



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
April 27, 2010**

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DAL:dal

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, April 27, 2010, at 9:44 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 9:45 a.m.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:44 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. William C. Parrish, Sr. who passed away suddenly last week. He was a resident of Vienna and was a former Lee District school principal.

Supervisor Cook asked everyone to keep in thoughts Police Chief David Rohr whose father-in-law, Mr. Joseph Argenzio, Jr., died recently after a long illness.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING APRIL 2010 AS "FINANCIAL LITERACY MONTH" IN FAIRFAX COUNTY** (9:47 a.m.)

Supervisor Cook moved approval of the Proclamation to designate April 2010 as "*Financial Literacy Month*" in Fairfax County. Supervisor Gross, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING MAY 2010 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (9:57 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2010 as "*Lyme Disease Awareness Month*" in Fairfax County. Supervisor Herrity seconded the motion.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding conducting a pilot of the deer poster bait station. Without objection, it was so ordered.

Noting that Chairman Bulova is scheduled to hold a Lyme Disease town meeting on May 15, 2010, Supervisor Herrity announced that Congressman Frank Wolf will be holding a Lyme Disease Forum in Loudoun County at Heritage High School on May 3, 2010.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide the ticks display at the Lyme Disease town meeting scheduled for May 15. Without objection, it was so ordered.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova noted that she will present a Board Matter later in the meeting announcing the upcoming town meeting on Lyme Disease.

(NOTE: Later in the meeting, Chairman Bulova presented her Board Matter regarding the Lyme Disease town meeting. See Clerk's Summary Item #22.)

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. TEMPLE DOUGLAS** (10:12 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to Temple Douglas, a senior at Thomas Jefferson High School for Science and Technology, for her work in developing a quick and accurate test for Lyme disease. Supervisor Smyth and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 2010 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (10:17 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2010 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County. Supervisor McKay seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY 2010 AS "PARENTS WHO HOST LOSE THE MOST MONTH" IN FAIRFAX COUNTY** (10:25 a.m.)

Supervisor Cook moved approval of the Proclamation to designate May 2010 as "*Parents Who Host Lose the Most Month*" in Fairfax County. Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING MAY 6-12, 2010, AS "NURSES WEEK" IN FAIRFAX COUNTY** (10:36 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 6-12, 2010, as "*Nurses Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING MAY 9-15, 2010, AS "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY** (10:46 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 9-15, 2010, as "*Building Safety Week*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Ray Pylant, County Building Official, Department of Public Works and Environmental Services, announced that, as part of the International Building Safety Week observance, an organization or individual is selected who has made significant and lasting contributions towards improving safety in the constructed

environmental within the County. Mr. Pylant presented this year's award to Henry Green, President and Chief Executive Office, National Institute of Building Sciences.

(NOTE: Later in the meeting, the Board considered an item regarding International Building Safety Week. See Clerk's Summary Item #20.)

9. **PROCLAMATION DESIGNATING MAY 2010 AS "INTERNAL AUDIT AWARENESS MONTH" IN FAIRFAX COUNTY** (10:58 a.m.)

Supervisor Foust moved approval of the Proclamation to designate May 2010 as "*Internal Audit Awareness Month*" in Fairfax County. Supervisor McKay seconded the motion and it carried by unanimous vote.

NV:nv

10. **10:30 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2011 BUDGET PLAN** (11:06 a.m.)

(Rs) (FPR) **Funding of Plaques for Presentations**

Chairman Bulova noted that funding for presentation plaques had been eliminated in the budget and that she would be presenting a follow up motion for Board Members who wished to contribute to a plaque fund out of their office budgets.

(NOTE: Later in the meeting, the Board addressed this issue. See pages 6–7.)

Adoption of the FY 2011 Tax Rate Resolution

Having established the real property tax rate at \$1.09 per \$100 of assessed value, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the FY 2010 Tax Rate Resolution adopting tax rates for the County, as detailed in Attachment II of the Memorandum to the Board dated April 23, 2010. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Chairman Bulova, and Vice-Chairman Gross voting "AYE," Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "NAY."

Adoption of the FY 2011 Appropriation Resolutions for County Agencies/Funds and School Board Funds and the FY 2011 Fiscal Planning Resolution (FPR)

Chairman Bulova moved adoption of the FY 2011 Appropriation Resolution for County Agencies/Funds, the FY 2011 Appropriation Resolution for School Board Funds, and the FY 2011 FPR as set forth in Attachments III, IV, and V of the Memorandum to the Board dated April 23, 2010. Supervisor McKay seconded

the motion, which **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Chairman Bulova, and Vice-Chairman Gross voting “**AYE**,” Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “**NAY**.”

Approval of Health and Dental Insurance Continuation for Employees Terminated due to Reduction in Force (RIF)

Chairman Bulova moved that the Board direct the County Executive to provide the following health and dental insurance subsidy to employees who are terminated from their jobs due to the RIF necessitated by the FY 2011 budget reductions. This benefit will be provided to both probationary and non-probationary employees and assumes that the employee is not eligible for health or dental insurance elsewhere. The details are as follows:

- Months 1–3: The County will pay full cost of the health insurance premium.
- Months 4–21: Assuming extension of the subsidy provided by the Federal Government, Federal subsidy pays 65 percent of the premium and the employee pays 35 percent. If the Federal subsidy is not extended or expires, the County will pay 65 percent of the premium, and the employee will continue to pay 35 percent.

Supervisor Hyland seconded the motion.

Following discussion regarding the number of people affected, with input from Susan W. Datta, Director, Department of Management and Budget, the question was called on the motion and it carried by unanimous vote.

Approval of Additional Holidays

Chairman Bulova moved approval of a change to the calendar year 2010 holiday schedule to include an additional day and a half of holidays (an additional half day on December 23 and a full day on December 30), as recommended by the County Executive in the FY 2011 Budget. Supervisor Foust seconded the motion, which carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Funding for Project EXCEL, Focus, and Modified Calendar Schools

Jointly with Supervisor Hudgins, Supervisor Hyland moved that the Board make available funds, in the County’s undesignated reserve, to assist the School Division with the transition from former EXCEL, Focus, and Modified Calendar school models. If the current School Board budget resources are not sufficient to meet these transition needs, or if there are other high need schools requiring

additional resources, a requisition for additional funding may be submitted to the Board of Supervisors to fund proposals developed in collaboration with the impacted school communities and staffs. Supervisor Hudgins seconded the motion.

Discussion ensued regarding the County's budget reserve, individual Board Member meetings with the School Superintendent Jack Dale, accountability, and lack of communication.

Supervisor Hudgins asked to amend the motion to direct staff to schedule a meeting with the School Board prior to its budget adoption to discuss these programs in relation to the decision making, expectations, costs, and how to address the transition with the community and staff, and this was accepted.

Chairman Bulova noted that staff is currently working to schedule a meeting between the Board and the School Board.

Following discussion regarding the funding required, Chairman Bulova recognized the presence of Dranesville District School Board Member and Budget Chairman Jane K. Strauss, who explained the transition in programs, set aside funds, and State funding.

Further discussion ensued, with input from Ms. Strauss regarding:

- Budget testimony on behalf of the Schools and priority of programs.
- Transition to new programs for the neediest students.
- Other ideas to save money in the School budget.
- Communication with and input from the community.
- Budget Guidelines.

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

Chairman Bulova expressed appreciation to Ms. Strauss for her participation.

Funding of Plaques for Presentations

(NOTE: Earlier in the meeting, the Board mentioned funding for plaques. See page 4.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that a request be made to Board Members to provide from their office budgets an

amount of money of their choice to provide a fund that would be available for plaques for Board presentations. Supervisor Hyland seconded the motion.

Chairman Bulova clarified that details would be left up to Board Members and that the funds could be taken from this year's or next year's budget.

Following discussion regarding taking the lead on this process, Chairman Bulova offered her office to take the lead in contacting Board Members.

Supervisor Smyth asked to amend the motion to allow for the option of a personal check for the funds, and this was accepted.

Supervisor Frey asked to amend the motion to direct staff to provide the cost to reinstate the purchase of plaques for an entire year, and this was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

EBE:ebe

11. **11:00 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:53 a.m.)
(APPTS)
(BACs) **A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

ATHLETIC COUNCIL

Supervisor Herrity moved the appointment of Mr. Eric T. Sohn as the Diversity At-Large Alternate Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Ms. Karin Stamper as the Lee District Representative. Supervisor Herrity seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the appointment of Mr. Elmer Arias as the Member At-Large Principal Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Dranesville District Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

Supervisor Cook moved the appointment of Ms. Monica Jackson as the Braddock District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

CIVIL SERVICE COMMISSION

Supervisor Cook moved the appointment of Ms. Irene Farquhar as the At-Large #8 Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Supervisor Gross moved the appointment of Ms. Lee Ellen Helfrich as the Mason District Representative. Supervisor Foust and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

COMMISSION ON AGING

Supervisor Gross moved the appointment of Mr. Nazir A. Bhagat as the Mason District Representative. Chairman Bulova and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Smyth moved the appointment of Mr. Luis Padilla as the Providence District Representative. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

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

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Frey moved the reappointment of Mr. Michael D. Birch as the Sully District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

HUMAN RIGHTS COMMISSION

Chairman Bulova moved the appointment of Mr. Luis Padilla as the At-Large #11 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the At-Large #2 Chairman's Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Supervisor Cook moved the appointment of Mr. Paul D. Langley as the Braddock District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Supervisor Gross moved the reappointment of Mr. Robert Schwaninger as the Mason District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Ms. Lilia Jimenez-Siehengalu as the Fairfax County #3 Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

Supervisor Smyth moved the appointment of Mr. Kevin D. Denton as the Tenant Member #3 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

TRAILS AND SIDEWALKS COMMITTEE**CONFIRMATIONS:**

Supervisor Gross moved confirmation of the following appointments:

- Ms. Elizabeth Cronauer as the Park Authority Representative
- Ms. Jean Voss as the Clifton Horse Society Representative

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

ECONOMIC DEVELOPMENT AUTHORITY

Chairman Bulova announced the resignation of Mr. Michael S. Horwatt from the Economic Development Authority. She relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite him to appear before the Board to be recognized for his service. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

DET:det

12. **ADMINISTRATIVE ITEMS** (12:01 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Supervisor McKay called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing to Lease County-Owned Property to Cellco Partnership d/b/a Verizon Wireless (Lee District) and asked to amend the motion and change the date of the public hearing from June 8, 2010, to June 22, 2010, and this was accepted.

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 A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7010 OLD KEENE MILL ROAD (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 25, 2010, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 7010 Old Keene Mill Road, Springfield, Virginia, Tax Map Numbers 080-4-((09))-0004, 0005, and 0006.

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Reinstated the following individuals, identified with a registration number, as Plans Examiners:

- Andrew G. Miller DPE #154 on 6/23/97 Inactive on 5/6/02
- B. Stanley Orndorff DPE #17 on 3/8/91 Inactive in 2007
- William M. Yaus DPE #152 on 6/9/97 Inactive on 6/1/09

ADMIN 3 – 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>
Fairwood Estates Murdock Street	Sully	Murdock Street

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Preston Mulford and Beverley Mulford (Mulford School)	Sully	Lee Highway (Route 29) Additional ROW Only

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ARMFIELD FARM COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 25, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Armfield Farm CPD, in accordance with current CPD restrictions.

ADMIN 5 – APPROVAL OF INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (HUNTER MILL AND SULLY DISTRICTS)

- (R) Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Fox Mill Road between Lawyers Road and Waples Mill Road (Hunter Mill and Sully Districts)

ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK AND LEE DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-5-2	T-Mobile Northeast LLC Additional antennas and equipment cabinets 6320 Augusta Drive Lee District	July 3, 2010
FS-B09-206	Clearwire US LLC Antenna colocation on existing transmission tower Clydesdale Road Braddock District	July 4, 2010

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (LEE DISTRICT)

- (A) (Note: Earlier in the meeting, action was taken to change the date of this public hearing. See page 11.)

Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2010, at 4 p.m.** to consider leasing County-Owned property to Verizon Wireless for the installation of telecommunications equipment for public use at the South County Government Center.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON BARNSFIELD ROAD (ROUTE 763) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 8, 2010, at 4 p.m.** to consider the vacation and abandonment of Barnsfield Road (Route 763).

13. **A-1 – BOARD ACTION ON CONSOLIDATED COMMUNITY FUNDING POOL (CCFP) RECOMMENDATIONS FOR FISCAL YEARS (FY) 2011 AND 2012** (12:01 p.m.)

Chairman Bulova asked for clarification regarding public hearings that have already been held concerning CCFP recommendations. Discussion ensued, with input from Audrey Spencer-Horsley, Associate Director, Grant Management, Department of Housing and Community Development, regarding the roles of the Consolidated Community Funding Advisory Committee in holding a series of hearings and the Selection Advisory Committee in making recommendations to the Board.

Supervisor Hudgins moved that Board concur in the recommendation of staff and:

- Approved the contract list and associated award of CCFP funds as recommended in Table A of the Board Agenda Item dated April 27, 2010, by the Selection Advisory Committee (SAC) for FY 2011.
- In accordance with the CCFP multi-year contract award process, accepted the committee's recommendations for FY 2012 funding, contingent upon future federal and state funds as part of the FY 2012 budget process.
- Approved the recommendation of the SAC for the reallocation of new federal, State, or local funds, and any lapsing project funds

that may be necessary during the course of this and future funding cycles.

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

(NOTE: Later in the meeting, the Board held a public hearing regarding the Consolidated Plan. See Clerk's Summary Item #69.)

14. **A-2 – APPROVAL OF MODIFICATIONS TO THE SILVER LINING AND SILVER LINING PLUS PROGRAMS** (12:05 p.m.)

Supervisor Smyth asked for clarification of modifications 1, 2 and 3, with input from John Payne, Deputy Director, Real Estate, Department of Housing and Community Development (HCD), concerning the first-time homebuyers program and lack of clarification. He noted that the clarification had been noted in a Redevelopment and Housing Authority item that would be given to the Board.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize HCD to implement the proposed modifications to the Silver Lining and Silver Lining Plus programs.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

15. **A-3 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR COUNTY-FUNDED ROADWAY IMPROVEMENTS TO TELEGRAPH ROAD (LEE DISTRICT)** (12:08 p.m.)

On motion of Supervisor McKay, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the project agreement in substantial form, including the provision of using up to \$10 million in available County transportation funds for the widening of Telegraph Road from South Kings Highway to South Van Dorn Street from two lanes to four lanes.

16. **I-1 – QUARTERLY STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:08 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2010, regarding the quarterly status report on the Board's second four-year Transportation Program.

Discussion ensued concerning Project 193, Georgetown Pike Stone Rubble Masonry Signs.

Supervisor Herrity asked unanimous consent that the Board direct staff to report on the cost of the project. Without objection, it was so ordered.

17. **I-2 – CONTRACT AWARD – ENGINEERING SERVICES FOR HUNTSMAN LAKE POHICK CREEK DAM NUMBER 8 REHABILITATION (SPRINGFIELD DISTRICT)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2010, requesting authorization for staff to award a contract to Schnabel Engineering in the amount of \$552,000 to provide the planning, design, and ancillary services needed to rehabilitate the Huntsman Lake Dam.

The staff was directed administratively to proceed as proposed.

18. **I-3 – CONTRACT AWARD – BRIDLE PATH STREAM RESTORATION (DRANESVILLE DISTRICT)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2010, requesting authorization for staff to award a contract to Avon Corporation in the amount of \$499,547 for the construction of the Bridle Path Stream Restoration, Project SC8000-SC001, Scotts Run Watershed Projects, in Fund 318, Stormwater Management Program.

The staff was directed administratively to proceed as proposed.

19. **I-4 – SUPPLEMENTAL AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE MASON NECK TRAIL PROJECT (MOUNT VERNON DISTRICT)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2010, requesting authorization for the County Executive to execute a supplemental agreement with VDOT for the Mason Neck Trail project.

Supervisor Gross inquired as to the status of other projects in VDOT's Six-Year Improvement Program with input from Katharine Ichter, Director, Department of Transportation.

The staff was directed administratively to proceed as proposed.

20. **I-5 – INTERNATIONAL BUILDING SAFETY WEEK** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2010, announcing that, in observance of International Building Safety Week, May 9 – 15, 2010, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in the County. This is in keeping with DPWES' mission to enforce building codes and related County ordinances to ensure the construction of safe buildings in the County.

(Note: Earlier in the meeting the Board proclaimed May 9 – 15, 2010, as Building Safety Week. See Clerk's Summary Item #8.)

NV:nv

ADDITIONAL BOARD MATTERS21. **RECOGNITION OF ORGANIZATIONS AND INDIVIDUALS** (12:12 p.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to:

- Invite representatives from the County Fallen Officers Memorial Organization to appear before the Board to accept a proclamation on May 11, 2010, declaring May 9-15 as “*Police Week*” in Fairfax County.
- Prepare and send a proclamation to the Department of Family Services recognizing May 2-8, 2010, as “*Child Care Professional Appreciation Week*” in Fairfax County and provide publicity.
- Invite representatives from the Fairfax-Falls Church Community Services Board, the Health Department, the Fire and Rescue Department, and the Police Department to appear before the Board to accept a proclamation on June 22, declaring June 26, 2010, as “*Hepatitis Awareness Day*” in Fairfax County.
- Invite representatives from the Department of Public Works and Environmental Services to appear before the Board to accept a proclamation on May 11, 2010, acknowledging May 16-22, 2010, as “*American Public Works Week*” in Fairfax County.
- Prepare and send a proclamation to the Virginia State Association of Parliamentarians declaring May 1, 2010, as “*Parliamentary Law Day*” in Fairfax County.
- Invite representatives from the Fire and Rescue Department to appear before the Board in June to receive a proclamation designating June 20-26, 2010, as “*Fire and EMS Safety, Health, and Survival Week*” in Fairfax County.

Without objection, it was so ordered.

22. **LYME DISEASE TOWN MEETING** (12:15 p.m.)

(Note: Earlier in the meeting, the Board proclaimed “*Lyme Disease Awareness Month.*” See Clerk’s Summary Item #3.)

Jointly with Supervisor Smyth, Chairman Bulova said that following the presentation to the Health Department earlier in the meeting, everyone now is

aware that May is “*Lyme Disease Awareness Month.*” Chairman Bulova reminded Board Members that she and Supervisor Smyth will host a town meeting on Lyme Disease with special guest Congressman Gerry Connolly on Saturday, May 15 at the Government Center from 10 a.m. to noon.

Chairman Bulova announced that a panel of experts will present the latest information on the incidence, prevention, and management of Lyme Disease. The program will include presentations by two representatives of the Center for Disease Control (CDC). Dr. Ben Beard, Chief of the Bacterial Diseases Branch, and Dr. James Mead, Chief of Epidemiology and Surveillance, both of the CDC, will be joined by Health Department (HD) Medical Epidemiologist Dr. Peter Troell. Following their presentations, these panelists will be joined by Dr. Jorge Arias, HD Environmental Health Supervisor of Disease Carrying Insects Program, and County Wildlife Biologist Victoria Monroe for a question and answer period.

In addition, exhibits and displays from a wide variety of organizations and vendors will be set up in the Forum area of the Government Center. Chairman Bulova encouraged Board Members to attend this important and timely meeting.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to prepare a press release and assist with publicizing this meeting. Without objection, it was so ordered.

23. **NATURALIZATION CEREMONY** (12:16 p.m.)

Chairman Bulova said that on May 14 the County will be hosting the second naturalization ceremony in the County Government Center. Members of the County Asian American History Project Task Force have been working with US Citizenship and Immigration Services to ensure that this event will be special for all involved.

Chairman Bulova explained that the ceremony is a contribution by the task force to the County's celebration of National Asian/Pacific American Heritage Month. The program will begin at 11 a.m. in the Board Auditorium. She invited Board Members to this ceremony designed to welcome 75 new American citizens and provide information about voting and other rights of American citizens. It will be followed by a reception and light refreshments. The reception is being sponsored by Cox Communications.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to support this effort and request that the Office of Public Affairs help to publicize this event.

Following comments regarding the previous such event, without objection, it was so ordered.

24. **DULLES CORRIDOR METRORAIL PROJECT (DCMP) RAILCAR PROCUREMENT** (12:17 p.m.)

Jointly with Supervisor Hudgins and Supervisor McKay, Chairman Bulova said that as part of the construction of the DCMP, additional railcars will be required to operate passenger service on the Silver Line. A total of 128 railcars will be required for operation of the entire extension to include 64 each for Phase 1 to Wiehle Avenue and Phase 2 to Dulles International Airport and Loudoun County. The Washington Metropolitan Area Transit Authority (WMATA) is tasked with purchasing the railcars needed for the Dulles Corridor rail service, with reimbursement by the DCMP.

Chairman Bulova said that at issue is the allocation of costs for the design and development of the new generation railcar that WMATA has requested for new and replacement railcars for the entire Metrorail system. The procurement that WMATA is proposing includes the 64 railcars for Phase 1 of the DCMP extension as a base buy and options to purchase additional railcars, including 64 additional railcars for Phase 2 of the DCMP and 300 replacement vehicles for the aging Rohr 1000-series railcar fleet which is approaching the end of its useful life.

The result of the WMATA base buy/option approach is that the entire cost of engineering and development, about \$100-120 million, has been allocated to the base buy of 64 cars for the DCMP, rather than to the entire 428 railcar order. This approach raises the cost of railcars for the DCMP Phase I to \$4.14 million per car versus \$2.71 million per car if the design and development cost were instead spread over 428 railcars. She asserted that this is not an equitable distribution of these costs and will cause the DCMP to exceed its budget for railcars by \$75 million.

Chairman Bulova moved that the letter contained in her written Board Matter be forwarded to Richard Sarles, the Interim General Manager of WMATA, endorsing the Metropolitan Washington Airports Authority's position that there be a more equitable allocation of design and development costs between the railcars required for the DCMP and the replacement of the 300 railcars. The letter also urges Mr. Sarles to meet with Mr. Bennett as soon as possible so as not to delay the procurement or the implementation of the DCMP. Supervisor Hudgins seconded the motion.

Discussion ensued regarding the use of the railcars for the entire system, shared costs, a previous understanding with WMATA, and regional cost savings resulting from bundling railcar purchases, with input from Anthony H. Griffin, County Executive.

Supervisor Foust asked unanimous consent that the Board direct staff to provide the costs of the railcar purchase that were shown in the applications made to the Federal Government. Without objection, it was so ordered.

Following further discussion regarding previous agreements, with input from Mr. Griffin, the question was called on the motion, and it carried by unanimous vote.

25. **FORT BELVOIR MASTER PLAN (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (12:29 p.m.)

Jointly with Supervisor Herrity, Supervisor Hyland, and Supervisor McKay, Chairman Bulova said that the update of Fort Belvoir's Master Plan began in 2003 with a public scoping session for the Environmental Impact Statement (EIS) being prepared to evaluate alternatives for future development. At that time the Board endorsed comments which expressed full support for the update and urged Fort Belvoir to provide a strong link between development proposals and specific transportation and other infrastructure improvements needed to support development. The letter also strongly recommended coordination with staff. The update of the master plan was interrupted with the announcement in 2005 that Base Realignment and Closure (BRAC) Committee recommendations would result in approximately 22,000 employees being relocated to Fort Belvoir, effectively doubling the working population of the post.

As noted in Chairman Bulova's written Board Matter, in 2007, as part of the EIS for BRAC implementation, the land use categories of the Master Plan were reclassified and the land use map was updated. This partial update was done despite strong objections by the County that such changes should wait and be included in the comprehensive update of the Master Plan. Since 2008, BRAC related development has proceeded on Fort Belvoir's Main Post and the Engineer Proving Ground (EPG), but very little information about the progress of the update of the Fort's master plan had been shared with the County until now. On April 13, 2010, the National Capital Planning Commission (NCPC) forwarded to the County 11 components of a final draft master plan for Fort Belvoir.

Chairman Bulova announced that NCPC has tentatively scheduled these master plan documents for action at the July 1, 2010, commission meeting and has asked staff for comments by May 28, 2010. Staff has found that the master plan component for the EPG (now called Fort Belvoir North Area) and a complete transportation plan component have not been provided. In addition, the County has not received a completed EIS or environmental assessment for the Master Plan as required by the National Environmental Policy Act (NEPA). Additionally, none of the draft master plan documents are listed on either Fort Belvoir's or NCPC's websites for open public review and comment.

Finally, Chairman Bulova said the way that NCPC and Fort Belvoir are considering the draft master plan raises serious questions regarding the degree to which Army regulations and NEPA guidelines are being followed. As noted in the written Board Matter, Army Regulation 210-20 governing Real Property Master Planning (RPMP) states that garrisons will work with local and regional planning agencies to build close and harmonious planning relations and that any

RPMP will be coordinated with communities surrounding the installation to:

- Minimize impacts of installation operations and development or base realignment actions on those communities.
- Maintain awareness of, and respect for, the future growth patterns and development of the surrounding communities.
- Seek mutual compatible land uses and zoning considerations to maintain the operational capability and future viability of the installation.

The regulations state clearly that a formal environmental assessment will be conducted in conjunction with developing a RPMP and that this assessment using the NEPA process consolidates all current and future real property actions at the installation and looks at the cumulative impacts. The regulations go on to state that "completing the formal environmental assessment of the RPMP using the NEPA is a major component of an effective environmental management system.

Therefore, Chairman Bulova moved that the Board authorize the Chairman, and other sponsors of the Board Matter, to work with staff to prepare and transmit a letter to NCPC on behalf of the Board that would request the following:

- That NCPC immediately suspend any review or formal action on the draft Fort Belvoir RPMP until all components of the plan are completed and the required NEPA analysis and documentation are provided.
- That the County and its citizens be afforded a minimum 90 day review period following the completion of the entire draft RPMP and associated NEPA analysis documents.
- That Fort Belvoir conduct a meaningful outreach and engagement process with the surrounding community to explain future plans and describe how the necessary supporting infrastructure will be provided.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

26. **RECOGNIZING BRIGITTE LAVEY, THE COUNTY PUBLIC SCHOOLS 2010 TEACHER OF THE YEAR (DRANESVILLE AND MASON DISTRICTS)** (12:32 p.m.)

Supervisor Foust congratulated Brigitte Lavey, a social studies teacher at Langley High School, for being named the County Public Schools 2010 Teacher of the

Year. Ms. Lavey will represent the County Public Schools in Virginia's Teacher of the Year competition. Ms. Lavey has been with County Public Schools since 1968 and at Langley High School for 34 years. She teaches Advanced Placement World History, World Studies 2, and Geography. She is also this year's recipient of the *Washington Post* Agnes Meyer Outstanding Teacher Award for educational excellence which is presented annually to a teacher from each school division in the Washington metropolitan area and includes a \$3,000 prize. Supervisor Foust referred to his written Board Matter and outlined Ms. Lavey's many other awards and accomplishments.

Therefore, Supervisor Foust moved that the Board direct staff to invite Ms. Lavey, and her family, friends, and colleagues, to appear before the Board to be recognized for her outstanding achievement. Noting that Ms. Lavey is a Mason District resident, Supervisor Gross seconded the motion, which carried by unanimous vote.

27. **DESIGNATING MAY 2010 AS COMMUNITY ACTION MONTH**
(12:34 p.m.)

(BACS) Supervisor Foust said that the Community Action Partnership, which is the national association of community action agencies, has declared May 2010 as National Community Action Month. National Community Action Month strives to bring together people from all walks of life to celebrate Community Action's efforts to make America a better place to live and to encourage support for these vital agencies.

Supervisor Foust added that this declaration will commemorate the anniversary of the signing of the Economic Opportunity Act (EOA). This act provided federal support to local community action efforts and initiated strong partnerships between federal agencies and grassroots programs. Commemorating this anniversary locally offers an opportunity to develop and renew partnerships, mobilize support, generate new ideas, and disseminate information on community action programs, achievements, and visions throughout the County.

Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place in which to live. Community Action Partnership is dedicated to helping people help themselves and each other.

Therefore, Supervisor Foust asked unanimous consent that the Board proclaim May 2010 as "*Community Action Month*," in Fairfax County and direct staff to invite members of the Community Action Advisory Board to appear before the Board on May 11 to receive the proclamation. Following input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule, without objection, it was so ordered.

28. **NATIONAL PET WEEK** (12:36 p.m.)

Supervisor Frey moved approval of the Proclamation presented to Karen Diviney, Animal Shelter Director, to designate May 2-8, 2010, as “*National Pet Week*” in Fairfax County. Chairman Bulova seconded the motion, which carried by unanimous vote.

29. **FEES FOR 2232 PUBLIC FACILITIES APPLICATIONS** (12:40 p.m.)

Supervisor Frey noted that staff from the Department of Planning and Zoning (DPZ) is responsible for the preparation of all property owner notification lists for 2232 public facilities applications. Additionally DPZ pays all mailing expenses for the legally required notices as set forth in State Code. Unlike other zoning applications, there are no submission fees for 2232 applications, and, therefore, no opportunity to recoup any of the County’s direct or indirect costs. Achieving the goal of 50 percent zoning cost recovery is that much harder if an entire category of zoning applications is exempted. While many 2232 applications are submitted by County agencies for public uses, a significant percentage are requests for facilities by telecommunications companies which he said can, and should, bear the cost of their review.

Accordingly, Supervisor Frey moved that the Board:

- Direct staff to evaluate the feasibility of establishing for 2232 public facility applications, including an assessment of potential revenues and costs to County agencies which may be required to pay fees to process applications.
- Direct the County Attorney to provide guidance as to whether it would be permissible to exempt, either by statute or by individual waiver, County agencies from application fees if the fees are enacted.
- If determined legal and desirable to adopt fees for 2232 applications, refer to staff for consideration for inclusion on the 2010 Zoning Ordinance Amendment Work Program as a Priority 1 item.

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

30. **BARNSFIELD ROAD RIGHT-OF-WAY (SULLY DISTRICT)** (12:41 p.m.)

(NOTE: Earlier in the meeting the Board authorized a public hearing regarding Barnsfield Road. See page 13, Admin 8.)

Supervisor Frey said that Sully East LC filed Rezoning/Final Development Plan Application RZ/FDP 2009-SU-024, Proffered Condition Amendment

Application PCA 2003-SU-035, and Special Exception Amendment Application SEA 2003-SU-023 to amend the previous approvals and to rezone a portion of the property known as “Dulles Discovery South” property to the PDC District to allow development of a secure office complex. On September 14, 2009, the Board authorized inclusion of 1.9919 acres of Barnsfield Road right-of-way area greater than that approved with the prior rezoning of the property because the pending applications include additional land. Neither the Sully East entities nor the Park Authority require access to their properties from Barnsfield Road; therefore, it can be vacated and abandoned in its entirety with the exception of a small area to accommodate construction of a traffic signal on Centreville Road.

Supervisor Frey said that earlier in the meeting, the Board authorized the vacation/abandonment of Barnsfield Road for June 8 at 4 p.m. Because the statutory 30-day appeal period will not have passed between the vacation/abandonment action and the date of the zoning hearings, the Barnsfield Road vacation/abandonment order and ordinance will not go to record prior to the public hearings for the land use applications.

Therefore, Supervisor Frey, at the request of the applicants, moved that the Board reaffirm the inclusion of approximately:

- 86,762 square feet of Barnsfield Road right-of-way in Rezoning/Final Development Plan Applications RZ/FDP 2009-SU-024.
- 67,353 square feet of Barnsfield Road right-of-way in Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2003-SU-035.
- 24,756 square feet of Barnsfield Road right-of-way in Special Exception Amendment Application SEA 2003-SU-023.

Supervisor Frey further moved to reaffirm the continued inclusion of this land in the reference application after the Board’s actions on the vacation/abandonment request, but prior to recordation of the associated ordinance/order.

Supervisor Frey stated that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

31. **FEDERAL TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) II GRANT FUNDING FOR RICHMOND HIGHWAY TRANSIT STUDY (LEE AND MOUNT VERNON DISTRICTS)** (12:44 p.m.)

In a joint Board Matter with Chairman Bulova and Supervisor McKay, Supervisor Hyland said that recently Virginia State Delegate Scott Surovell, in coordination with Congressman Connolly, brought to their attention the availability of a second round of TIGER Grants. The improvements to Richmond Highways north of Telegraph Road were put on hold pending the outcome of a Richmond Highway Transit Study to determine the feasibility and viability of enhanced transit in the Richmond Highway corridor. Richmond Highway is shown on the County's Comprehensive Plan to be improved with Metrorail, monorail, light rail transit, or bus rapid transit in the future. Funding for the transit study was designated and set aside from Richmond Highway improvement monies, then subsequently moved by the Virginia Department of Transportation to other improvement and maintenance projects.

Supervisor Hyland noted that staff is currently evaluating TIGER II Grant funding for transportation projects across the County. At a recent Board meeting, the Board authorized staff to apply for TIGER II Grants for Tysons Corner transportation infrastructure improvements. Supervisor Hyland stated his belief that the TIGER Grant may be an appropriate alternate funding source to advance the vision in the Comprehensive Plan.

Therefore, jointly with Chairman Bulova and Supervisor McKay, Supervisor Hyland moved that the Board authorize staff to review the TIGER II Grant requirements and submit an application if deemed to be in the best interest of the County. Supervisor McKay seconded the motion, which carried by unanimous vote.

32. **LORTON ROAD TRAFFIC STUDY (LEE AND MOUNT VERNON DISTRICTS)** (12:46 p.m.)

Supervisor Hyland noted that on March 23, the Board approved new Comprehensive Plan language for the Inova Lorton Healthplex. Planning Commissioner Tim Sargeant highlighted language in the staff report which stated that the Lorton Road/Silverbrook Road/Sanger Street intersection would operate at a failing level of service under the current Comprehensive Plan. Inova inserted plan language, which was supported by staff, that it would utilize transportation demand management and make improvements to this intersection to mitigate the additional traffic the development would bring. He said that the improvements, along with the widening and improvement of Lorton Road, will go a long way to improve the flow of traffic at this intersection.

Given that this intersection is a crucial ingress and egress point to Interstate 95, a feeder road during rush hour to residential communities, one of the few east-west

corridors in the southern part of the County, Supervisor Hyland stated that it is imperative that this vital traffic corridor be maintained at an acceptable level of service. The Planning Commission (PC) made a follow-on motion recommending that the Board of Supervisors direct the Department of Transportation (DOT) to study and make recommendations in this heavily utilized corridor.

Therefore, Supervisor Hyland moved that the Board adopt the PC recommendation of March 10, 2010, to direct DOT to study and make recommendations regarding traffic operations and transportation improvements in the Lorton area, particularly along Lorton Road between Silverbrook Road and Lorton Market Street. Chairman Bulova seconded the motion, which carried by unanimous vote.

DAL:dal

33. **REQUEST FOR RECOGNITION – COMMUNITY HEALTH CARE NETWORK (CHCN) CELEBRATES 20 YEARS** (12:47 p.m.)

Supervisor Smyth said that CHCN, the County's affordable health care program, will be 20 years old this spring.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to prepare a resolution to be presented at the May 25 meeting. She stated that a celebratory reception is scheduled for that morning, prior to the Board meeting.

Following a query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations scheduled for that day, without objection, the request was so ordered.

34. **UNIVERSAL DESIGN WORKSHOP** (12:48 p.m.)

Supervisor Smyth distributed around the dais flyers for the Universal Design Workshop which she and Supervisor Hudgins will be hosting next week, May 5, 2010, from 9 a.m. to 1:30 p.m. at the Unitarian Universalist Church in Oakton, Virginia. Chairman Bulova stated that she will be attending the workshop as well.

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

35. **KEEP IN THOUGHTS MR. JERRY SINGER** (12:49 p.m.)

(BACs) Supervisor Hudgins asked everyone to keep in thoughts Mr. Jerry Singer, who died recently. He was the husband of Linda Singer, Hunter Mill District Representative to the Water Board. She stated that a public memorial ceremony for Mr. Singer will be held in June.

36. **VERIZON WIRELESS/CRICKET COMMUNICATIONS (HUNTER MILL DISTRICT)** (12:49 p.m.)

Supervisor Hudgins said that the Verizon Wireless/Cricket Communication (applicant) telecommunications site is at an existing electric substation, transformer, and distribution center located at 1977 Hunter Mill Road for which a special exception to operate the center and a 15.1-2232 (Feature Shown Application FS-H97-54) to operate a telecommunication facility have been approved.

The applicant would like to add additional antenna and equipment cabinets to the existing telecommunication building and receive approval to allow the existing equipment structure to remain that is 11 feet in excess of the permitted height. The applicant has filed Special Exception Amendment Application SEA 82-C-116 and a new Feature Shown Application FS-H09-22 to achieve this objective. The SEA application and the new Feature Shown requests are currently under review by staff. The feature shown request is scheduled for a Planning Commission public hearing on July 15, 2010, and the applicant is requesting an expedited Board date.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to expeditiously process Special Exception Amendment Application SEA 82-C-119* including the scheduling of a public hearing to be held before the Board on July 27, 2010. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances. Chairman Bulova seconded the motion.

Following a brief discussion regarding the height, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

(*Later in the meeting, Supervisor Hudgins clarified that the Special Exception Amendment Application number is SEA 82-C-116. See Clerk's Summary Item #55.)

37. **PROCLAMATION REQUEST FOR BIKE TO WORK DAY** (12:51 p.m.)

Jointly with Supervisor Smyth, Supervisor Hudgins stated that Friday, May 21, is Bike to Work Day in the County and the Washington metro area. This is an exciting opportunity for bicycle commuters as well as those who have thought about getting out of their cars and onto their bikes. Bicycle commuting is an effective means to improve air quality, reduce traffic congestion, and promote wellness.

There will be nine Bike to Work events in the County this year including three new events. The locations are Reston, Vienna, Springfield Metro Park, Tysons Corner, Fairfax City, Fairfax Corner, Herndon, Burke, and Merrifield.

Therefore, Supervisor Hudgins asked unanimous consent that the Board proclaim May 21 as "*Bike to Work Day*" in Fairfax County and direct staff to publicize the event and invite staff from the Department of Transportation and members of the bicycling community to appear before the Board on May 21, 2010, to be recognized for their hard work in making this day possible.

It was noted that May 21 is not a Board day and discussion ensued regarding the date. Supervisor Hudgins asked unanimous consent that the date be changed to the May 11 Board meeting date.

Discussion ensued, with a query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations scheduled for May 11. Chairman Bulova stated that that date may not be suitable considering the large number of presentations already scheduled for that day. She stated that the proclamation may have to be presented at another large gathering, which may be in Reston.

Without objection, the request was so ordered.

38. **REQUEST FOR RECOGNITION OF MR. WILLIAM A. ADAMS**
(12:54 p.m.)

Supervisor Hudgins said that after a stellar career with the Hospital Corporation of America, Incorporated (HCA), William A. Adams, known to most as "Bill" is retiring. Mr. Adams started with HCA in 1981, celebrating 29 years of dedicated service.

Mr. Adams started with the Reston Hospital Center (RHC) in February of 1998. Under his leadership RHC has completed a \$100 million expansion project that expanded many clinical departments and added 60 beds, converted the hospital to all-private rooms, expanded the emergency department and operating rooms, and added a medical office building, surgery center, and parking garage.

During his tenure he reshaped the hospital clinically by adding or enhancing several tertiary services and establishing clinical partnerships with facilities throughout the metro Washington area, including Children's National Medical Center and Washington Hospital Center.

Under his watch Reston Hospital became HCA Virginia's first facility to complete the magnet journey and become one of only five percent of hospitals in the nation to receive this recognition of nursing excellence. In addition, this year Reston Hospital was recognized as Anthem's number one hospital in the Commonwealth based on QHIP quality scoring metrics.

Mr. Adams has also been active and engaged in the community, in particular with the Reston Chamber of Commerce, HOSPAC, the Greater Washington Board of Trade, and the Northern Virginia HealthForce CEO Roundtable.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a resolution to recognize Mr. Adams for his many accomplishments during his tenure with HCA, to be presented at his retirement celebration on May 17, 2010. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

39. **ROBERT E. SIMON, JR. CHILDREN'S CENTER CELEBRATES TWENTIETH ANNIVERSARY** (12:56 p.m.)

Supervisor Hudgins said that the Robert E. Simon, Jr., Children's Center in Reston is a wonderful non-profit child care center that guides the development and nurturing of young children while celebrating the diversity of the County's population. On May 1, the Center will be celebrating its twentieth anniversary.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a certificate for delivery at the anniversary celebration to be held on May 1 to recognize the outstanding contribution of the Robert Simon Children's Center to the Reston community. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

PMH:pmh

40. **RECOGNITION OF COUNTY BY THE PUBLIC TECHNOLOGY INSTITUTE (PTI)** (12:57 p.m.)

Supervisor Gross said that the PTI is a technology organization created by, and for, cities and counties. It identifies opportunities for technology research, develops best practices, shares solutions, and recognizes achievements by its members. PTI's Technology Solutions Awards is an annual program that recognizes local governments that demonstrate how the successful use of technology can improve government performance and the delivery of services to their communities.

Facing the daunting challenge of a \$650 million shortfall for Fiscal Year (FY) 2010, the Board sought input from citizens through face-to-face meetings, an extensive media campaign, use of social media (such as Twitter, You Tube, and Facebook,) and a one-stop-shop on the County's revamped website. The goal was to create a budget that included the appropriate level of services that, in light of the projected shortfall, were both sustainable and acceptable to the community.

Supervisor Gross announced that it was for these efforts that, at the 2010 PTI Technology Solutions and Innovations Conference in March 24-25 in Washington, DC, that the County was recognized in the "Web and E-

Government” category for its Public Engagement on the County’s FY 2010 Budget.

Chairman Bulova added that this would be an opportunity for the Office of Public Affairs to assist with publicizing the recognition that the County received for the current fiscal year.

41. **COUNTY LIVE WELL WORKFORCE WELLNESS PROGRAM**
(12:59 p.m.)

Supervisor Gross said that the County Live Well Workforce Wellness Program began in July 2008 to help address rising health care costs and concerns for County employees overall health and well-being. In the fall of 2009, the Live Well Program conducted an employee survey based upon its first year of programming. The survey revealed that many employees had attempted one or more healthy behaviors during the first year of the program. Over 1300 survey respondents said they had tried to increase their exercise, make better dietary choices, and/or lose weight. Another 1100 employees responded they had tried to walk more during the past year. The survey identified that workplace norms related to coworker support for support and demonstrate a healthier lifestyle.

On Thursday, May 20, 2010, the Live Well Program will sponsor a wellness symposium of County agency resources, health plan contractors, health screenings, and wellness workshops at the Government Center for County government employees.

Therefore, Supervisor Gross moved that the Board proclaim Thursday, May 20, 2010, as “Employee Health and Fitness Day” in Fairfax County and that the proclamation be presented to the Live Well Advisory Council on May 20. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

42. **NATIONAL CAPITAL REGION LAND CONSERVATION ACT OF 2009**
(HR 2968/S. 1525) (1:01 p.m.)

Supervisor Gross said that at its meeting on March 23, 2010, the Board directed staff to review the National Capital Region Land Conservation Act of 2009 (HR 2986) and provide a recommendation to the Board as to the implications of the Board endorsing the legislation. HR 2986 is sponsored by Congressman Moran and co-sponsored by Congressmen Connolly and Wolf. Its companion bill, S. 1525, is sponsored by Senator Cardin and co-sponsored by Senators Warner and Webb.

Supervisor Gross referred to her written Board Matter outlining the proposal and moved that the Board:

- Approve sending a letter, under the Chairman's signature, to the County's Congressional delegation, expressing support for HR 2986 and S. 1525.
- Directed staff to work with Congressional staff to ensure that the funding authorized by the legislation, should it be approved by Congress, is appropriated in the federal budget.

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

43. **NEWLY ADOPTED PARKING RESTRICTIONS** (1:03 p.m.)

Supervisor Gross referred to the newly adopted parking restrictions that were recently enacted and said that she has received a few complaints and questioned whether other Board Members had received complaints. No other Board Members indicated that they had received complaints.

(NOTE: Later in the meeting, during Public Comment, the Board revisited this issue. See Clerk's Summary Item #71.)

44. **WOOD GLEN LAKE DAM STABILIZATION PROJECT (BRADDOCK DISTRICT)** (1:07 p.m.)

Jointly with Chairman Bulova, Supervisor Cook said that protection of homes and infrastructure are important functions of local government. Planning has been underway for some weeks now to hold a ceremony commemorating the start of the Woodglen Lake Dam Stabilization Project in Braddock District. This ceremony will held on May 15 at 1 p.m.

This project is a continuation of the County's commitment to ensuring that the Pohick PL-566 lakes meet current dam standards. Funding and implementation are a partnership with the Natural Resources Conservation Service and the Northern Virginia Soil and Water Conservation District. Other federal funding comes through the American Recovery and Reinvestment Act (stimulus funds). The total cost of this project is estimated to be approximately \$1.7 million. When completed, the project will ensure the protection of over 400 homes, 20 public, commercial, and industrial facilities, and the Virginia Railway Express (VRE) railroad.

Supervisor Cook said that a notice to proceed was issued to the contractor, Environmental Quality Services, effective yesterday. He invited Board Members, along with Congressman Connolly and representatives from the General Assembly, to participate in this community celebration.

45. **REQUESTING DESIGNATION OF PORTIONS OF ROBERTS ROAD AS “NO PARKING” AREAS (BRADDOCK DISTRICT)** (1:08 p.m.)

Supervisor Cook said that the Board responded to community concerns in Kings Park West and established two Residential Permit Parking Districts (RPPD) on Tapestry Road to deal with safety and other issues caused by heavy parking and traffic, much of which is caused by George Mason University students. Those RPPDs are now in effect and have improved conditions immensely. Some of the parking, however, has moved to Roberts Road and has created a serious safety concern. The Virginia Department of Transportation (VDOT) has reviewed the situation and determined it does not meet VDOT's strict guidelines for parking restrictions.

The County, however, has wider authority to restrict parking. Supervisor Cook said that the Department of Transportation (DOT) has reviewed this growing safety concern. After independently reviewing the portion of Roberts Road between Gainsborough Drive and Braddock Road, staff observed that guardrails are preventing vehicles from parking an adequate distance from traffic, creating a dangerous situation for oncoming traffic and drivers exiting their vehicles. Consequently DOT has recommended that parking along that stretch of Roberts Road be prohibited and that 'No Parking' signage be installed on both the east and west sides of the aforementioned segment of Roberts Road.

Supervisor Cook asserted that while this action does eliminate some parking spaces in the neighborhood, the increase in safety requires it. The neighborhood also has requested this restriction.

Therefore, Supervisor Cook moved that the Board designate the area of Roberts Road between Braddock Road and Gainsborough Drive, in the areas where a guardrail is present along the side of the road, as "No Parking" areas and direct DOT to take the necessary steps to install "No Parking" signs in those areas. Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Hudgins being out of the room.

46. **SUPPORTING DEDICATED BUS SERVICE IN THE I-66 CORRIDOR** (1:11 p.m.)

Supervisor Herrity said that on April 19, along with Congressman Frank Wolf, and Supervisor Frey, he hosted a Town Hall meeting titled "I-66-Today and the Future: Common Sense Solutions to Address Gridlock." The meeting was well attended by not only residents in the County, but other local jurisdictions in the area as well. Topics included:

- Extended use of the shoulder lanes, including weekends

- Non-HOV use of the ramps at Monument Drive and Stringfellow Road out of normal high occupancy vehicles (HOV) hours
- The proposed bus-only ramp at Nutley (Vaden Street)
- The Interchange at I-495 and I-66
- The status of the EIS for an I-6 Multimodal Study
- Status of the Virginia Department of Rail and Public Transportation (VDRPT) study of Transits/Transportation Demand management for I-66
- A session on Bus Rapid Transit (BRT)

The program ended with Q/A after thorough presentations were given from various agencies and the private sector. The BRT presentation was accompanied by a video that demonstrated firsthand how cost effective and quickly this system can be put in place. Those that attended the town hall were amazed at its effectiveness in relieving congestion not only in major US cities but in cities around the world.

Supervisor Herrity said that in April 2009, he wrote a letter to Congressman Wolf, a BRT proponent, asking for his support for a regional BRT study in the new Surface Transportation Authorization legislation. He said that it was his belief that BRT will significantly reduce traffic congestion, improve the efficiency of the regional transportation system, improve the economic condition in the County and above all else result in cost effective mass transit for the region.

Senator Chap Petersen also spoke at the Town Hall meeting reaffirming his longtime commitment to the I-66 corridor and the need for BRT. He presented a March 2010 letter written to Governor McDonnell and signed by nine legislators (Senators Colgan and Marsden and Delegates Keam, LeMunyon, Marshall, Scott, Bulova, Hugo and Miller) that represent the areas along this corridor showing the strong bi-partisan support for BRT and making I-66 more efficient. As pointed out in the letter, VDRPT is undertaking a "Transit/TDM Study" for the I-66 corridor. This study has identified bus rapid transit or "BRT" as a low cost precursor to rail outside the capital beltway. Additionally, the study indicated that it could be done at a fraction of the cost necessary to fund a fixed rail project and implemented quickly.

Supervisor Herrity said that on May 4, 2009, the Board approved his motion to have a discussion on developing a vision for a Countywide connected multi-modal transportation network.

Supervisor Herrity further stated that BRT in the I-66 corridor outside the beltway could be established for significantly less cost than rail, help provide relief to the

severe traffic congestion residents face on a daily basis, and could potentially be operational in a few years.

Accordingly, Supervisor Herrity moved that the Board incorporate discussion of its support of the effort to get BRT moving in this corridor into the upcoming Transportation Committee meeting agenda item concerning a vision for a multi-modal transportation network. Supervisor Smyth seconded the motion.

A brief discussion ensued regarding the ramp for the express bus service on I-66.

Supervisor Frey asked to amend the motion to direct staff to provide the Board with information regarding what cities around the country are doing in terms of a BRT effort, and this was accepted.

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

47. **MULLIGAN ROAD AND TELEGRAPH ROAD PROJECT (LEE AND MOUNT VERNON DISTRICTS)** (1:18 p.m.)

Jointly with Supervisor Hyland and Chairman Bulova, Supervisor McKay said that in 2001, Woodlawn Road and Beulah Street through Fort Belvoir property, between Route 1 and Telegraph Road were closed to public travel. This action eliminated one of the very few east-west arteries in the southeastern portion of the County connecting Route 1 and Telegraph Road. As a result, traffic congestion in this area has significantly deteriorated. To make matters worse, 13,000 additional will be relocating to this section of the County in the fall of next year under the Base Realignment and Closure (BRAC) plan.

In a cooperative effort, the US Army at Fort Belvoir, Federal Highway Administration (FHWA), Virginia Department of Transportation (VDOT), and the County have worked together to fully fund and construct a replacement east-west roadway named Mulligan Road. Anticipating the congestion on Telegraph Road to increase significantly with the opening of Mulligan Road unless Telegraph Road was widened and improved, the County funded and initiated a cooperative alliance to also widen and improve a segment of Telegraph Road from Beulah Street to Leaf Road. FHWA is managing the design and will manage the construction of both Mulligan Road and this segment of Telegraph Road. VDOT will be performing the right-of-way acquisition.

The Mulligan Road and Telegraph Road projects will restore the vital connection through Fort Belvoir property between Route 1 and Telegraph Road that was lost when Woodlawn and Beulah were closed. A portion of the Mulligan Road connector is already under construction. However, Phase 2, which includes a full 4-lane roadway and improvements to Telegraph Road from Beulah Street to Leaf Road, is still awaiting authorization to advance to the right-of-way acquisition

stage. Construction completion was scheduled for 2012, but this date is now in danger of not being met.

Under ordinary circumstances, land acquisition and construction can be a long process, but this is not an “ordinary” project. With the large influx of BRAC traffic into an area already crippled by the loss of an essential east-west roadway, it is imperative that this critical replacement link be completed and opened to the public as soon as possible. To get the project back on schedule will require creative solutions and flexibility, but it is absolutely essential with the anticipated large influx of BRAC traffic next year into an already intolerably congested network.

Jointly with Supervisor Hyland and Chairman Bulova, Supervisor McKay moved that the Board direct staff to prepare a letter to FHWA and VDOT, asking them to develop and implement creative solutions now to advance the Mulligan Road and Telegraph Road Project as expeditiously as possible, with the goal of opening the road to traffic no later than 2012. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following comments from Supervisor Hyland regarding traffic issues, the question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

48. **RECESS/CLOSED SESSION** (1:24 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. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v.*

- Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
2. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, and Wells Fargo Bank*, Record No. 092486 (Va. Sup. Ct.) (Mount Vernon District)
 3. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
 4. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (United States Court of Appeals for the Fourth Circuit)
 5. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)
 6. *DeCarlo Enterprises, Inc., t/a Fairfax Propane v. Fairfax County, et al.*, Case No. CL-2009-0007414 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 7. *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)
 8. *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. The Fairfax County Board of Supervisors*, Civil Action No. 1:10cv283 (E.D. Va.) (Mount Vernon District)
 9. *Board of Supervisors of Fairfax County, Virginia v. NewPath Networks, LLC*, Case No. CL-2010-0005141 (Fx. Co. Cir. Ct.) (Dranesville District)
 10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No.

- CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Asghar & Sons, Inc.*, Case Nos. CL-2009-0015539 and CL-2009-0011377 (Fx. Co. Cir. Ct.) (Mason District)
 13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androulla Demetriou*, Case No. CL-2009-0006842 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Y.C. Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang, and Wan Shi Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang*, Case No. CL-2009-0016276 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 15. *Richard Lord and Nancy Lord Zearfoss v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Case Nos. CL-2009-0012456 and CL-2010-0000197 (Fx. Co. Cir. Ct.) (Springfield District)
 16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose R. Melgar*, Case No. CL-2009-0002348 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)
 17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Debby M. Amaya, Maria E. Amaya, and Jose D. Fernandez*, Case No. CL-2009-0016277 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 18. *Eileen M. McLane, Fairfax County Zoning Administrator v. H. James Neary and Eileen M. Neary*, Case No. CL-2009-0013822 (Fx. Co. Cir. Ct.) (Mason District)
 19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Shen*, Case No. CL-2009-0010971 (Fx. Co. Cir. Ct.) (Providence District)
 21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kye Ok Hwang*, Case No. CL-2010-0002569 (Fx. Co. Cir. Ct.) (Mason District)
 22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Darioush David Movafagh and Lili Movafagh*, Case No. CL-2009-0010922 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee, Gayet Living Trust*, Case No. CL-2009-0014359 (Fx. Co. Cir. Ct.) (Dranesville District)
 24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Paucar and Rafael A. Soler*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)
 25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio Moya*, Case No. CL-2009-0017993 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen A. Portillo and Corina J. Portillo*, Case No. CL-2010-0000612 (Fx. Co. Cir. Ct.) (Springfield District)
 27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cleto Rojas, Ismael Dante Casildo-Ordonez, and Delia Luisa Berrospi-Romero*, Case No. CL-2009-0016908 (Fx. Co. Cir. Ct.) (Mason District)
 28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Villarroel-Romero*,

Carlos Rogelio Renjel, and Celia Vargas-Mendez,
Case No. CL-2009-0017629 (Fx. Co. Cir. Ct.)
(Mason District) (Strike Team Case)

29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles,* Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team/BNV Case)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eun S. Sul,* Case No. CL-2009-0017508 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team/BNV Case)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira,* Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Deutsche Bank National Trust Company,* Case No. CL-2010-0001310 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelo J. Via,* Case No. CL-2010-0002566 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. David J. Moore, Jr., and Sterling Moore,* Case No. CL-2010-0004272 (Fx. Co. Cir. Ct.) (Mason District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Hernandez and Paula Argueta,* Case No. CL-2010-0004450 (Fx. Co. Cir. Ct.) (Mason District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jong S. Kim and Myoung S. Kim,* Case No. CL-2010-0004488 (Fx. Co. Cir. Ct.) (Springfield District)

37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nassir Ansary*, Case No. CL-2010-0004598 (Fx. Co. Cir. Ct.) (Springfield District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shaikh M. Shahid and Sadaf S. Shahid*, Case No. CL-2010-0004728 (Fx. Co. Cir. Ct.) (Lee District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Marks*, Case No. CL-2010-0004979 (Fx. Co. Cir. Ct.) (Mason District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mann Realty, Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcos C. Vieira and Maria Elena Vieira*, Case No. CL-2010-0005428 (Fx. Co. Cir. Ct.) (Mason District)
42. *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)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case No. CL-2010-0001427 (Fx. Co. Cir. Ct.) (Hunter Mill District)
44. *Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Margaret L. Harrison*, Case No. 10-0008977 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ivy Inocencio*, Case Nos. 10-0008939 and 10-0008940 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
46. *Board of Supervisors of Fairfax County, Virginia v. Petula Associates, Ltd., n/k/a Petula Associates*,

LLC, and Travelers Casualty and Surety Company of America, Case No. CL-2009-0013580 (Fx. Co. Cir. Ct.) (Sully District)

47. *Board of Supervisors of Fairfax County, Virginia v. Oak Street, LLC, Case No. CL-2010-0004599 (Fx. Co. Cir. Ct.) (Providence District)*

And in addition:

- *Nageotte v. Board of Supervisors of Stafford County, et al., Record Number 090543*
- *FFW Enterprises v. Fairfax County, et al., Record Number 091883; FFW Enterprises v. Fairfax County Economic Development Authority, et al, Record Number 091930; Parkridge 6 LLC, et al. v. Fairfax County Economic Development Authority, Record Number 092006*
- House Bill 1063
- Personnel Regulations Section 4.5
- *Town of Leesburg v. Giordano, Record Number 091455*
- Discussion under *Virginia Code* Section 2.2-3711-A (6)

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

49. **INTENT TO DEFER PUBLIC HEARINGS (HUNTER MILL DISTRICT)**
(1:26 p.m.)

Chairman Bulova announced the following:

- The public hearing on Rezoning Application RZ 2009-HM-019 would be deferred.
- The public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding riding and boarding stables was cancelled.

(Note: Later in the meeting, the Board took formal action regarding the above-referenced public hearings. See Clerk's Summary Items #57 and #63.)

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At 3:38 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

50. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:38 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 Foust 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. **AUTHORIZATION TO FILING OF AMICUS BRIEF IN TOWN OF LEESBURG V. GIORDANO** (3:38 p.m.)

Supervisor Smyth moved that the Board authorize the filing of an amicus brief on behalf of the Board in the case of *Town of Leesburg v. Giordano*, now pending before the Virginia Supreme Court, and that the Board direct the County Attorney to take all necessary steps in regard to the filing of the amicus brief. Chairman Bulova seconded the motion and it carried by unanimous vote.

52. **AUTHORIZATION ACTION AND FILING OF AMICUS BRIEF IN NAGEOTTE V. BOARD OF SUPERVISORS OF STAFFORD COUNTY** (3:39 p.m.)

Supervisor Foust moved that the Board authorize the County Attorney, in the event of a decision in *Nageotte v. Board of Supervisors of Stafford County*, having adverse financial consequences for the County, to take all appropriate and available steps under applicable law and rules of the Supreme Court of Virginia to protect the interests of the County, including filing an amicus brief on behalf of the County and Board if a rehearing on such adverse decision is granted and if permitted to do so by the Court. Supervisor Gross seconded the motion and it carried by unanimous vote.

53. **AUTHORIZATION TO DENY CLAIMS** (3:40 p.m.)

Supervisor Gross moved that the Board deny the claims of the 37 police officers represented by Edward J. Nuttall, Esquire, as set forth in counsel's letters dated April 13, 2010, and April 21, 2010, for the reasons stated by the County Attorney

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

54. **AUTHORIZATION TO ACQUIRE PROPERTY (BRADDOCK DISTRICT)**
(3:40 p.m.)

Supervisor Cook moved that the Board authorize the acquisition of the property located at 7372 McWhorter Place, Annandale, Virginia, Tax Map Numbers. 071-1-01-0027 and 071-1-01-0028, and that the Board direct the County Executive and the County Attorney to take the necessary steps to acquire this property as outlined in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

55. **CLARIFICATION OF THE MOTION FOR VERIZON WIRELESS/CRICKET COMMUNICATIONS (HUNTER MILL DISTRICT)** (3:41 p.m.)

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

Following a brief query to David P. Bobzien, County Attorney, Supervisor Hudgins clarified the motion made earlier regarding Verizon Wireless/Cricket Communications to expedite processing. Therefore, she moved that the Board direct the Department of Planning and Zoning to expeditiously process Special Exception Amendment Application SEA 82-C-116 including the scheduled update for the public hearing on July 27, 2010. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

56. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2004-MV-001 (TRUSTEES OF THE CALVARY KOREAN BAPTIST CHURCH AND NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY WASHINGTON, DC, SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS) (MOUNT VERNON DISTRICT)** (3:43 p.m.)

The application property is located at 8616 Pohick Road, Tax Map 98-1 ((1)) 21.

Mr. James R. Michal reaffirmed the validity of the affidavit for the record.

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

Mr. Michal 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, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 2004-MV-001, subject to the development conditions dated March 3, 2010.
- Modification of the transitional screening requirements and waiver of the barrier requirement, in favor of that shown on the SEA/SPA Plat.

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

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-HM-019 (COMSTOCK RESTON STATION HOLDINGS, LC) (HUNTER MILL DISTRICT)** (3:48 p.m.)

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2009-HM-019 until **May 11, 2010, at 4 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor Hudgins asked unanimous consent that Board ask Members and staff to retain the staff report associated with the case in an effort to be save money in reproduction costs and the environment. Without objection, it was so ordered.

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-Y-059 (EXXON MOBIL CORPORATION) (SULLY DISTRICT)** (3:50 p.m.)

The application property is located at 13825 and 13829 Lee Highway, Tax Map 54-4 ((1)) 103A and 104.

Mr. David Warrenton reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved approval of Special Exception Amendment Application SEA 93-Y-059, subject to the development conditions dated April 23, 2010. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Frey moved waiver of the:

- Service drive along Lee Highway in favor of the existing travel lane.
- Transitional screening requirement along the property's western lot line in favor of the existing landscaping.

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

59. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-SP-012 (McDONALD'S CORPORATION) (SPRINGFIELD DISTRICT)** (3:56 p.m.)

The application property is located at 13035-B Lee Jackson Memorial Highway, Tax Map 45-1 ((1)) 10F pt.

Ms. Inda Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg 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 Herrity moved:

- Approval of Special Exception Application SE 2009-SP-012, subject to the development conditions dated April 12, 2010.
- Waiver of the on-road bike lane requirement on Route 50.
- Modification of the trail requirement on Route 50.
- Modification of the transitional screening requirement in favor of that shown on the SE Plat.

- Waiver of the barrier requirement in favor of that shown on the SE Plat.
- Modification of the peripheral parking lot landscape requirement in favor of that shown on the SE Plat.

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

60. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-MA-013
(McDONALD’S CORPORATION) (MASON DISTRICT)**

AND

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-
M-102-03 (McDONALD’S CORPORATION) (MASON DISTRICT)**
(4:02 p.m.)

- (O) The application property is located on the north side of Little River Turnpike approximately 250 feet west of its intersection with Beauregard Street at 4800 North Chambliss Street and 6302 Little River Turnpike, Tax Map 72-2 ((1)) 44A and 72-4 ((1)) 6E.

Ms. Inda Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg 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.

Discussion ensued, with input from Ms. Stagg, regarding the service drive and access from the surrounding entry points to the restaurant and the impact on the flow of traffic.

Supervisor Gross submitted items for the record.

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 called the Board’s attention to page 69 of the Board’s Agenda Item to correct the second bullet from the bottom to read: “Existing trees located within the Fairfax County Water Authority (FCWA) easement shall be removed three years after issuance of the non-RUP.”

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-MA-013, from the C-8, C-4, and HC Districts to the C-8 and HC Districts, subject to the proffers dated March 9, 2010.
- Approval of Special Exception Amendment Application SEA 83-M-102-03, subject to the development conditions dated March 23, 2010.
- Modification of the transitional screening requirements along a portion of the northern and western boundaries and along the southern boundary, in favor of that shown on the GDP/SEA Plat.
- Waiver of the transitional screening requirement along a portion of the northern boundary, in favor of that shown on the GDP/SEA Plat.
- Waiver of the barrier requirement along a portion of the northern and western boundaries and along the southern boundary, in favor of that shown on the GDP/SEA Plat.

Supervisor Foust 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 Smyth, and Chairman Bulova voting "AYE," Supervisor McKay being out of the room.

61. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-V-093-02 (McDONALD'S CORPORATION) (MOUNT VERNON DISTRICT)** (4:13 p.m.)

The application property is located at 8735 Richmond Highway, Tax Map 109-2 ((2)) 3A.

Ms. Inda Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg 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.

Discussion ensued regarding the height of the proposed fence on the title property.

Further discussion ensued, with input from Catherine E. Lewis, Branch Chief, Rezoning and Special Exception Evaluation Branch, Department of Planning and Zoning, (DPZ), regarding who receives notifications regarding a case.

Following the public hearing, which included testimony by one speaker, Kellie-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, DPZ, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 79-V-093-02, subject to the development conditions dated April 27, 2010.
- Modification of the peripheral parking lot landscaping requirements in favor of that shown on the SEA plat.
- Modification of the Richmond Highway streetscape requirements along Richmond Highway and Cooper Road to that shown on the SEA plat.
- A deviation of the Tree Preservation target requirements of Chapter 122 of the County Code and the Public Facilities Manual by the Director of the Department of Public Works and Environmental Services, (DPWES) and Urban and Forestry Management.

Supervisor McKay and Supervisor Herrity jointly seconded the motion.

Discussion ensued, with input from Ms. Lewis, regarding the language in the application regarding signage and the requirement for the number of parking spaces.

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

62. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING STATE CODE CHANGES; EDITORIAL AND OTHER MINOR REVISIONS** (4:30 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 April 8 and April 15, 2010.

Douglas W. Hanson, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, 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 State Code changes, editorial and other minor revisions, as recommended by the Planning Commission, (PC), with an effective date of

12:01 a.m. on April 28, 2010. The PC recommendation includes the following change from that presented in the February 9, 2010, staff report on page 5, line 34:

- The amended reference for Zoning Ordinance Section 3-P04 and Section 3-C04 (page 5 of the staff report) to refer to “Paragraph 2 or Paragraph 3” in lieu of Paragraph 2 only, with Paragraph 2 applying to Section 3-P04 and Paragraph 3 applying to Section 3-C04.

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

63. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RIDING AND BOARDING STABLES** (4:34 p.m.)

Chairman Bulova announced that as indicated on the agenda, the public hearing was cancelled and will be referred to the Development Process Committee meeting on June 1, 2010.

64. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A (RESIDENTIAL PERMIT PARKING DISTRICTS), RELATED TO FINES** (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 April 8 and April 15, 2010.

Maria Turner, Transportation Planner, Department of Transportation, (DOT) presented the staff report.

Discussion ensued, with input from Bob Ottem, Traffic Enforcement Officer, Traffic Division, Parking Enforcement, Police Department, regarding the data on the number of violations.

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A (Residential Permit Parking Districts), related to fines. Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

65. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5B (COMMUNITY PARKING DISTRICTS), RELATED TO FINES** (4:37 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 April 8 and April 15, 2010.

Maria Turner, Transportation Planner, Department of Transportation, (DOT) presented the staff report.

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5B (Community Parking Districts), related to fines. 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 McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

66. **4:30 P.M. – PH TO ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE RESTON COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)** (4:38 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 April 8 and April 15, 2010.

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

Discussion ensued, with input from Ms. Nguyen regarding the reasons for establishing and expanding the CPD.

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

Supervisor Hudgins submitted items for the record.

67. **4:30 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 8350 RICHMOND HIGHWAY TO NEW CINGULAR WIRELESS PCS, LLC (AT&T MOBILITY) (LEE DISTRICT)** (4:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2010.

Marguerite Verville-Guarino, Assistant Director for Real Estate Development and Planning, Facilities Management Department, (FMD), presented the staff report.

Supervisor McKay asked unanimous consent that the Board direct staff to properly identify properties on tax maps before presentation to the Board. Without objection, it was so ordered.

Following the public hearing, Supervisor McKay moved that the Board authorize staff to execute a lease with New Cingular Wireless, PCS, LLC to permit the installation of telecommunications equipment for public use at 8350 Richmond Highway. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

68. **4:30 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 8350 RICHMOND HIGHWAY TO CLEAR WIRELESS, LLC A NEVADA LIMITED LIABILITY COMPANY (LEE DISTRICT)** (5:01 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2010.

Marguerite Verville-Guarino, Assistant Director for Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor McKay moved that the Board authorize staff to execute a lease with Clear Wireless, LLC to permit the installation of telecommunications equipment at 8350 Richmond Highway. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

69. **4:30 P.M. – PH ON THE PROPOSED FIVE-YEAR CONSOLIDATED PLAN FOR FY 2011–2015 AND THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FY 2011** (5:04 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2010.

Steven E. Knippler, Senior Program Manager, Grants Management, Department of Housing and Community Developments, (HCD), presented the staff report.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board refer the Community Services Board's letter and requests to staff for discussion at the Board's Human Services and Housing Committees. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Following the public hearing, which included testimony by eight speakers, a brief discussion ensued regarding the NOVA grant vouchers and the process for awarding the grants.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding the grant process. Without objection, it was so ordered.

Chairman Bulova announced that the Board will take action on this item at its May 11, 2010, meeting.

70. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX P (THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY) (PROVIDENCE DISTRICT)** (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 April 1, April 8, and April 15, 2010.

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment, presented the staff report. Ms. Byron noted that Virginia Code Section 15.2-5156 states that, after the public hearing, the petitioner has the right to consider whether to withdraw the petition or waive that right.

Following the public hearing, Tom Kiler, Edens and Avant Administrative LLC, on behalf of Eskridge (E&A), waived its right to withdraw from the petition.

Discussion ensued, with input from James V. McGettrick, Assistant County Attorney, Office of County Attorney, regarding the statutory right to withdraw the petition or waive that right.

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix P (The Mosaic District Community Development Authority). Supervisor Foust and Supervisor McKay 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."

71. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:47 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2010.

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

The public hearing was held and included testimony by the following individuals:

- Mr. Vladimir Pismenny, regarding transportation and parking at Metro Stations.
- Mr. David Kyle, regarding the impact on small business of commercial vehicle height parking restriction.
- Mr. Tim Cropp, regarding parking restrictions on Small Businesses.
- Mr. Larry Hanshaw, regarding parking restrictions.

Following the testimony of Mr. Kyle, discussion ensued regarding restrictions and the authorizing State Legislation requirements and exemptions of the regulation.

72. **BOARD ADJOURNMENT** (6:12 p.m.)

The Board adjourned.

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