



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 9, 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, March 9, 2010, at 9:23 a.m., there were present:

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

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:23 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Mr. John G. Fox, who died recently, at the age of 90. He was a resident of the Mason District and a founding member of the Annandale Volunteer Fire Department. Mr. Fox also established the Annandale Rotary Club and other civic organizations after a long career as director of government relations for the Washington Gas Light Company.

AGENDA ITEMS2. **RESOLUTION AND CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF VIRGINIA TASK FORCE ONE (VATF-1)** (9:25 a.m.)

On behalf of the Board, Chairman Bulova welcomed the County's Urban Search and Rescue team and their families. She also thanked Local 2068, Fairfax County Professional Firefighters and Paramedics, for the wonderful reception which was held prior to the start of today's meeting.

A video of the rescue operations in Haiti was presented. Chairman Bulova thanked the County's Cable Channel 16 for producing the video.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the:

- Resolution of Recognition presented to members of VATF-1 who were deployed to Haiti on behalf of the federal government to assist with the rescue of victims after the recent earthquake.
- Certificates of Recognition presented to members of VATF-1 for selfless service and extraordinary commitment resulting in the rescue of 16 people when deployed to Haiti in response to the January 12, 2010, earthquake.

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

On behalf of the former Chairman, Congressman Gerald Connolly, Chairman Bulova presented a statement of recognition congratulating and thanking the Urban Search and Rescue (USAR) team for its work in Haiti.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova announced that the training area, located in Lorton, will be the permanent location for the USAR team to train.

3. **CERTIFICATE OF WELCOME PRESENTED TO MAESTRO CHRISTOPHER ZIMMERMAN** (10:07 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Welcome presented to Christopher Zimmerman as he begins his tenure as the new maestro of the Fairfax Symphony Orchestra, which enhances the cultural life of this region and enriches the community through music, education, and outreach programs. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman Bulova also presented Mr. Zimmerman with a County lapel pin.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **PROCLAMATION DESIGNATING MARCH 2010 AS "INTELLECTUAL AND DEVELOPMENTAL DISABILITIES INCLUSION MONTH" IN FAIRFAX COUNTY** (10:13 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate March 2010 as "*Intellectual and Developmental Disabilities Inclusion Month*" in Fairfax County. This motion, which was multiply seconded, carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO THE HEALTH DEPARTMENT, MEDICAL RESERVE CORPS, AND OTHER APPROPRIATE REPRESENTATIVES** (10:27 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the Health Department, Medical Reserve Corps, and appropriate representatives for the H1N1 vaccination clinics. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ANN WONG** (10:46 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to Ann Wong, a teacher at West Springfield High School, for receiving the Milken Educator Award. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Frey being out of the room.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MS. ELLEN GALLAGHER** (10:53 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Ms. Ellen Gallagher for her service to the County. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MR. LEE RAU** (11:03 a.m.)

(BACs) Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. Lee Rau for his service to the Redevelopment and Housing Authority. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

9. **LENGTH OF SERVICE AWARD PRESENTED TO SULLY DISTRICT SUPERVISOR MICHAEL FREY** (11:12 a.m.)

Supervisor Gross, Chairman of the Personnel Committee, presented a length of service award to Supervisor Frey for 30 years of service. She noted that Supervisor Frey was first hired as a student intern to former Chairman Jack Herry in 1978 and later became a staff member for the late Mr. Herry and former Springfield District Supervisor Elaine McConnell. In 1992 he became a Member of the Board.

Supervisor Gross noted that Anthony H. Griffin, County Executive, received recognition for 20 years of service at an employees' length of service award ceremony held in the Board Auditorium on February 26, 2010.

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

Supervisor McKay, Chairman of the Board's Legislative Committee, said that the Legislative Committee met on Friday, February 26, and copies of its report are in Board Members' red folders. An update from staff was also provided to the Board on March 5. He briefed the Board on the status of select legislation initiated by the County.

Supervisor McKay noted that there are just a few days remaining in the 2010 General Assembly's scheduled session. Adjournment "sine die" is scheduled for this Saturday.

Supervisor McKay reported that the County's initiative on building code violations in nonresidential property passed both chambers and awaits the Governor's signature. The County's other initiative that survived crossover, the computer crimes bill, was carried over for the year in Senate Finance last week,

due to its potential fiscal impact. In light of the State's difficult budget situation, Senate Finance took this action on virtually all bills dealing with criminal statutes if there would be a cost to implement them.

Supervisor McKay noted that several problematic bills were defeated or otherwise resolved last week, including an eminent domain bill that would have significantly increased the cost of road construction, and an attempt to bar the use of cash proffers for contributions to an affordable housing trust fund.

Supervisor McKay noted that at the Legislative Committee meeting, information was received on the respective House and Senate budget proposals and their effects on the County, which was included in Board Members' packets. Last week, as is historically the case, the House and Senate rejected each other's budgets and appointed conferees to work out a compromise bill. These negotiations have continued over the weekend, and staff has conveyed the County's concerns to representatives on the conference committee.

Supervisor McKay moved adoption of 2010 Legislative Report Number Four. Supervisor Hyland seconded the motion and discussion ensued regarding bills that have passed, despite County opposition, i.e. House Bill (HB) 374 regarding cash proffers and HB 1250 regarding vested rights.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide a summary chart regarding bills that have passed which will affect the County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

11. **ADMINISTRATIVE ITEMS** (11:24 a.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman Bulova seconded the motion.

Supervisor Frey asked to amend the motion to consider Admin 1 and Admin 4 separately, and this was accepted.

Supervisor Herrity called the Board's attention to Admin 5 – Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 2010 Revised Budget Plan and discussion ensued regarding whether another day will be added to receive testimony from citizens regarding the proposed budget. Chairman Bulova noted that, if necessary, the additional day would be Friday, following the Tuesday, Wednesday, and Thursday nights that are already scheduled.

With regard to the revised budget plan, Supervisor Foust complimented staff for management efforts made in anticipation of next year's budget shortfall.

Additional discussion ensued regarding the savings that have been made through agencies and departments by holding positions vacant. Chairman Bulova also expressed thanks to staff for their efforts.

The question was called on the motion, to approve the Administrative Items, with the exception of Admin 1 and Admin 4, 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, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 17.2, TO ESTABLISH LOCAL VEHICLE REGISTRATION LICENSE FEES FOR FISCAL YEAR (FY) 2011

(NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page 5.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #12.)

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (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>
456A-L92-9-3	Verizon Wireless Replacement antennas 2970 Southgate Drive Lee District	May 9, 2010
FS-S09-180	T-Mobile Northeast LLC Antenna colocation on existing monopole 4904 Mattie Moore Court Springfield District	May 10, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-V09-184	Cricket Communications Antenna colocation on existing monopole (tree pole) 8616 Pohick Road Mount Vernon District	May 10, 2010
FS-V09-191	New Cingular Wireless PCS, LLC Antenna colocation on existing monopole (tree pole) 8616 Pohick Road Mount Vernon District	May 10, 2010
FS-P09-127	Clearwire US LLC Rooftop antennas 2600 Park Tower Drive Providence District	May 14, 2010
FSA-P08-108-1	T-Mobile Northeast LLC Replacement antennas 1800 Tysons Boulevard Providence District	May 14, 2010
FS-Y09-153	Clearwire US LLC Rooftop antennas 14631 Lee Highway Sully District	May 21, 2010

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), SECTION 4-22-2, TO IMPOSE THE COURTHOUSE FACILITIES FEE ON CIVIL CASES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 6, 2010, at 2:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-22-2, to impose the courthouse facilities fee on civil cases.

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2011 BUDGET AND REQUIRED TAX RATES

(NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page 5.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #13.)

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2010 REVISED BUDGET PLAN

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See pages 5–6.)

Authorized the advertisement of public hearings to be held before the Board on **April 6, 2010, at 6 p.m., April 7 and April 8, 2010, at 3 p.m.** to amend the current appropriation level in the FY 2010 Revised Budget Plan. The advertisement encompasses both the County and the Schools' *FY 2010 Third Quarter Reviews*.

12. **ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 17.2, TO ESTABLISH LOCAL VEHICLE REGISTRATION LICENSE FEES FOR FISCAL YEAR (FY) 2011** (11:28 a.m.)

- (A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See Clerk's Summary Item #11.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of a public hearing to be held before the Board on **April 6, 2010, at 2:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 17.2, to impose a local vehicle registration license fee (formerly referred to as the decal fee) without requiring the physical display of an actual decal on a vehicle's windshield. Supervisor Hyland and Vice-Chairman Gross jointly seconded the motion.

Discussion ensued, with input from Kevin C. Greenlief, Director, Department of Tax Administration, regarding the fee structure, and the reason there is a different rate for taxicabs versus other vehicles.

Supervisor McKay noted that, should this motion pass, he will be making a motion, at a later date, to refer this issue to the Legislative Committee for consideration regarding whether changes should be made to the Code.

Further discussion ensued regarding the vehicle registration license fee, with input from Mr. Greenlief, who clarified that the proposed fee is \$33 for vehicles below 4000 pounds, and \$38 for vehicles above 4000 pounds.

Following further discussion regarding the proposed fee, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting **"NAY."**

Vice-Chairman Gross returned the gavel to Chairman Bulova.

13. **ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2011 BUDGET AND REQUIRED TAX RATES**
(11:43 a.m.)

(A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See Clerk’s Summary Item #11.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of the following items, during the weeks ending March 19 and March 26, 2010:

- A brief synopsis of the FY 2011 Budget
- Proposed Tax Rates for Tax Year 2010, with flexibility up to \$1.12 per \$100 of assessed value for the real estate tax
- Notice of public hearings on the Advertised Capital Improvement Program for FYs 2011 – 2015 (with Future FYs to 2020)

Supervisor Hyland seconded the motion.

Supervisor Frey asked to amend the motion to consider advertisement of the Stormwater Service District Levy separately, and this was accepted.

Following a lengthy discussion regarding the proposed advertisement, the question was called on the motion, as amended, with the exception of the Stormwater Service District Levy, and it **CARRIED** by a recorded vote of eight, Supervisor Cook and Supervisor Herrity voting “**NAY.**”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Gross moved that the Board authorize advertisement of the proposed Stormwater Service District tax rate of \$0.015 per \$100 of assessed value during the weeks ending March 19 and March 26, 2010. Supervisor Hyland seconded the motion.

Supervisor McKay expressed his belief, for the record, that the way the County is assessing this levy is not a fair way because it does not address impact or account for homeowner association charges.

Discussion ensued regarding the proposed Special Service District for Stormwater Management tax rate.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting “**NAY.**”

15. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) REVENUE BONDS FOR THE BENEFIT OF GEORGE MASON UNIVERSITY (GMU) FOUNDATION, INCORPORATED** (12:12 p.m.)

(BONDS)

(R)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt a Resolution for the EDA to issue revenue bonds up to \$38 million for the benefit of GMU Foundation, Incorporated. Supervisor Frey seconded the motion.

Discussion ensued regarding construction at GMU and community concerns.

Following further discussion regarding the issuance of the bonds, the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Vice-Chairman Gross, and Chairman Bulova voting “AYE,”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

16. **I-1 – REQUEST FOR PROPOSAL (RFP) FOR FOOD SERVICE AT THE HERRITY BUILDING (DELI/CAFETERIA) AND VENDING SERVICES IN ALL COUNTY FACILITIES** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated March 9, 2010, requesting authorization for staff to release a RFP to provide food service at the Herrity Building and vending services in multiple County facilities. The initial contract will be three years and provide for seven optional one-year renewals.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding how the vending machines serve the facilities.

Following discussion, with input from Edward L. Long, Jr., Deputy County Executive, regarding vending services, without objection, the request was so ordered.

The staff was directed administratively to proceed as proposed.

17. **I-2 – CONSOLIDATED PLAN CERTIFICATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) PUBLIC HOUSING AND HOUSING CHOICE VOUCHER FIVE-YEAR PLAN FOR FISCAL YEARS (FY) 2010-2014 AND ANNUAL PLAN FOR FY 2010** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated March 9, 2010, requesting authorization for the County Executive to sign the Consolidated Plan certification and provide it to the FCRHA for inclusion in the Public

Housing and Housing Choice Voucher Five-Year Plan for FY 2010-2014 and the Annual Plan for FY 2010 to be submitted to the US Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

18. **I-3 – CONTRACT AWARD – LEE DISTRICT PARK FAMILY RECREATION AREA TREEHOUSE (LEE DISTRICT)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated March 9, 2010, requesting authorization for staff to award a contract to Sumter Contracting Corporation in the amount of \$149,150 for construction of a treehouse in the Family Recreation Area at Lee District Park, in Project 475508, Park Development, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

19. **I-4 – 2009 VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT ANNUAL REPORT FOR FAIRFAX COUNTY, VIRGINIA** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated March 9, 2010, requesting authorization for the County Executive to forward the 2009 VPDES Permit Annual Report, with attachments, to Virginia Department of Conservation and Recreation, and to others as requested, and publish it on the County's Web site.

The staff was directed administratively to proceed as proposed.

20. **I-5 – CONTRACT AWARD – ENHANCED NUTRIENT REMOVAL – MOVING BED BIOFILM REACTOR (MBBR) AND RELATED MODIFICATIONS AT NOMAN M. COLE, JR., POLLUTION CONTROL PLANT (MOUNT VERNON DISTRICT)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated March 9, 2010, requesting authorization for staff to award a contract to Ulliman Schutte Construction, LLC in the amount of \$34,667,000 for the construction of the Enhanced Nutrient Removal - MBBR and Related Modifications, Project N00323, Noman M. Cole, Jr., Pollution Control Plant, in Fund 408, Sewer Bond Construction, located at 9399 Richmond Highway, Lorton, Virginia.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS21. **REQUEST FOR CERTIFICATES OF RECOGNITION** (12:25 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the:

- Office for Women and Domestic and Sexual Violence Services to appear before the Board to accept a proclamation declaring April 2010 as “*Sexual Assault Awareness Month*” in Fairfax County during the April 6 Board meeting.
- Human Rights Commission to appear before the Board to accept a proclamation declaring April 2010 as “*Fair Housing Month*” in Fairfax County during the April 6 Board meeting.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **INCREASING ACCESS TO CAPITAL FOR THE COUNTY’S SMALL BUSINESSES** (12:26 p.m.)

Supervisor Herrity asserted that small businesses are the backbone of the economy, accounting for more than half of non-farm private Gross Domestic Product (GDP), employing just over half of all private sector workers, and representing 99.7 percent of all employer firms. Small businesses have also been the main job creators in the nation’s economy over the last 15 years. From 1993 to 2008, small businesses accounted for 64 percent of the 22.5 million net new jobs created in the US.

Supervisor Herrity said that for small businesses to succeed, they need access to capital. Since the recession began, that access has been reduced dramatically. While large banks have reined in their lending to small businesses, community banks have not. He said that community banks play a major role in helping Northern Virginia small businesses to grow and that the Board could aid their efforts. One way to do so would be to move a portion of the County’s general fund account, currently held by a large national financial institution, into some of the community banks. This would increase their capacity to lend to local small businesses. Greater access to capital would increase growth opportunities for small businesses, which would lead to the creation of new jobs in the community.

Supervisor Herrity noted that under the leadership of its Treasurer Frank O’Leary, Arlington County has put millions of taxpayer dollars into community banks which then provide loans to local small businesses.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to examine the feasibility of moving a portion of the County's general fund account into some of the community banks and report with his findings by the April 6 meeting.

Following an inquiry regarding the County's current practice, with input from Anthony H. Griffin, County Executive, Supervisor Frey seconded the motion.

Discussion ensued, with input from Mr. Griffin, and Edward L. Long, Jr., Deputy County Executive, regarding the banking services contract and flexibility, costs, savings with the current contract, the County's AAA bond rating, investments, and lending by community banks.

Supervisor Hudgins asked to amend the motion to direct staff to provide some guidance on how this would be used. Following input from Mr. Long, this was accepted.

Following further discussion, regarding job creation and the federal economic stimulus, the question was called on the motion, as amended, which carried by unanimous vote.

23. **HONORING THE DAVENTRY COMMUNITY FOR ITS RECOGNITION AS "2009 COMMUNITY OF THE YEAR" BY THE COMMUNITY ASSOCIATIONS INSTITUTE (SPRINGFIELD DISTRICT)** (12:38 p.m.)

Supervisor Herrity announced that on March 13, the Daventry Community in Springfield will be recognized as the 2009 Community of the Year for the Metropolitan Washington area. The Metropolitan Washington Chapter of the Community Associations Institute (CAI) will be giving Daventry this title in the category of large community associations. The CAI is a national organization devoted to promoting the growth and success of community associations and is a nationally-recognized professional certification body for homeowner association management. The Metropolitan Washington Chapter, of which Daventry is a member, is the largest in the country.

Supervisor Herrity noted that Daventry's recognition as "Community of the Year" shows what can be accomplished when good-willed citizens and volunteers join for a common cause and look to make changes that have a real impact on their community. Accordingly, he asked unanimous consent that the Board direct staff to invite Daventry's leadership to a future Board meeting to be presented with a resolution honoring them for their accomplishment. Without objection, it was so ordered.

24. **HONORING GRACE STARBIRD** (12:39 p.m.)

Supervisor Herrity said that Grace Starbird, as a County employee for more than 22 years and as the director of the Fairfax Area Agency on Aging for the last 9

years, has provided leadership and vision to improve the present and the future for older adults. With reference to his written Board Matter, he outlined Ms. Starbird's considerable achievements.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Ms. Starbird to appear before the Board on March 23 to receive a resolution honoring her years of distinguished service to the County upon her retirement. Without objection, it was so ordered.

25. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MISS MARIA HAYDEN (DRANESVILLE DISTRICT)** (12:41 p.m.)

Supervisor Foust congratulated Maria Hayden, a senior at Herndon High School, for winning the State All-Around Gymnastics Title. Miss Hayden has been participating in gymnastics since the age of three and her accomplishments are remarkable, winning numerous awards and recognitions at the local, regional and state levels. An injury abruptly ended her season last year, but her work ethic and commitment to her sport enabled her to return and achieve much success for herself and her school this year.

Supervisor Foust referred to his written Board Matter that outlined Miss Hayden's accomplishments.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Miss Hayden, and her coach, family and friends, to appear before the Board to be recognized for her outstanding four year gymnastic career at Herndon High School. Without objection, it was so ordered.

26. **PUBLIC SAFETY TELECOMMUNICATIONS WEEK** (12:42 p.m.)

Supervisor Gross said that in 1994 the US Congress proclaimed that the second full week in April as "Public Safety Telecommunications Week." This week serves to recognize at the national, state, and local levels the exceptional service provided by 9-1-1 call takers and dispatchers in their role as the first of the first responders.

The County's 9-1-1 Center, known as the Department of Public Safety Communications or DPSC, is a nationally recognized public safety communications center, one of the 50 largest in the US and the largest in Virginia. The DPSC was awarded the inaugural Horizon Award (Large Center) at the Association of Public-Safety Communications Officials International (APCO) conference which was held August 16-21, 2009. This award recognizes overall excellence in operations, practices, programs, technology, and innovations. Additionally, DPSC Director Steve Souder was recognized as the 2009 9-1-1 Public Safety Communications Center Director of the Year.

Therefore, Supervisor Gross asked unanimous consent that the Board proclaim April 12 – 16, 2010, as “*Public Safety Telecommunications Week*” in Fairfax County, and direct staff to invite representatives from the DPSC to be recognized with the proclamation at the April 6 Board meeting. Without objection, it was so ordered.

27. **SPECIAL COLLECTION SCHEDULE FOR BRUSH AND DEBRIS**
(12:43 p.m.)

Supervisor Gross said that in the past, the Division of Solid Waste (DSW), Department of Public Works and Environmental Services (DPWES), has enacted a temporary schedule of “Special Collections” to take into account the sudden increased volume of debris generated in the wake of significant weather events, such as Hurricane Isabel in 2003. Such a schedule helps the County allocate its resources to collect debris from residents in an expedient and efficient manner.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to coordinate with DSW to inform residents of any “Special Collection” policy for brush and debris in the wake of the historic snowstorms that recently engulfed the County and damaged so many trees and shrubs.

Supervisor McKay asked to amend the request to make it clear in the communication that it applies to the sanitary service districts only, and this was accepted.

Chairman Bulova noted that the majority of the County is served by private sector haulers and she expressed the hope that they too would offer help to residents who are dealing with this debris.

Discussion ensued regarding tree damage, the storms’ effect on the local economy, and debris in the road rights-of-way.

Following input from Anthony H. Griffin, County Executive, Supervisor Gross amended her request to direct staff to develop a public information campaign to encourage neighborhoods (homeowners associations and civic associations) to clean up the rights-of-way frontage as part of a volunteer effort.

Following further discussion regarding the unwieldy size of much of the debris, Supervisor Gross amended her request to also direct staff to add the subject of downed trees and brush to the agenda of next week’s Snow Summit with the Virginia Department of Transportation (VDOT).

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the request to also direct staff to provide a heads up to VDOT and Virginia Power (Dominion Power) of the addition to the agenda, and this was accepted.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

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

28. **CELEBRATED TREES OF FAIRFAX COUNTY** (12:50 p.m.)

(BACs)

Supervisor Gross said that on Earth Day/Arbor Day 2010 the Tree Commission will launch Celebrated Trees of Fairfax County, a community outreach and education program designed to inspire and renew appreciation for the County urban forest. Ideally, project participants will:

- Deepen their understanding of the ecological, economic, and aesthetic roles of trees and the urban forest.
- Learn about the remarkable trees in the community.
- Realize that they can have a positive impact on the natural world by playing a critical role in reversing the damage of high-impact development.

Board Environmental Agenda and Tree Action Plan

Supervisor Gross stated that Celebrated Trees aligns with the Board's environmental agenda by establishing a simple, but effective, communication tool for informing and educating the general public, private sector, and government officials about the value of trees and efforts to preserve and restore them. Celebrated Trees is an outgrowth of the Tree Action Plan, responding to its goal to engage and educate by:

- Fostering an appreciation for trees and urban forests among target audiences.
- Inspiring target audiences to protect, plant, and manage vegetative communities, including trees.

Celebrated Trees also has the goal of building strong partnerships and alliances by:

- Using partnerships to help create linkages among aspects of the Tree Action Plan and other resource protection and enhancement activities.
- Developing partnerships that promote implementation of the plan.

Project Specifics

Supervisor Gross said that the Tree Commission will invite individuals and organizations to seek out and photograph their favorite tree(s) in the County and submit the photos with a paragraph of nomination. Trees will be nominated under a specific category (Big Trees, Historic Trees, and Memorial Trees). Online nominations will be encouraged. Publicity will include educational information about the urban forest and the County's tree preservation goals as well as information about selecting, planting, and caring for trees.

Program Goals

Supervisor Gross said that the goals are to:

- Launch a community outreach effort that would educate the public about the ecological, economic, and aesthetic roles of the urban forest; basic tree care, and the County's tree preservation goals, including the 30 year Tree Canopy Goal.
- Develop partnerships between the Tree Commission and other organizations, including environmental and business development groups, arts organizations, schools, libraries, churches, homeowner associations, and civic associations.
- Update and put online the Big Tree database for the County.
- Instill pride in the County's natural history and environmental assets.
- Promote the County's 30 year Tree Canopy Goal and the goal's partnership program.
- Sponsor a Countywide celebration of trees that could include, but is not limited to, tours of nominated trees, a booklet for a self-guided tour of nominees, a photo exhibit, and tree plantings.

Supervisor Gross asserted that successful promotion of the program is critical to its success. The Tree Commission is in the process of developing a Celebrated Trees website. Development of publicity materials, including press releases, flyers, and display boards will also be required.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing this information.

Chairman Bulova suggested that Board Members who publish newsletters include this information.

Without objection, the request was so ordered.

29. **ADOPTION OF REGION FORWARD DOCUMENT** (12:54 p.m.)

Supervisor Gross called the Board's attention to *Region Forward, A Comprehensive Guide for Regional Planning and Measuring Progress in the 21st Century*," the Greater Washington 2050 Coalition report that was approved by the Metropolitan Washington Council of Governments (COG) Board of Directors on January 13, 2010.

Following discussion regarding inclusion of the report on the agenda of the March 23 meeting, Anthony H. Griffin, County Executive, indicated that it is already on the agenda.

Supervisor Gross asked unanimous consent that the Board direct staff to invite to the March 23 meeting David Robertson, Executive Director, COG, and Paul Desjardin, Director, Department of Community Planning and Services, COG, to address any questions. Without objection, it was so ordered.

30. **ORGAN AND TISSUE DONATION AND TRANSPLANTATION**
(12:56 p.m.)

(BACs) Supervisor Hudgins said that organ and tissue donation is a critical process in saving the lives of thousands of Americans each year. Last year 395 individuals' lives were saved because of organs they received from 128 deceased organ donors in the Washington, DC area. This is the highest number of lives saved and the second highest number of total deceased organ donors since the Washington Regional Transplant Community (WRTC) began recovering organs for transplant in 1988.

Supervisor Hudgins noted that from January–November 2009, there were 13,331 donors and 26,081 transplants in the country. However, currently, there are approximately 105,891 people in the US awaiting a transplant, 2,626 in Virginia, 1,899 in the Washington, DC metropolitan area, and 517 in the County. The need for organ donors remains high.

Supervisor Hudgins noted that last year, there were 124 transplants at Inova Fairfax Hospital: 91 from deceased donors and 33 from living donors. Additionally, Inova had the most donors per hospital in the DC area last year with 34, and has received the Medal of Honor for Organ Donation from the US Department of Health and Human Services.

Supervisor Hudgins also noted that both Inova and the WRTC are members of the Commission on Organ and Tissue Donation and Transplantation (COTDT).

Therefore, Supervisor Hudgins asked unanimous consent that the Board proclaim April as “*Donate Life Month*” in Fairfax County and direct staff to invite the COTDT to appear before the Board at its April 6 meeting to be recognized for its dedication to encouraging organ and tissue donation and transplantation. Without objection, it was so ordered.

31. **COUNTY HEALTH RANKINGS – THE COUNTY IS HIGHEST IN THE STATE** (12:58 p.m.)

Supervisor Hudgins called the Board’s attention to a press release from the Virginia Department of Health that noted that the County was ranked as the **healthiest** County in Virginia. The ranking, first ever nation-wide *County Health Rankings*, was compiled by the Robert Wood Johnson Foundation in collaboration with the University of Wisconsin Population Health Institute. The report compares many factors that influence health within states. A county’s health was ranked on two sets of measures - health outcomes such as length and quality of life - and, health factors such as access to and quality of clinical care, social and economic factors, and the physical environment.

Supervisor Hudgins said that health care and how it can best be provided has captured headlines for several years and is always an important issue. While there are always areas for improvement, and many variables within communities, this study indicates that the County is now documented as the healthiest county in the state in which to live, work, and play.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Dr. Gloria Addo-Ayensu, Director of the Health Department, and her staff to appear before the Board to be honored for this first recognition. Without objection, it was so ordered.

PMH:pmh

32. **SENIOR TAX RELIEF WORKSHOP** (1 p.m.)

Supervisor Smyth announced that her office will be hosting senior tax relief workshops on Wednesday, March 17 and Friday, March 19 from 10 a.m. until 2 p.m. She asked that individuals call her office at 703-560-6946 for more information or to schedule an appointment.

Supervisor Gross commended staff for their outstanding work on this issue.

33. **HISTORIC WAYSIDE MARKERS** (1:03 p.m.)

(BACs) Supervisor Frey said that his staff has been working with a developer in fulfilling the terms of a proffer which committed the applicant to provide a wayside trail marker on the applicant's property. The proffered wayside trail marker is to be provided on the applicant's property, within a public access easement.

Supervisor Frey explained that in his efforts to comply with the proffer, the developer had difficulty in locating guidelines for the creation of the marker. In conversations with Chairman Robison of the History Commission, however, it seems that it would be appropriate to establish consistent guidelines and treatment. These guidelines could address such things as approval of text and/or photos reflected on the marker, maintenance and ownership requirements, consistent treatment including colors, font, whether it is appropriate to include the County seal, and other such concepts.

Therefore, Supervisor Frey moved that this item be referred to the History Commission for its review and action. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

(NOTE: Later in the meeting, the Board discussed historic markers. See Clerk's Summary Item #48.)

34. **ZONING ORDINANCE AMENDMENT (ZOA) WORK PROGRAM – FENCES ON FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) PROPERTY** (1:04 p.m.)

Supervisor Frey said that Section 2-514 of the Zoning Ordinance relating to the erection of antenna on property owned or controlled by a public use or County governmental unit, to include street right-of-ways, requires, in part, that:

- ...ground-mounted related equipment cabinets or structures shall be screened from view of all residentially zoned and developed or residentially zoned and vacant property which abuts or is directly across the street from the structure or cabinet. Such screening shall consist of a solid fence, wall or berm eight feet in height, an evergreen hedge with an ultimate height of eight feet and a planted height of 48 inches, or an eight foot tall fence, wall, berm and/or landscaping combination.

Supervisor Frey said that when located on FCPS property, the equipment cabinets are typically located under bleachers which provide a significant screen, but also makes landscaping an unrealistic option. For safety, security, and maintenance purposes, the School system would prefer to have the flexibility to use a vinyl or plastic-coated chain link fence in place of the eight-foot-tall board-on-board

fence. According to the Zoning Administrator, approval of chain-link in place of board-on-board fence would require a special exception which is both time-consuming and costly.

Given its importance to the School system, Supervisor Frey moved that this item be referred to staff for consideration for inclusion on the 2010 ZOA Work Program, as a Priority I item. Chairman Bulova seconded the motion.

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

35. **NO BOARD MATTERS FOR SUPERVISOR JOHN COOK (BRADDOCK DISTRICT)** (1:08 p.m.)

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

36. **NO BOARD MATTERS FOR SUPERVISOR GERRY HYLAND (MOUNT VERNON DISTRICT)** (1:08 p.m.)

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

37. **NO BOARD MATTERS FOR SUPERVISOR JEFF McKAY (LEE DISTRICT)** (1:08 p.m.)

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

38. **RECESS/CLOSED SESSION** (1:09 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. *T-Mobile Northeast LLC v. Fairfax County, Virginia, and the Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:10cv117 (E.D. Va.) (Dranesville District)
2. *Christopher Wills v. Charles P. Rosenberg, Donna Marie Stephenson, John Robert Stone, Cindy Lundberg, Michael Feightner, Nathaniel McFadden, Reginald A. Johnson, Maurice Simmons, James Black, Mr. Hamed, Mr. Asib, and Hellen Fayeh*, Civil Action No. 1:09-cv-2558-RMU (D.D.C.)
3. *Florinda Perez v. Fairfax County Department of Family Services*, Record No. 1644-09-4 (Va. Ct. App.)
4. *Jermaine Ridgely v. Fairfax County Department of Family Services*, Record No. 2560-09-4 (Va. Ct. App.)
5. *Board of Supervisors of Fairfax County, Virginia v. Satish Abrol, Kiran Abrol, Varinder Abrol, Suman Abrol, and Guaranty Residential Lending, Inc.*, Case No. CL-2000-0189010 (Fx. Co. Cir. Ct.) (Dranesville District)
6. *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)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip F. Herrick, Jr.*, Case No. CL-2009-0013424 (Fx. Co. Cir. Ct.) (Providence District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Augusto L. Borda and Rosario Castillo*, Case

- No. CL-2009-0013749 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel C. Robinson*, Case No. CL-2009-0015917 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
 11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
 12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Marquez and Angela Del Carmen Marquez, a.k.a. Angela D. C. Marquez*, Case No. CL-2009-0010490 (Fx. Co. Cir. Ct.) (Lee District)
 13. *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)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. James G. Miller, Trustee of the James G. Miller Living Trust, and Atlantic Construction Fabrics, Inc.*, Case No. CL-2009-0002430 (Fx. Co. Cir. Ct.) (Sully District)
 15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Mesewicz*, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock District)
 16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wayne F. Sandross and Lisa L. Sandross*, Case No. CL-2009-0010923 (Fx. Co. Cir. Ct.) (Braddock District)
 17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tomas Perez*, Case No. CL-2009-0014660 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

18. *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)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony A. Hicks, RC Labor & Erocion Control, Inc., and Hicks Plumbing Services, LLC*, Case No. CL-2009-0013133 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elaine Ayers Schumacher, a/k/a Ellen Elaine Schumacher*, Case No. CL-2010-0001667 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Jarjuri and Sofia Jarjuri*, Case No. CL-2010-0002310 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph J. Dunn*, Case No. CL-2010-0002477 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad A. Rad*, Case No. 10-0001808 (Fx. Co. Gen. Dist. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Tillery*, Case No. 10-0001810 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Theia D. Trusselle*, Case No. 10-0001811 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Karen A. Hernandez and Keon*

De Roche, Case No. 10-0001647 (Fx. Co. Gen. Dist. Ct.) (Lee District)

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tram K. Le and Phong Q. Le*, Case No. 10-0001645 (Fx. Co. Gen. Dist. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ali Ahmed and Widad Hamadelnail*, Case No. 10-0001472 (Fx. Co. Gen. Dist. Ct.) (Sully District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Iglesia De Dios Pentecostal Esmirna, Inc.*, Case No. 10-0004099 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- County of Fairfax, Virginia Personnel Regulation 4.5
- RFP #10-138648-31 for the Consolidated Community Funding Pool for FY 2011 – FY 2012

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

EBE:ebe

At 3:16 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:17 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

AGENDA ITEMS

40. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-P-027 (JSH ENTERPRISES, LLC) (PROVIDENCE DISTRICT)**

AND**PH ON SPECIAL EXCEPTION APPLICATION SE 2009-PR-021 (JSH ENTERPRISES, LLC) (PROVIDENCE DISTRICT) (3:18 p.m.)**

The application property is located at 7800 Lee Highway, Tax Map 49-2 ((1)) 93.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 91-P-027, subject to the proffers dated March 3, 2010.
- Approval of Special Exception Application SE 2009-PR-021, subject to the development conditions dated February 22, 2010.
- Waiver of the requirements to construct a major paved trail along the site frontage on Route 29 (Lee Highway), in favor of the right-of-way dedication and the existing sidewalk shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat.
- Modification of the transitional screening and barrier requirements along the southern property line, in favor of the landscaping shown on the GDP/SE Plat.
- Direction to the Director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target percentage, in favor of the proposed landscaping shown on the GDP/SE Plat and as proffered.

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

41. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-S-038-02 (THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE) (SPRINGFIELD DISTRICT) (3:28 p.m.)**

The application property is located at 6398 Nativity Lane, Tax Map 88-1 ((1)) 10.

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, which included testimony by five speakers, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Herrity recognized the presence of his brother John Herrity and his family and welcomed them to the Board Auditorium.

Supervisor Herrity moved:

- Approval of Special Exception Amendment Application SEA 95-S-038-02, subject to the development conditions dated January 27, 2010.
- Modification of the transitional screening requirements along the southern lot lines and a portion of the western lot lines, as conditioned.
- Waiver of the barrier requirements along the southern, western, and northern lot lines, as conditioned.
- Waiver of the construction of frontage improvements along Old Keene Mill Road in favor of the right-of-way dedication, as shown on the SEA Plat, and as conditioned.

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

42. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-DR-016 (MADISON BUILDING ASSOCIATES LLC AND SECOND MADISON BUILDING ASSOCIATES LLC) (DRANESVILLE DISTRICT)** (3:48 p.m.)

(O) (NOTE: On December 7, 2009, the Board deferred the public hearing on this item until January 26, 2010. On January 26, 2010, the Board deferred the public hearing on this item until March 9, 2010.)

The application property is located on the east side of Beverly Road, west side of Old Chain Bridge Road approximately 100 feet south of its intersection with Fleetwood Road, Tax Map 30-2 ((4)) (D) 11B and 47A.

Mr. Keith Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Supervisor Foust submitted items for the record.

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

Supervisor Foust moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-DR-016, from the C-6, CRD, HC, and SC Districts to the PDC, CRD, HC, and HC Districts, subject to the proffers dated March 4, 2010.
- Approval of the P-District variance, in accordance with the provisions of the Paragraph 8 of Section 16-401 of the Zoning Ordinance, to allow the proposed secondary uses as proffered to exceed 25 percent of the proposed principal uses.
- Approval of a 20 percent reduction in required parking to permit 229 spaces instead of 286 spaces.
- Modification of the transitional screening requirement along the western property line in favor of the proposed landscaping, as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).

- Waiver of the barrier requirements along all property lines of parcel 47A and along the western property line of parcel 11B, in favor of that shown on the CDP/FDP.
- Modification of the major paved trail requirement along Old Chain Bridge Road, in favor of that shown on the CDP/FDP.
- Modification of the peripheral parking lot landscaping, in favor of that shown on the CDP/FDP.
- Direction to the director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target and tree cover requirements in favor of the proposed landscaping shown on the CDP/FDP.

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

(NOTE: On February 25, 2010, the Planning Commission approved Final Development Plan Application FDP 2009-DR-016, and the associated CDP, subject to the development conditions dated February 18, 2010, with the deletion of Conditions 1 and 3.)

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-015 (ANA A. CORNEJO) (MASON DISTRICT)** (3:58 p.m.)

The application property is located at 4921 Backlick Road and 4954 Sunset Lane, Tax Map 71-3 ((1)) 24A and 71-4 ((1)) 20.

Mr. Keith Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by five speakers, discussion ensued, regarding the legal interpretation of the ordinance and pipe stems, indicated by Ms. Kathleen McDermott (Speaker One), with input from Kris Abrahamson, Branch Chief, Rezoning and Special Exception Branch, Department of Planning and Zoning (DPZ).

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

Discussion ensued with input from Ms. Abrahamson, regarding the pipe stem and the shape factor that exists in the subdivision.

Supervisor Gross moved to defer decision only for Special Exception Application SE 2009-MA-015 until **March 23, 2010, at 4 p.m.** Supervisor Foust seconded the motion.

Further discussion ensued, with input from Ms. Abrahamson, regarding the lot configuration for the driveway and whether the pipe stem could be directed on to a secondary road instead of Backlick Road and the traffic issue associated with it.

Supervisor Cook asked unanimous consent that the Board direct staff to provide the Board with information regarding the legal requirement of the pipe stem waiver. Without objection, it was so ordered.

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

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-LE-022 (BB&T SUCCESSOR IN INTEREST TO MOUNT VERNON NATIONAL BANK AND TRUST COMPANY) (LEE DISTRICT)**
(4:36 p.m.)

The application property is located at 6618 Richmond Highway, Tax Map 93-1 ((27)) 1B and 3C.

Supervisor McKay moved to defer the public hearing on Special Exception Application SE 2009-LE-022 until **March 23, 2010, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-MA-011 (WESTLAWN LIMITED PARTNERSHIP) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-M-039 (WESTLAWN LIMITED PARTNERSHIP) (MASON DISTRICT) (4:37 p.m.)

- (O) The application property is located in the southwest quadrant of the intersection of Arlington Boulevard and Annandale Road at 3008, 3030, and 3040 Annandale Road and 6715 Arlington Boulevard, Tax Map 50-4 ((1)) 6 and 7; 50-4 ((17)) H and H1.

Mr. Antonio Calabrese reaffirmed the validity of the affidavit for the record.

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

- Mr. William Page

Mr. Calabrese 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.

Discussion ensued, with input from Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, (DPZ), regarding the distinction between the Tripps Run buffer and easement.

Further discussion ensued, with input from Mr. Calabrese, regarding the status of the existing post office on the property. He also promised to include other neighborhoods in addition to what is indicated in the proffers.

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

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-MA-011, from the C-6, C-8, and HC Districts to the C-6 and HC Districts, subject to the proffers dated March 4, 2010.
- Approval of Special Exception Amendment Application SEA 95-M-039, subject to the development conditions dated March 2, 2010.
- Modification of the transitional screening and waiver of the barrier to the southwest along Tripps Run, in favor of that shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat and as proffered.
- Waiver of the interparcel access to the south along Annandale Road.
- Waiver of the service drive requirement along Route 50, in favor of that shown on the GDP/SE Plat.
- Waiver of the on-road bike lane on Route 50.
- Waiver of the minor paved trail along Tripps Run.

- Waiver of the peripheral parking lot landscaping adjacent to Tax Map parcel 50-1 ((17)) G.
- Modification of the peripheral parking lot landscaping along Route 50.

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

46. **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 DEVELOPMENT PLAN AMENDMENT APPLICATION DPA 89-C-025-04 (RESTON HOSPITAL CENTER LLC) (HUNTER MILL DISTRICT) (5:04 p.m.)

- (O) (NOTE: On January 26, 2010, the Board deferred the public hearing on this item until March 9, 2010.)

The application property is located in the northeast quadrant of the intersection of the Fairfax County Parkway and New Dominion Parkway and on the west side of Town Center Parkway.

Mr. Mark Looney reaffirmed the validity of the affidavit for the record.

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

- Reston Hospital Center

Mr. Looney 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.

Discussion ensued, with input from Mr. Looney, regarding the certificate of public need and how Proffer Seven addresses it.

Following the public hearing, which included testimony by two speakers, Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins submitted items for the record.

Supervisor Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-HM-014, from the I-5 and C-3 Districts to the PRC District, and approval of the associated Development Plan, subject to the proffers dated January 12, 2010. Chairman Bulova and Supervisor Frey 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 Hyland and Supervisor McKay being out of the room.

Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC 2009-HM-04(sic), subject to the development conditions dated January 25, 2010.
- Approval of Proffered Condition Amendment Application PCA 89-C-025-05 and Development Plan Amendment Application DPA 89-C-025-04, subject to the proffers dated January 12, 2010.
- Modification of transitional screening and barrier requirements along the periphery of the site to that shown on the Development Plan and PRC Plan.

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

47. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-DR-008 (OAKCREST SCHOOL) (DRANESVILLE DISTRICT) (5:26 p.m.)**

The application property is located on the south side of Crowell Road approximately 1,200 feet east of its intersection with Hunter Mill Road and north of Dulles Toll Road, Tax Map 18-4 ((1)) 26C; 18-4 ((8)) A and 4.

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2009-DR-008 until **March 23, 2010, at 4:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McKay being out of the room.

48. **4 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT APPLICATION APR ITEM S09-CW-2CP, REGARDING REVISIONS TO THE COMPREHENSIVE PLAN TO UPDATE INFORMATION ON HERITAGE RESOURCES** (5:27 p.m.)

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of February 18 and February 25, 2010.

Laurie Turkawski, Historian I, Policy and Plan Development Branch, Department of Planning and Zoning (DPZ), gave a brief description of the application and site location.

Discussion ensued, with input from Linda C. Blank, Historic Preservation Planner, Policy and Plan Development Branch, DPZ, regarding historic markers being included in the inventory of the Comprehensive Plan and whether it will be possible to include those in the next round of revisions.

Supervisor McKay asked unanimous consent that the Board direct staff to research and report back to the Board as to how to include historic markers. Without objection, it was so ordered.

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

Supervisor Gross moved approval of Plan Amendment APR Item S09-CW-2CP, as recommended by the Planning Commission on February 4, 2010. Supervisor McKay seconded the motion and it carried by unanimous vote.

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE PROSPERITY HEIGHTS COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)** (5:35 p.m.)

(O) A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of February 18 and February 25, 2010.

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

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

50. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE HERITAGE FOREST COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (5:39 p.m.)

- (O) A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of February 18 and February 25, 2010.

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

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Heritage Forest CPD, in accordance with current CPD restrictions. Supervisor Hudgins and Supervisor Hyland 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."

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), REGARDING ELECTION PRECINCTS** (5:43 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 February 25 and March 4, 2010.

Eduardo Cortés, General Registrar, presented the staff report.

Discussion ensued, with input from Mr. Cortés, regarding renaming the polling centers to match precincts during redistricting to minimize costs.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), regarding election precincts. Supervisor Hudgins 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."

52. **BOARD ADJOURNMENT** (5:47 p.m.)

The Board adjourned.

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