bulova and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Robert Neuman as the Donor Family Member Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Ms. Lisa Kory as the Dranesville District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Nicole Gage as the Medical Community Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Religious Community Representative.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Foust moved the appointment of Mr. Richard W. Nagel as the Dranesville District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

ENGINEERING STANDARDS REVIEW COMMITTEE

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor McKay moved the reappointment of Mr. Robert D. McLaren as the At-Large #1 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Ms. Linda Burchfiel as the At-Large #2 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Ms. Stella Koch as the At-Large Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Larry Zaragoza as the Mount Vernon District Representative. Chairman Bulova, Supervisor Foust and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Ms. Marie Flanigan as the Providence District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

Chairman Bulova moved the appointment of Delegate Chuck Caputo as the At-Large #1 Business Community Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence and Sully District Representatives.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

CONFIRMATION:

Supervisor Gross moved confirmation of the following appointment:

- Ms. Sara F. Wells as the Advisory Social Services Board Representative

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

GEOTECHNICAL REVIEW BOARD**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- Mr. Al Nouri as the Primary #1 Representative
- Mr. Christopher Giese as the Alternate #2 Representative

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

HISTORY COMMISSION

Supervisor Smyth moved the reappointment of Mr. Michael Irwin as the Citizen #8 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Anne Barnes as the Citizen/Minority Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

Supervisor Gross moved the appointment of Mr. Herbert James Smith as the Mason District #2 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**CONFIRMATION:**

Supervisor Gross moved confirmation of the following appointment:

- Ms. Anne S. Kanter as the League of Women Voters Representative

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

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

Supervisor Foust moved the reappointment of Mr. Robert Marro as the Dranesville District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

Supervisor Gross announced the resignation of Ms. Deborah S. Foreman as the Mason District Representative.

Supervisor Hyland moved the appointment of Ms. Joleane Dutzman as the Mount Vernon District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Ms. Melissa Smarr as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

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

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Mr. Frank Franz as the Fairfax City Council Representative

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

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.

PLANNING COMMISSION

The Board deferred the appointment of the Mount Vernon District Representative.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

Supervisor Frey moved the reappointment of Mr. Scott Crabtree as the Resident/Owner Route 28 District #1 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. William Keech, Jr. as the Resident/Owner Route 28 District #2 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Jeffrey J. Fairfield as the Resident/Owner Route 28 District #3 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Colonel Denver Lovett as the Fairfax County #4 Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

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

Supervisor Cook moved the reappointment of Mr. Thomas Kennedy as the Braddock Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Mr. Wade H. B. Smith as the Dranesville District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. R. Douglas Pew as the Hunter Mill District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

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

Supervisor Hyland moved the reappointment of Mr. Peter Christensen as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Roger Diedrich as the Providence District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Ms. Lisa S. Willey as the Springfield District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Mr. Paul Kent as the Sully District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

There was a brief discussion, with input from Nancy Vehrs, Clerk to the Board, regarding the term of the Lee District representative.

Supervisor McKay moved the reappointment of Mr. Robert W. Michie as the Lee District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

TREE COMMISSION

Supervisor McKay moved the appointment of Mr. Andrew James Bernick as the Lee District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Ms. Patricia Strat as the Sully District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock District Representative.

WETLANDS BOARD

Following a brief inquiry from Supervisor Hyland regarding the vacancy for the Alternate #1 Representative, the Board deferred that appointment.

DET:det12. **ADMINISTRATIVE ITEMS** (11:45 a.m.)

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

Supervisor Herrity called the Board's attention to Admin 7 - Authorization for the Department of Transportation to Apply for Funding from the Federal Transit Administration (FTA) for the Exempt Discretionary Program Grants (Section 5309) for an Urban Circulator Program.

Discussion ensued, with input from Jay Guy, Transportation Planner, Coordination and Funding, Department of Transportation, concerning:

- The cost to comply with the requirements of the FTA grant.
- The role of the Washington Metropolitan Area Transportation Authority (WMATA) as the applicant and/or operator.
- The necessity for the Board to authorize acceptance of the grant.
- Capital expenditure grant funding versus local funding.
- The cost of Phase II of the Tyson's Circulator.
- Determinations of levels of service and confirmation that the Board was not locking in any decisions by making this application.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide a review of the County's acceptance/non-acceptance of federal funds, including added costs for accepting federal funds. Without objection, it was so ordered.

Discussion continued, with additional input from Mr. Guy, concerning the selection of the Tysons Circulator for this grant application rather than other projects including the Richmond Highway Route 1 Improvements and the Columbia Pike Streetcar Program.

Supervisor Hudgins asked unanimous consent that the Board direct staff to present a briefing detailing all items taken into consideration before this matter returns to the Board. Without objection, it was so ordered.

Supervisor Smyth noted that the commercial and industrial (C&I) tax revenues were again being discussed and asked unanimous consent that the Board direct staff to provide additional information on:

- The total costs.
- How much has been committed and for how many years.

Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took further action regarding C&I tax revenue. See Clerk's Summary Item #14.)

Supervisor Herrity, noting the need for additional information concerning the application and WMATA's role, asked to amend the motion to provide for a full discussion on Admin 7 at a future meeting of the Transportation Committee.

Following an inquiry by Supervisor McKay concerning the federal review period, with input from Mr. Guy, Supervisor Gross, noting the uncertainty of when the grant announcement would come, accepted, as an amendment, the request for additional information.

Following additional discussion concerning WMATA and grant applications, Supervisor McKay asked for the record, clarification of the applicant, with input from Mr. Guy who stated that it had not yet been determined if it would be the County or WMATA.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE NORTHERN VIRGINIA COMMUNITY COLLEGE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Northern Virginia Community College RPPD, District 39. The proposed district expansion includes the following streets: Ardfour Lane (Route 3030), from Wakefield Chapel Road to Lorene Lane (Route 2275), from Ardfour Lane to the end.

ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MOUNT VERNON, MASON, SPRINGFIELD, AND DRANESVILLE DISTRICTS)

- (Rs)
- Endorsed the traffic calming plans for Cavalier Drive, Jayhawk Street, Field Master Drive, and Valley Wood Road, consisting of the following:
 - Two speed humps on Cavalier Drive (Mount Vernon District)
 - Two speed humps on Jayhawk Street (Mason District)
 - One speed hump on Field Master Drive (Springfield District)
 - Three speed humps on Valley Wood Road (Dranesville District)
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE TAPESTRY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 42 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2010, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Tapestry RPPD, District 42.

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

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2010, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A, to allow townhouse communities that are within 2,000 feet of a college or university pedestrian entrance to be included in the criteria to establish a Residential Permit Parking District (RPPD).

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Faircrest Landbay 1 Section 1	Sully	Village Square Drive Stringfellow Road (Route 645) (Additional Right-of-Way Only)
MP Centreville Venture	Sully	Fort Drive

ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L09-155	New Cingular Wireless PCS LLC Antenna colocation on existing transmission pole Fleet Drive Lee District	April 4, 2010
FS-V09-140	Clearwire US LLC Rooftop antennas 6677 Richmond Highway Mount Vernon District	April 5, 2010
FS-P09-141	Clearwire US LLC Rooftop antennas 1430 Spring Hill Road Providence District	April 5, 2010
FS-P09-143	Clearwire US LLC Rooftop antennas 8028 Leesburg Pike Providence District	April 5, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-D09-145	Clearwire US LLC Antenna colocation on existing bell tower 1089 Liberty Meeting Court Dranesville District	April 5, 2010
FS-Y09-156	Clearwire US LLC Antenna colocation on existing transmission tower Bay Valley Lane Sully District	April 5, 2010
FS-S09-160	Clearwire US LLC Antenna colocation on existing tower 6199 Old Arrington Lane Springfield District	April 5, 2010
FS-H09-169	Clearwire US LLC Rooftop antennas 13861 Sunrise Valley Drive Hunter Mill District	April 5, 2010
FS-H09-115	Clearwire US LLC Antenna colocation on existing monopole 2455 Fox Mill Road (Stratton Woods Park) Hunter Mill District	April 9, 2010
FS-H09-159	Clearwire US LLC Rooftop antennas 11500 Fairway Drive Hunter Mill District	April 9, 2010
FS-S09-166	Clearwire US LLC Antenna colocation on existing tower 11209 Fairfax Station Road Springfield District	April 9, 2010
FS-S09-68	Clearwire US LLC Antenna colocation on existing monopole 4641 West Ox Road Springfield District	April 9, 2010

ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR THE EXEMPT DISCRETIONARY PROGRAM GRANTS (SECTION 5309) FOR AN URBAN CIRCULATOR PROGRAM

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 15–16.)

- Authorized DOT to apply for funding from the FTA in the amount of \$11,250,000, including \$2,250,000 in local cash match, in Urban Circulator Program grant funds for the Tysons Circulator service.
- Authorized staff to take all necessary measures to ensure County compliance with the conditions of the FTA grants, as authorized by Virginia law.

13. **A-1 EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RELATING TO MAINTENANCE OF A ROAD OVER A DAM/BUCKLEY'S RESERVE REGIONAL STORMWATER MANAGEMENT POND (SPRINGFIELD DISTRICT)** (12:09 p.m.)

On motion of Supervisor Herrity, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute an Agreement with VDOT with respect to maintenance of the road over the Buckley's Reserve Regional Stormwater Management Pond R-8 dam.

14. **I-1 ANNUAL STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:10 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding commercial and industrial (C&I) tax revenue. See Clerk's Summary Item #12.)

The Board next considered an item contained in the Board Agenda dated January 26, 2010, regarding the annual status report on the Board's Four-Year Transportation Program and other active transportation projects.

Following a discussion, with input from Karyn L. Moreland, Chief, Capital Projects Section, Department of Transportation (DOT), regarding the multi-modal transportation study for Interstate 66 (I-66), Supervisor Herrity asked unanimous consent that the Board direct staff to contact the Virginia Department of Transportation (VDOT) regarding projected study dates. Without objection, it was so ordered.

Supervisor Foust, noting a previous discussion regarding commercial and industrial (C&I) district tax revenue, asked unanimous consent that the Board direct staff to provide a report on:

- The amount that has been committed to projects over the next five years.
- Additional projects that could be considered for funding.

Chairman Bulova restated the request as follows:

- An accounting of the C&I district anticipated current fund and revenue.
- A schedule for expected revenue, what has been committed, and what is or will be available.
- The County's plans for transportation projects that would be funded through that source.

Without objection, it was so ordered.

Discussion ensued, with input from Larry Ichter, Branch Chief, Transportation Design Branch, Department of Public Works and Environmental Services (DPWES), concerning the selection of pedestrian projects.

Supervisor Smyth asked unanimous consent that the Board direct staff to:

- Provide information on how projects are selected.
- Coordinate with each Supervisor before projects appear on the list.

Without objection, it was so ordered.

Supervisor Gross noted that the Route 50 pedestrian bridge in the 7 Corners/Willston area has been selected for a Community Appearance Alliance award which will be presented at the Northern Virginia Regional Commission in February. She added that she had selected the design.

Supervisor Hudgins called the Board's attention to handwritten page 3 of the Board Agenda Item, under "Pedestrian Program," to the section entitled "Pedestrian Lighting," and discussion ensued, with additional input from Mr. Ichter and Ron Kirkpatrick, Director, Planning and Design Division, DPWES, concerning choices for pedestrian fixtures.

15. **I-2 CONTRACT AWARD – DOLLEY MADISON LIBRARY (DRANESVILLE DISTRICT)** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated January 26, 2010, requesting authorization for staff to award a contract to Harvey-Cleary Builders in the amount of \$3,873,000 for the construction of the Dolley Madison Library, Project 004844, in Fund 302, Library Construction.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

16. **RECOGNITION OF ORGANIZATIONS AND INDIVIDUALS** (12:22 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives of the following organizations and individuals to appear before the Board:

- Park Authority to accept a resolution on February 23 declaring 2010 the sixtieth anniversary of the Park Authority.
- Office for Women and Domestic and Sexual Violence Services to accept a proclamation on February 23 declaring March 2010 as “*Women’s History Month*” in Fairfax County.
- Fairfax-Falls Church Community Services Board to accept a proclamation on March 9 declaring March 2010 as “*Intellectual and Developmental Disabilities Inclusion Month*” in Fairfax County.
- Multiple Sclerosis (MS) Society’s National Capital Chapter to accept a proclamation on February 23 declaring March 8-14 as “*MS Awareness Week*” in Fairfax County.

Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board reiterated its action on Women’s History Month. See Clerk’s Summary Item #43.)

17. **OFFICIAL WELCOME FOR MEMBERS OF VIRGINIA TASK FORCE 1 (VATF-1)** (12:23 p.m.)

(NOTE: Earlier in the meeting, the Board mentioned the recent earthquake in Haiti. See Clerk's Summary Item #1.)

Chairman Bulova noted that while the Board was meeting two weeks ago, a terrible and tragic 7.0 magnitude earthquake occurred in Haiti. During the next few days, two County urban search and rescue teams responded to that crisis and were among the first to arrive in Haiti. While acknowledging concern and sympathy for the people of Haiti as the grim situation there unfolded, Chairman Bulova said that she watched with tremendous pride the heroic work of the County team.

Chairman Bulova explained that VATF-1 is one of the urban search and rescue teams in the US certified to deploy internationally on behalf of the federal government. When the team or members of the team are activated, expenses are paid by the US Agency for International Development (USAID) and not County taxpayers. Training, equipment, and personnel costs are paid by the federal government on a regular basis. The County benefits by having personnel trained in search and rescue operations as a result of the relationship with USAID and the Federal Emergency Management Agency (FEMA).

Chairman Bulova further clarified that when personnel are deployed, there is no loss in service to County residents. Staffing continues around the clock for all fire stations and for all fire and medical units. The training and expertise that is gained by participation in this program enhances and improves the skills of County firefighters and paramedics. Those skills are passed on to the residents of the County and surrounding jurisdictions on a daily basis.

Chairman Bulova noted that Board Members have been hearing from members of the community about how proud they are of the men and women of the County Urban Search and Rescue team who have responded to this crisis. While she did not have definite information, Chairman Bulova said that she expected the team to return some time on Thursday, January 28. There will be an opportunity for the public to welcome the plane at Dulles International Airport and those plans will be posted on the County's website. She said that she would keep Board Members updated.

Accordingly, Chairman Bulova asked unanimous consent that the Board direct staff to:

- Invite the team to appear before the Board on February 9 to be officially thanked and recognized for their heroic efforts during the past two weeks.

- Arrange a reception in the forum of the Government Center for team members, their friends, and family prior to the Board meeting that day.

Without objection, it was so ordered.

The team includes 117 members plus dogs. Chairman Bulova clarified that the canine members of the team are also invited to attend.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **2008-2009 POTOMAC WATERSHED ROUNDTABLE BIENNIAL REPORT**
(12:26 p.m.)

(APPT)
(BACs)

Supervisor Gross, on behalf of the Potomac Watershed Roundtable, which she chairs on behalf of the County, presented the *2008-2009 Potomac Watershed Roundtable Biennial Report* to the Board. The County is a founding member of the roundtable, which meets quarterly across the watershed, from Northern Virginia to the Northern Neck. The roundtable promotes collaboration and cooperation on a number of environmental concerns, especially water quality and, more recently, storm water issues, among various local governments and stakeholder groups. This fall, the roundtable will observe its tenth year of work on the Virginia side of the middle and lower Potomac River watershed. Administrative support is provided by the Northern Virginia Soil and Water Conservation District (NVSWCD), and she expressed special appreciation to Diane Hoffman, NVSWCD Administrator, for assisting in the production of the report.

Supervisor Gross said that with the retirement of Jimmy Jenkins as Director of the Department of Public Works and Environmental Services (DPWES), the alternate position on the Potomac Watershed Roundtable became vacant. Accordingly, she moved the appointment of James Patteson, Director, DPWES, to succeed Mr. Jenkins as alternate. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

19. **APPOINTMENT OF MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (CDA) MEMBERS (PROVIDENCE DISTRICT)** (12:28 p.m.)

(APPTS)

Supervisor Smyth said that on April 27, 2009, the Board created the Mosaic District CDA, pursuant to the provisions of title 15.2, Chapter 51 of the Code of Virginia 1950, as amended. The provisions of the petition that established the CDA, state that the CDA Board shall be comprised of five members appointed by the Board of Supervisors pursuant to Virginia Code Section 15.2-5113, serving four year staggered terms.

Accordingly, Supervisor Smyth moved the appointment of the following individuals to the Mosaic Development CDA:

For initial terms of four years each:

- Kenneth Lawrence, Community Representative
- Barbara Byron, Director, Office of Community Revitalization and Reinvestment
- Supervisor Smyth, Providence District

For initial terms of two years each:

- Supervisor Foust, Dranesville District
- Gary Hurst, Developer Representative

Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

20. **REQUEST FOR THE FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) TO SUBMIT ITS FISCAL YEAR (FY) 2011 PROPOSED BUDGET BY FUNDING CLASSIFICATION** (12:30 p.m.)

Supervisor Herrity noted that as part of the budget guidance for FY 2011, the Board approved the following statement:

“Evaluating Alternatives for Appropriating Funding for Schools: Staff is directed to evaluate the feasibility and benefits, if any, of using the state permitted, nine major classifications for school funding as a way for the Board to allocate funds to the school system.”

Supervisor Herrity distributed copies of the County Executive’s response which he summarized as stating that the Board has the ability to appropriate funds by the nine classifications as established by the State Board of Education. The nine major classifications are:

- Instruction
- Administration, attendance, and health
- Pupil transportation
- Operation and Maintenance

- School food services, and other non instructional operations
- Facilities
- Debt and fund transfers
- Technology
- Contingency reserves

Supervisor Herrity moved that the Board direct the County Executive to request the FCPS to submit its FY 2011 proposed budget using the nine major classifications for school funding as permitted by the State Board of Education.

Supervisor Cook seconded the motion, and discussion ensued regarding the history of this issue, the fact that the School Board is an elected body, the provision of this information prior to adoption rather than after, the breakdown within the categories, possible school budget cuts, the School Board's responsibilities, flexibility, added value, quality of education, and having additional budget discussions.

Supervisor Herrity restated his motion as requesting the Schools to submit the budget in the nine categories to provide the Board with more information and options.

The question was called on the motion, and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "AYE."

21. **REQUEST FOR INFORMATION: POTENTIAL OPPORTUNITIES FOR PRIVATIZATION** (12:53 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity noted that in the early 1990s, as the County was facing a budget crisis similar to the current situation, the Board made it a priority to explore all avenues for balancing the budget, including the privatization of County functions. In 1992 the Board adopted a privatization Policy as follows:

"It is the policy of the Board of Supervisors to privatize, where cost effective and to the maximum extent possible, any new functions and the functions presently performed internally by the County, and to establish an environment where public-private partnerships are encouraged, thereby fostering the pragmatic, cost-efficient provision of services to the consumers of Fairfax County."

Supervisor Herrity moved that the Board:

- Direct the County Executive to provide the Board with a list of functions/activities that the County is currently performing that could also be performed by the private sector. This report should be delivered by the next scheduled Board meeting.
- Refer this matter to the Budget Committee for the development of a privatization Policy for the Board.

Supervisor Cook seconded the motion and discussion ensued regarding the history of privatization in the County and successes and failures.

Following a suggestion from Chairman Bulova, Supervisor Herrity amended his motion to include a list of functions that have been privatized, and this was accepted.

Further discussion ensued regarding continuing current privatization opportunities, last year's recommendations that some contractors be replaced with County staff, the need for a policy discussion, the County's provision of a living wage, and the history of many County services formerly provided by the private sector including schools and fire services.

Supervisor Gross moved a substitute motion to refer the issue of privatization of government functions to the Budget Committee for discussion before proceeding. Supervisor Hudgins seconded this motion.

Chairman Bulova stated that the Board would schedule additional Budget Committee meetings if necessary.

Supervisor Smyth asked to amend the motion to request at the Budget Committee meeting a summary of privatizations that had already been done, and this was accepted.

Discussion continued regarding the issue of privatization, the history of Johnson Controls' contract for vehicle services in the 1990s, School Age Child Care, partnering with non-profits for delivering human services, custodial services, and developing guidelines.

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

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

22. **TOWN HALL MEETING: “I-66 TODAY AND THE FUTURE: COMMON SENSE SOLUTIONS TO ADDRESS GRIDLOCK”** (1:23 p.m.)

Supervisor Herrity distributed the agenda for the I-66 town hall meeting that he and Supervisor Frey are jointly hosting with Congressman Frank Wolf on Saturday, February 6. The subject is “I-66 Today and the Future: *Common Sense Solutions to Address Gridlock.*” He pointed out that the bus only ramp at Nutley is also called the Vaden Drive ramp.

Supervisor Smyth announced that at last week’s meeting of the Transportation Planning Board, she learned that the Virginia Department of Transportation (VDOT) now has some funds available and plans to reconstruct and repave I-66 from the Capital Beltway to Route 50. She suggested that it might be another topic for the meeting.

Supervisor Herrity invited Board Members to join him and provide comments.

23. **REPORT OF DRANESVILLE BUDGET TASK FORCE** (1:25 p.m.)

Supervisor Foust said that when he ran for election to the Board, he promised to form a citizens’ advisory committee to assist him in evaluating and providing input on the County’s budget. Last year he formed the Dranesville Budget Task Force comprised of citizens from across the district. He noted that the task force was helpful in evaluating the lines of business process and the County Executive Fiscal Year (FY) 2010 Advertised Budget.

Supervisor Foust stated that once again he has called upon this task force to assist him. Eleven residents, led by chairman Rip Sullivan, serve on the task force and offer a broad range of expertise. The task force has reviewed, evaluated, and discussed the upcoming FY 2011 budget and the community’s priorities with respect to revenues, services provided by the County, and possible budget cuts. Despite members’ diverse backgrounds and different policy priorities, the task force once again achieved a consensus report that sets recommendations and conclusions. Because a majority of the County’s General Fund supports the Schools, this year the task force expanded its recommendations regarding the School budget.

Supervisor Foust distributed copies of the report of the task force and asked unanimous consent that the Board forward it to the County Executive for his consideration as he prepares the FY 2011 Advertised Budget. Without objection, it was so ordered.

24. **SNOW REMOVAL IN PARKING LOTS AND ACCESSIBILITY ISSUES**
(1:28 p.m.)

(NOTE: Earlier in the meeting, the Board discussed issues regarding snow removal and parking in spaces marked for disabled persons. See Clerk's Summary Item #4.)

Supervisor Foust noted that after last month's major snowfall, there were huge piles of snow on private and public parking lots. He acknowledged that to clear most of a parking lot, the snow must be plowed into a pile somewhere on the property. He said that at a legislative town hall meeting this past weekend in McLean, a constituent with a physical disability expressed concern that when parking lots are plowed, snow is often piled on the handicap accessible parking spaces. When this occurs, those handicap accessible parking spaces can remain unusable for days or even weeks at a time. While the concern was directed at private shopping center lots, Supervisor Foust voiced his assumption that the same problem could arise on any commercial building parking lot and on parking lots for public property like schools, libraries, and community centers.

Accordingly, Supervisor Foust moved that the Board direct staff to investigate and report with answers to the following:

- What, if any, existing law or regulation would preclude the owner of a parking lot with designated handicap accessible parking spaces from plowing snow into piles on those spaces?
- Does the County have a policy in place to ensure that when snow is plowed in County maintained parking lots, the snow is not piled in handicap accessible parking spaces?
- Does the staff recommend that the County proceed to address this issue to ensure that designated handicap accessible parking spaces are not made unusable by snow plowing efforts in a parking lot? If so, how?

Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Supervisor Foust clarified that his motion does not require legislative solutions and seeks other ways to work with the community.

Supervisor Foust asked to amend the motion to include a means for keeping the parking signs updated with current information such as the fine amounts, and this was accepted.

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

25. **SCHEDULING OF PUBLIC HEARING FOR OAKCREST SCHOOL SPECIAL EXCEPTION APPLICATION SE 2009-DR-008 (DRANESVILLE DISTRICT)** (1:32 p.m.)

Supervisor Foust stated that Special Exception Application SE 2009-DR-008 is a request to establish a private school of general education on property located off Crowell and Hunter Mill Roads in the Dranesville District. The application was scheduled for a public hearing before the Planning Commission on November 19, 2009. Because of a number of issues, the Planning Commission hearing was deferred twice and is now scheduled for February 4. The applicant needs a timely decision on the application.

Therefore, Supervisor Foust moved that the Board authorize the public hearing and direct staff to schedule the public hearing to be held before the Board on March 9 for Special Exception Application SE 2009-DR-008. He noted that this motion should not be construed as a favorable recommendation on 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 Smyth seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

PMH:pmh

26. **BRADDOCK DISTRICT LEADERSHIP INSTITUTE A ROUSING SUCCESS** (1:34 p.m.)

Supervisor Cook said that last October he informed the Board of the launching of "My Community Engagement Initiative," a year-long effort to better connect people to each other and their communities, and to give engaged individuals and communities the knowledge and resources they need to strengthen their neighborhoods and organizations. He said that as one part of this initiative, last Saturday over 60 current and future community leaders in the Braddock District joined him for the County's first-of-its-kind, day-long Leadership Institute. The Institute featured a keynote address by Ron Carlee, the former Arlington, VA, County Management and current Executive in Residence of the International City/County Manager's Association, focusing on community leadership. Other general sessions covered engaging diverse populations and how to conduct a neighborhood planning exercise. Breakout sessions covered legal and fiduciary responsibilities of community leadership, creating and maintaining safe neighborhoods, how to start an environmental stewardship program, and how to develop an emergency response plan.

The energy in the room throughout the day was palpable, and participants indicated a high degree of satisfaction with the program and excitement over their future role as engaged community leaders. The program was not designed to be an academic exercise, but a call to action. He said that he has called on these

leaders to return to their communities, recruit volunteers, establish goals through a collaborative, inclusive community planning process, and get to the work of making their communities better places to live.

Supervisor Cook said that there is more to come. He will hold two Neighborhood Colleges in the coming months to provide another 50 to 75 community volunteers with the knowledge and skills to assist newly-trained leaders in community engagement. These trained and energized volunteers will be the backbone of neighborhood and organizational level visioning and planning processes that will launch a number of neighborhood-level community growth initiatives.

Supervisor Cook expressed his appreciation to the following individuals:

- David Ellis, Assistant to the County Executive for Neighborhood Services
- Ken Dissoelkoen, Director, Department of Systems Management for Human Services
- Bill Barfield/Jan Hedetniemi, Chairman and Vice Chairman of the Braddock District Council
- Janet Hubbell, Regional Director, Region 2, Department of Systems Management
- Sarah Allen, Regional Director, Region 4 Department of Systems Management
- Karla Bruce, Director of Coordinated Services, Department of Community and Recreational Services
- Michelle Thompson, Consumer Specialist, Department of Cable Communications and Consumer Protection

Supervisor Cook noted that Braddock District residents interested in participating in the neighborhood colleges should contact his office for further information. He added that he will report to the Board later this year on the progress in the next phase of the Community Engagement Initiative.

27. **REQUEST FOR CONCURRENT PROCESSING – 11465 SH I, LC (HUNTER MILL DISTRICT)** (1:38 p.m.)

Supervisor Hudgins said that the County and 11465 SH I, LC have filed an application to rezone certain property near the proposed Wiehle Avenue Metro Station, which property will include the public parking garage that needs to be in place when the Metrostation opens in 2013. Given the need to have such garage

in place when the Metrostation is operational and the long timeframe for construction of such a substantial project, the applicants for Rezoning Application RZ 2009-HM-019 are requesting that the Board approve concurrent processing of their site plans and/or public improvements plans so that the Department of Public Works and Environmental Services (DPWES) will accept and review the site plans and/or public improvement plans while the rezoning application is being processed.

Supervisor Hudgins moved that the Board approve concurrent processing for the property which is the subject of Rezoning Application RZ 2009-HM-019 and direct DPWES to accept and review site plans and public improvement plans pertaining to this property. This motion should not be construed as a favorable recommendation on this application, nor does this motion relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

28. **HOUSING COMMITTEE/FISCAL YEAR (FY) 2011 HOUSING BLUEPRINT** (1:39 p.m.)

Supervisor Hudgins said that at the Tuesday, January 19, Housing and Community Development (HCD) Committee, the Committee had a full agenda including "Ending Homelessness in Fairfax-Falls Church Community" and the "Housing Blueprint: Strategy for FY 2011 and Beyond."

Supervisor Hudgins explained that the Housing Blueprint was presented to the committee. It provides goals and targets that address the diversity of housing needs. She expressed her appreciation to staff from HCD, the Fairfax-Falls Church Community Services Board (CSB), the Office to Prevent and End Homelessness, and the Department of Family Services for working with the Board-appointed Affordable Housing Advisory Committee and the many non-profits on both of these endeavors. The Board tasked all of them with working together with a goal of developing unified and collaborative recommendations reflecting their collective thinking with a set of metrics and priorities the Board could easily analyze and consider.

Understanding that the Board has not yet received the County Executive's Proposed FY 2011 Budget, and that there has not yet been any formal dedication of any revenues for FY 2011, Supervisor Hudgins moved that the Housing Blueprint be endorsed by the Board and accepted for consideration as part of the FY 2011 Budget process. Supervisor Smyth and Chairman Bulova jointly seconded the motion.

Following discussion regarding the Housing Blueprint, the question was called on the motion and it **CARRIED** a recorded vote of nine, Supervisor Herrity voting “NAY.”

(NOTE: Later in the meeting, Supervisor Hudgins presented the rest of her Board Matters. See Clerk’s Summary Items #49 and #50.)

29. **ORDERS OF THE DAY** (1:55 p.m.)

Chairman Bulova announced that the Board would resume Board Matters later in the meeting.

(NOTE: Later in the meeting, the Board resumed with Board Matters. See Clerk’s Summary Items #42 – #50.)

30. **RECESS/CLOSED SESSION** (1:55 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. *General Excavation, Inc., and Waste Water Management, Inc. v. Fairfax County Department of Public Works and Environmental Services*, CL-2010-0000413 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 2. *Parkridge 6 LLC and WFLP-H LLC v. County of Fairfax and Board of Supervisors of Fairfax County*, Record No. 091926 (Virginia Supreme Court)

3. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006783 (Fx. Co. Cir. Ct.) (Countywide)
4. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006761 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)
5. *Janet Lyon Haight v. Fairfax County Employees' Retirement System*, Case No. CL-2009-0011834 (Fx. Co. Cir. Ct.)
6. *Melia Nebeker v. Fairfax County, Virginia, and Steven Souder*, Case No. CL-2009-0014802 (Fx. Co. Cir. Ct.)
7. *Stephen B. Wood, Trustee, Johnie R. Muncy, Trustee, and F & M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2009-0016302 (Fx. Co. Cir. Ct.) (Sully District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Record No. 091925 (Sup. Ct. Va.) (Providence District)
9. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
10. *Washington D.C. SMSA Limited Partnership, d/b/a Verizon Wireless v. Fairfax County Board of Zoning Appeals*, Case No. CL-2008-0014622 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *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)

12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Scott W. Pruitt and Paula E. Pruitt*, Case No. CL-2008-0001802 (Fx. Co. Cir. Ct.) (Sully District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and Marva K. Hatcher*, Case No. CL-2008-0003912 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Kevin R. DeCourcy and Robyn L. Fortune*, Case No. CL-2009-0005333 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary Ann R. Devine*, Case No. CL-2009-0011063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Monterey and Christian Monterey*, Case No. CL-2009-0009728 (Fx. Co. Cir. Ct.) (Mason District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ashok Bhagi and Anumati Bhagi*, Case No. 2010-0000271 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team/BNV Case)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Melissa M. Schwartz, Trustee of the Schwartz Living Trust*, Case No. CL-2009-0010970 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel Park Futrell and You Sook Lund*, Case No. CL-2009-0006457 (Fx. Co. Cir. Ct.) (Mason District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louise K. Runquist and Jacqueline B. Bossi*, Case No. CL-2009-0010261 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert J. Ayoub and Jack J. Ayoub*, Case No. CL-2009-0003281 (Fx. Co. Cir. Ct.) (Providence District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Larry Joe Thompson and Marlene K. Hattermann-Thompson*, Case No. CL-2009-0008544 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Rocha*, Case No. CL-2009-0014358 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marlon J. Reyes*, Case No. CL-2009-0011062 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edilberto Vasquez, Gertrudis Vasquez, and Maria I. Vasquez*, Case No. CL-2009-0009422 (Fx. Co. Cir. Ct.) (Springfield District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer A. Canas, Mauro R. Canas, and Lorenza A. Canas*, Case No. CL-2009-0012492 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hector Portillo*, Case No. CL-2009-0013578 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vincente Lazarte-Zurita and Alex G. Lazarte-Lopez*, Case No. CL-2009-0018221 (Fx. Co. Cir. Ct.) (Mason District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dong San Juon and Hea Jung Juon*, Case No. CL-2009-0018554 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dong San Juon and Hea Jung Juon*, Case No. CL-2010-0000270 (Fx. Co. Cir. Ct.) (Mason District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Wells Fargo Bank, N.A., Trustee for Carrington Mortgage Loan Trust*, Case No. CL-2010-0000347 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul M. Clark, Sr., and Carolyn Thorne-Clark*, Case No. CL-2010-0000346 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case Nos. 09-0022648 and 09-0022649 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young B. Cho*, Case Nos. 09-0031115 and 09-0031116 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ryan Denmark and Amy Denmark*, Case Nos. 09-0031512 and 09-0031513 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Thomas*, Case Nos. 09-0032664 and 09-0032665 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Claudio Perez-Labrayo*, Case Nos. 09-0032787 and 09-0032788 (Fx. Co. Gen. Dist. Ct.) (Mason District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pascal M. Fontaine and Nadine Fontaine*, Civil Case No. 09-0032789 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Board of Supervisors of Fairfax County, Virginia v. Fairfax Homes, Inc., and A Money Matter Mortgage, Inc.*, Case No. CL-2009-0001185 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- *John Mcintosh, et al. v. Amanda Perry*, Case Number CL-2009-0000354
- Virginia Code Section 15.2-958.3
- *Board of Supervisors of Stafford County, et al. v. Crucible, Inc.* Supreme Court of Virginia Record Number 081743

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

NV:nv

At 4:12 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

31. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:12 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. Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

32. **AUTHORIZATION OF THE SETTLEMENT IN THE CASE OF JOHN McINTOSH, ET AL. VERSUS AMANDA PERRY, CASE NUMBER CL-2009-0000354** (4:13 p.m.)

Supervisor Hyland moved that the Board authorize the County Attorney to settle the case of *John McIntosh, et al. v. Amanda Perry*, Case No. CL-2009-0000354 in accordance with the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion, which carried by unanimous vote.

AGENDA ITEMS

33. **3 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (4:13 p.m.)

(BACs) At 4:13 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Bulova in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Sharon Bulova Chairman, Fairfax County Board of Supervisors	– Chairman
Penelope A. Gross Vice-Chairman, Fairfax County Board of Supervisors	– Vice-Chairman
Nancy Vehrs Clerk to the Fairfax County Board of Supervisors	– Secretary
Victor Garcia Director, Office of Finance	– Treasurer
David P. Bobzien County Attorney	– Attorney
Anthony H. Griffin County Executive	– Executive Director

Joyce M. Doughty – Authority Representative
Director, Division of Solid Waste
Disposal and Resource Recovery,
Department of Public Works and
Environmental Services (DPWES)

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

Supervisor Gross moved approval of the minutes from the February 23, 2009, and December 7, 2009, meetings of the Fairfax County Solid Waste Authority. Supervisor Foust seconded the motion.

Following a query to Ms. Doughty regarding spot market waste, the question was called on the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the financial statements and supplemental information as identified as Attachment IV to the Board Agenda Item dated January 26, 2010. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Gross moved to adjourn the Annual Meeting of the Fairfax County Solid Waste Authority. Supervisor Smyth seconded the motion and it carried by unanimous vote.

At 4:16 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

EBE:ebe

34. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-022-03 (PUBLIC BROADCASTING SERVICE) (MASON DISTRICT)** (4:18 p.m.)

The application property is located at 6455 Stephenson Way, Tax Map 81-1 ((9)) A.

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

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

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 85-L-022-03, subject to the development conditions dated January 21, 2010.
- Modification of the transitional screening requirement and waiver of the barrier requirement along the southern boundary, in favor of that shown on the SEA Plat.
- Modification of the loading space requirement.

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

35. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-LE-027 (TRUSTEES, SPRINGFIELD MASONIC LODGE, 217, A.G. AND A.M.) (LEE DISTRICT)** (4:23 p.m.)

The application property is located at 7001 Backlick Road, Tax Map 90-2 ((1)) 19.

Mr. Larry Johnson reaffirmed the validity of the affidavit for the record.

Mr. Johnson 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, Kellie Mae Goddard-Sobers, 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 2008-LE-027, subject to the development conditions dated October 22, 2009. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

36. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-DR-016 (MADISON BUILDING ASSOCIATES LLC AND SECOND MADISON BUILDING ASSOCIATES LLC) (DRANESVILLE DISTRICT)** (4:29 p.m.)

Supervisor Foust moved to defer the public hearing on Rezoning Application RZ 2009-DR-016 until **March 9, 2010, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

37. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-HM-014 (RESTON HOSPITAL CENTER LLC) (HUNTER MILL DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 2009-HM-014 (RESTON HOSPITAL CENTER LLC) (HUNTER MILL DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-C-025-05 (RESTON HOSPITAL CENTER LLC) (HUNTER MILL DISTRICT)

AND

PH ON DEVELOPED PLAN AMENDMENT APPLICATION DPA 89-C-025-04 (RESTON HOSPITAL CENTER LLC) (HUNTER MILL DISTRICT) (4:30 p.m.)

Supervisor Hudgins to defer the public hearing on Rezoning Application RZ 2009-HM-014, Planned Residential Community Application PRC 2009-HM-014, Proffered Condition Amendment Application PCA 89-C-025-05, and Developed Plan Amendment Application DPA 89-C-025-04 until **March 9, 2010, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

38. **4 P.M. – PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEES (4:31 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 January 7 and January 14, 2010.

Andria Dorlester, Senior Park Planner, Park Planning Branch, Park Authority, presented the staff report.

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the proposed Planned Development District Recreational Facilities, as advertised and contained in the staff report dated October 19, 2009,

with an effective date of 12:01 a.m. on January 27, 2010, the day following adoption.

- That rezoning applications to the PDH, PDC or PRM Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by July 1, 2010, shall be grandfathered and not be subject to this amendment.
- Proffered condition amendments which propose to add dwelling units and are accepted on or after January 27, 2010, shall be subject to the requirements of this amendment for the additional density.

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

39. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5120 VERONICA ROAD (SULLY DISTRICT)** (4:34 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 January 7 and January 14, 2010.

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, Department of Public Works and Environmental Service, (DPWES), presented the staff report.

Following the public hearing, Supervisor Frey moved:

- Adoption of the Ordinance declaring 5120 Veronica Road, Centreville, Virginia, Tax Map Number 055-1-((02))-0032, blighted, constituting a nuisance.
- Approval of the blight abatement plan for the property.

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

40. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7900 ROLLING ROAD (MOUNT VERNON DISTRICT)** (4:39 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 January 7 and January 14, 2010.

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, DPWES, presented the staff report.

Discussion ensued, with input from Mr. Blackford, regarding the owners of spot blight properties in the County and whether there has been ongoing communications between owner and staff.

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

- Adoption of the Ordinance declaring 7900 Rolling Road, Springfield, Virginia, Tax Map Number 098-2-((04))-0002, blighted, constituting a nuisance.
- Approval of the blight abatement plan for the property.

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

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE LAUREL HILL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 41 (MOUNT VERNON DISTRICT)** (4:55 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 January 7 and January 14, 2010.

Hamid Majdi, Department of Transportation, presented the staff report.

Discussion ensued, with input from Mr. Majdi, regarding why Sweet Pecan Drive was not included in the RPPD, and how to prevent future parking problems.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the Laurel Hill RPPD, District 41. The proposed District establishment includes the following street blocks: Indian Paintbrush Way from Silverbrook Road to Flowering Dogwood Lane,

Flowering Dogwood Lane from Indian Paintbrush Way to Sego Lily Court, and Sego Lily Court from Flowering Dogwood Lane to both ends. Supervisor Frey seconded the motion.

Further discussion ensued, with input from Mr. Majdi, as to whether there is ample parking at the school.

Supervisor McKay asked to amend the motion to ask representatives of the School System what steps they are taking to encourage students to utilize the existing student parking in schools where there is capacity. This was accepted.

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

PMH:pmh

ADDITIONAL BOARD MATTERS

42. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(5:12 p.m.)

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

43. **NO BOARD MATTERS FOR SUPERVISOR McKay (LEE DISTRICT)**
(5:12 p.m.)

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

44. **WOMEN'S HISTORY MONTH PROCLAMATION** (5:12 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding this issue. See Clerk's Summary Item #16.)

Supervisor Hyland asked unanimous consent that the Board proclaim March to be "*Women's History Month*" in Fairfax County and encourage all of residents to observe this month with appropriate programs, ceremonies, and activities. Without objection, it was so ordered.

45. **LAUREL HILL POLLING PLACE (MOUNT VERNON DISTRICT)**
(5:12 p.m.)

Supervisor Hyland said that earlier this month the General Registrar inquired if the local community would have a reaction to change the Laurel Hill polling place from the South County Secondary School, soon to be the South County High School, to the new Laurel Hill Elementary School across the street. The Laurel

Hill precinct shares its polling place with the South County precinct. The Laurel Hill community decided their strong preference is to keep the polling place at its current location.

Therefore, Supervisor Hyland moved that the Board direct the General Registrar to keep the Laurel Hill precinct at its current location but change the address to note the name change. Supervisor Herrity seconded the motion and it carried by unanimous vote.

46. **BAIL BURDEN IN COUNTY JAILS** (5:14 p.m.)

Supervisor Hyland said that last week, he attended a National Association of Counties Public Safety Conference in San Antonio, Texas. Elected officials, emergency management, and public safety professionals all discussed the prevalent public safety issues confronting governments at all levels. He noted that one issue, which a committee chair of the Mount Vernon Council emailed him about, is the problem of inmates not being able to post bail. The cost of their incarceration may amount to far more than the fine levied by the Courts. The constituent shared a report by National Public Radio (NPR) on the matter, which was discussed at the conference. He noted that the NPR report is included with his written Board Matter.

Accordingly, Supervisor Hyland asked unanimous consent that the Board request the Court and the Sheriff to provide information as to the experience with inmates remaining incarcerated because they are unable to afford their bonds, the success of the pretrial release program and how the number of persons held in jail awaiting disposition of pending charges is managed. Without objection, it was so ordered.

47. **MOTION TO AUTHORIZE AN OUT-OF-TURN PLAN AMENDMENT FOR SOUTH COUNTY 2009-2010 AREA PLANS REVIEW (APR) NOMINATION 09-IV-6LP (MOUNT VERNON DISTRICT)** (5:15 p.m.)

Supervisor Hyland said that during the 2009-2010 South County APR process, staff accepted nomination 09-IV-6LP. The nomination area, located north of Lorton Road at the intersection of Lorton Road and Richmond Highway, was the subject of Out-of-Turn Plan Amendment S06-IV-LP1, authorized by the Board in May 2006. The Board adopted the staff recommendation for this out-of-turn plan amendment on December 4, 2006. According to the guidelines set forth in the 2009-2010 South County APR Guide, any land area that was included in a plan amendment adopted since May 1, 2006, should be excluded from the APR process. Since the plan amendment was adopted a few months after the May 1, 2006, cut off date, this nomination should not have been accepted in the 2009-2010 South County APR cycle. Supervisor Hyland said that in light of the fact that this nomination was accepted and significant work has been done thus far, and both the nominator and staff have acted in good faith during the course of this process, he thinks the nomination should be given full consideration.

Therefore, to evaluate the proposed changes to the Comprehensive Plan as suggested in APR nomination 09-IV-6LP, Supervisor Hyland moved that the Board authorize Out-of-Turn Plan Amendment 09-IV-6LP. Chairman Bulova seconded the motion and it carried by unanimous vote.

48. **RESOLUTION OF RECOGNITION FOR MAGISTRATE MATTIE PALMORE (MOUNT VERNON DISTRICT)** (5:17 p.m.)

Supervisor Hyland said that 15 years ago Mattie Palmore began her career as a Magistrate for the County. Over the years she has tirelessly dedicated herself to the cause of social justice and improving the greater Mount Vernon community. Her colleagues will honor her on Saturday, February 6, from 4 p.m. until 8 p.m. in the community rooms at the Mount Vernon Government Center.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution in honor of Ms. Palmore, so that he may present it to her on behalf of a grateful Board and County residents. Without objection, it was so ordered.

49. **LEVERAGING TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) EMERGENCY FUNDS** (5:18 p.m.)

Supervisor Hudgins said that on January 19, the Human Services Committee had one item on its agenda: "Leveraging TANF Emergency Funds to Meet Basic Assistance, Homeless Prevention, Employment and Training and Job Support Needs." The Board approved Administrative Item 12 at the December 7, 2009, meeting. The committee was given the status on how the County will leverage previously approved County funds (\$1 million) in the Fiscal Year (FY) 2010 Budget to draw down approximately \$4 million federal pass through dollars from the State pending approval. The funds will be used to assist non-profits with increasing service demands. The County submitted its official application on January 22.

The funds provide an opportunity to leverage local funds to draw down additional federal TANF Emergency Contingency Fund resources. The federal funds are intended to support economic recovery strategies throughout the nation through the American Recovery and Reinvestment Act of 2009 (ARRA). Receipt of these federal funds is dependent upon State action to amend the Commonwealth of Virginia TANF Plan. Should the State receive federal approval for the use of third party match funding, the local funding could then be used to draw down an additional \$4-4.5 million in federal TANF Emergency Funds created by the ARRA funding. The County has been working with the Virginia Department of Social Services (VDSS) to structure a pass-through using existing County matching funds to draw down these TANF funds.

Supervisor Hudgins acknowledged the County Executive for recognizing the needs of service providers and including the additional funding as part of his budget package a year ago. Furthermore, she acknowledged the work of non-profits who brought this possibility to her attention, worked with County staff, and State representatives who helped position the County to receive these critically needed funds. She included with her written Board Matter a description of the current demands which describes the critical demand where services are doubling and tripling.

Supervisor Hudgins asked unanimous consent that the Board direct staff to keep the Board apprised of the status of the application. Without objection, it was so ordered.

50. **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) PUBLIC HEARING** (5:20 p.m.)

Supervisor Hudgins said that WMATA is experiencing a \$40.1 million shortfall in its current (Fiscal Year 2010) budget and the agency needs to take immediate action.

Supervisor Hudgins noted that WMATA will hold a public hearing on January 27 at 5:30 p.m. at Metro Headquarters, 600 Fifth Street, NW, Washington, DC 20001 for the public to comment on proposed changes in bus and rail service, as well as fares and passes for bus and rail, for the WMATA Board to consider.

Supervisor Hudgins said that an open house will be held at 5 p.m. in advance of the hearing. She added that her written Board Matter contains a copy of the docket forwarded to her office last week.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to post this announcement on the County's website before close of business today. Without objection, it was so ordered.

51. **BOARD ADJOURNMENT** (5:22 p.m.)

The Board adjourned.

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