



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
November 16, 2010**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, November 16, 2010, at 9:37 a.m., there were present:

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

Supervisor Jeffrey C. McKay, Lee District, arrived at 9:39 a.m.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:38 a.m.)

Supervisor Smyth asked everyone to keep in thoughts the family of Mr. Herb Taylor who died recently. He was a tireless advocate for the mental health community; he served on the Community Services Board, the Woodburn Mental Health Center Advisory Board, and helped set up the Woodburn Foundation. He was a member and committee chair of the Mental Health Institute Advisory Council.

Supervisor Hyland asked everyone to keep in thoughts the family of Governor Robert F. (Bob) McDonnell, whose father Lt. Col. John F. "Jack" McDonnell died recently. He was a longtime resident of the Mount Vernon District, had a distinguished military career, and he contributed a lot to the County.

Supervisor Hudgins asked everyone to keep in thoughts the family of Sue Bessel, wife of Mr. Ted Moline who died recently. Mr. Moline, a longtime resident of Reston, will be remembered for the work that he did with the watershed planning, the farmer's market, and the role he played in the community and the faith community.

Chairman Bulova asked everyone to remember Servicemen and women who are serving the country overseas and who are in harm's way.

AGENDA ITEMS2. **WELCOME AND RECOGNITION OF THE DELEGATION FROM IVANOVO STATE POWER ENGINEERING UNIVERSITY, RUSSIA** (9:41 a.m.)

Chairman Bulova welcomed the delegation, relinquished the Chair to Vice-Chairman Gross, and moved a Certificate of Recognition to the delegation from Ivanovo State Power Engineering University, located in Ivanovo, Russian Federation, for its signing of a Memorandum of Understanding with Northern Virginia Community College. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **PRESENTATION OF CERTIFICATES FROM BEST WORKPLACES FOR COMMUTERS** (9:47 a.m.)

Phil Winters, Director, Best Workplaces for Commuters Program, presented certificates for Best Workplaces for Commuters to Fairfax County, Booz Allen Hamilton, SAIC, George Mason University, Inova Fairfax Hospital, Orange Business Services, National Wildlife Federation, AeroSpace Corporation, ICF

International (Fairfax), and Inova Alexandria Hospital for offering large scale trip reduction programs to employees.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MICHAEL COOPER** (9:54 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to Mr. Michael Cooper for his induction into the Virginia High School Hall of Fame. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. HENRY LATIMER** (10:03 a.m.)

(BACs) Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. Henry Latimer for his years of service on the Human Services Council. Supervisor Smyth seconded the motion and it carried by unanimous vote.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. GEORGE LOVELACE** (10:14 a.m.)

(BACs) Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. George Lovelace for his years of service to the County and the Town of Vienna. Mr. Lovelace was a member of the Park Authority Board and the Athletic Council. Supervisor Foust seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING DECEMBER 1, 2010, AS "AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:22 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate December 1, 2010, as "AIDS Awareness Day" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **10:30 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (10:33 a.m.)

(BACs) Stella Koch, Chairman, EQAC, presented its annual report which included the following recommendations that the County:

- Continue funding for energy efficiency and conservation programs. EQAC encourages the County to expand efforts to include energy use benchmarking and monitoring in non-residential buildings.

- Continue to fund stormwater programs from funds generated through the Stormwater Service District rates and that the rate be increased by another half-penny.
- Improve transit utilization through a systematic plan that includes multiple options within a community.

Discussion ensued with input from Ms. Koch, and George Lamb, Vice Chairman, EQAC, regarding:

- Transportation Management
- Stormwater tax increase
- Projected estimated cost and timeline on the Total Maximum Daily Load (TMDL) requirements
- Budget and funding of some of the Park Authority programs
- Deer management programs
- Cost of providing reliable transit system

Supervisor Gross moved that the Board adopt the EQAC report and refer these recommendations to the appropriate staff for action. Supervisor Hyland and Supervisor McKay jointly seconded the motion, and it carried by unanimous vote.

9. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:02 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

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

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Supervisor Herrity moved the appointment of Dr. David Schnare as the Springfield District Representative. Supervisor Foust and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

CHILD CARE ADVISORY COUNCIL

Supervisor Foust moved the appointment of Ms. Ann Aoki as the Dranesville District Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Chairman Bulova moved the appointment of Ms. Toni Townes-Whitley as the At-Large Chairman's Representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Ms. Catherine A. Baum as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION ON AGING

Supervisor Hudgins moved the appointment of Ms. Suzanne Rudiselle as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Following a brief discussion, Supervisor Hudgins moved the reappointment of Rabbi Rosalind Gold as the Religious Community Representative. Supervisor Gross seconded the motion, and it carried by unanimous vote.

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- The Honorable Thomas P. Mann as the Chief Judge of the Juvenile and Domestic Relations Court Representative

- Ms. Tracy L. Lavelly as the Chief Probation and Parole Officer Representative
- Ms. Cindy L. Sanzotta as the Clerk of the Juvenile and Domestic Relations Court Representative

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

DOMESTIC VIOLENCE PREVENTION POLICY COORDINATING COUNCIL

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Mr. David P. Bobzien as the Chairman of the Council

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Chairman Bulova moved the reappointment of Mr. George W. Lamb as the At-Large #3 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

Supervisor McKay moved the reappointment of Ms. Johna Gagnon as the Lee District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Hunter Mill District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Chairman Bulova moved the reappointment of The Honorable Chuck Caputo as the At-Large Business Community #1 Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Kelly Greenwood as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Harriet Epstein as the Providence District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Fairfax County and the Sully District Representatives.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Supervisor Cook moved the appointment of Mr. Jon A. Miskell as the At-Large #4 Representative. Chairman Bulova and Supervisor Hudgins jointly seconded the motion, which carried by unanimous vote.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

CONFIRMATIONS:

Supervisor Hyland moved confirmation of the following appointments:

- Ms. Eileen Duggan as the Commission on Aging Representative
- Ms. Cathleen A. Lewandowski as an Educational Organization Representative
- Ms. Vicki L. Doff as the Constituents/Consumer Representative

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

GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY BOARD

Supervisor Cook moved the appointments of the following individuals:

- Mr. Mark O'Meara as the Braddock District #1 Representative

- Mr. Cliff Keenan as the Braddock District #2 Representative

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

CONFIRMATION:

Supervisor Cook moved confirmation of the following appointment:

- Mr. Rob Stalzer as the County Executive Representative

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

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #4 and Provider #2 Representatives.

HUMAN RIGHTS COMMISSION

Chairman Bulova moved the appointment of Mr. Henry Salinas as the At-Large #4 Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

LIBRARY BOARD

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Ms. Medelyn Ortiz Lopez as the Fairfax County #9 Youth Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Fairfax County #7 Representative.

TRAILS AND SIDEWALKS COMMITTEE

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

TREE COMMISSION

Supervisor Herrity moved the appointment of Mr. Nicholas Kokales as the Springfield District Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, and it carried by unanimous vote.

The Board deferred the appointment of the Mason District Representative.

(NOTE: Later in the meeting, the Board created a 2011 Advisory Citizen Reapportionment Committee and made two appointments to it. See Clerk's Summary Item #19.)

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10. **ADMINISTRATIVE ITEMS** (11:14 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Smyth seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT FUNDING FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND AUTHORIZATION FOR CONSOLIDATED PLAN CERTIFICATIONS

- Authorized HCD, in partnership with Pathway Homes, to apply for and accept funding, if awarded, for five renewal Shelter Plus Care grants totaling \$1,570,056. No local cash match is required.
- Authorized the CSB to apply for and accept renewal funding, if awarded, for \$334,625, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, \$254,652 is HUD funding and \$79,973 is the local cash match.

- Endorsed the submission of one new project application by Volunteers of America Chesapeake for \$408,895, including \$306,441 in HUD funds and \$102,454 in private cash match, to provide permanent supportive housing for 14 chronically homeless individuals with mental illness.
- Endorsed 18 renewal grant applications totaling \$3,708,340, including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, \$2,642,975 is HUD funding, \$445,136 is State pass-through funds, and \$620,229 is private match. Local cash match is not required for these applications; however, three applications by Christian Relief Services for a total of \$644,241 in HUD funds, one application by Pathway Homes, Incorporated, for a total of \$157,788 in HUD funds, and one application by PRS, Incorporated, for a total of \$168,450 in HUD funds require a combined cash match of \$445,136 for a one-year period. This match is supported with State pass-through funds to the CSB. The remaining 13 nonprofit renewal applications totaling \$1,672,496 in HUD funds require no local cash match; however, a private match of \$620,229 is included and committed by the applicants to support these applications.
- Authorized the Department of Family Services to apply for and accept funding, if awarded, for two renewal grants. This funding consists of \$520,346, including \$67,000 in local cash match, for the RISE Supportive Housing Grant; and \$865,417, including \$433,837 in local cash match, for the Community Housing Resource Program – Award Three.

**ADMIN 2 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 11076 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)
TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF
VIRGINIA – GOVERNOR’S OPPORTUNITY FUND FOR SAIC,
INCORPORATED**

(SAR) Approved SAR AS 11076 for the EDA to accept grant funding in the amount of \$1.5 million from the Commonwealth of Virginia to convey to SAIC, Incorporated, as the State portion of this grant. No local cash match is required. The County must provide road and pedestrian infrastructure improvements in Tysons Corner in the Providence District.

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11075 FOR VARIOUS AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

(SAR) Approved SAR AS 11075 in the amount of \$20,694,490 for the County to accept DHS Fiscal Year 2010 UASI subgrant awards from the State Administration Agency. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1 of the Board Agenda Item. All projects will be implemented in accordance with the program guidance documents.

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, HUNTER MILL, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-Y09-99-1	Clearwire US LLC Additional and relocated rooftop antennas 3600 Joseph Siewick Drive Sully District	January 16, 2011
FS-Y10-50	New Cingular Wireless PCS LLC Rooftop antennas 4050 Westfax Drive Sully District	January 16, 2011
FS-V10-47	Clearwire US LLC Antenna colocation on existing monopole 8616 Pohick Road Mount Vernon District	January 16, 2011
FS-H10-45	Clearwire US LLC Rooftop antennas 2817 Jermantown Road Hunter Mill District	January 16, 2011

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P10-10	NewPath Networks, New Cingular Wireless PCS LLC Distributed Antenna System Chain Bridge Road, Hunter Mill Road, Oak Valley Drive, Vale Road Providence District	January 17, 2011
FS-H10-46	Clearwire US LLC Rooftop antennas 1850 Centennial Park Drive Hunter Mill District	January 17, 2011
FS-P10-51	New Cingular Wireless PCS LLC Rooftop antennas 1430 Spring Hill Road Providence District	January 17, 2011
FS-S10-53	Clearwire US LLC Antenna colocation on existing monopole 7008 Elkton Drive Springfield District	January 17, 2011
FSA-Y02-22-1	Verizon Wireless Replacement antennas on existing tower 15717 Lee Highway Sully District	January 17, 2011
FSA-S09-168-1	Clearwire US LLC Additional antennas on existing monopole 4641 West Ox Road Springfield District	January 17, 2011
FSA-H09-137-1	Clearwire US LLC Additional rooftop antennas 11800 Sunrise Valley Drive Hunter Mill District	January 20, 2011
2232-B10-15	T-Mobile Northeast LLC 120-foot monopole 5405 Port Royal Road Braddock District	January 23, 2011

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-B09-31	T-Mobile Northeast LLC 130-foot monopole 5797 Burke Centre Parkway Braddock District	January 23, 2011

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING STATE CODE, EDITORIAL, AND MINOR REVISIONS

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 26, 2011, at 8:15 p.m., and before the Board on **February 22, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance). The proposed amendment incorporates a revision required as a result of legislative action by the 2010 Virginia General Assembly, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments, and makes other clarifying and minor revisions.

ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11077 FOR THE HEALTH DEPARTMENT TO ACCEPT A DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) SUBGRANT AWARD THROUGH THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR PUBLIC HEALTH EMERGENCY RESPONSE

- (SAR) Approved SAR AS 11077 for the Health Department to accept a DHHS Fiscal Year 2010 sub grant award through VDH for Public Health Emergency Response in the amount of \$372,557. These funds will be used to support the agency's pandemic influenza planning, vaccination, and communication campaigns.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY AT 2310 COLTS NECK ROAD TO T-MOBILE NORTHEAST LLC (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2010, at 4 p.m.** to consider leasing County-owned property to T-Mobile for the installation of telecommunications equipment for public use at the Reston Community Center.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY COUNTY-OWNED PROPERTY TO SULLY EAST LC AND SULLY EAST-CASSEL, LC (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 7, 2010, at 4:30 p.m.** to consider conveying County-owned property to Sully East LC and Sully East-Cassel, LC.

ADMIN 9 – PROPOSED STREET NAME CHANGE FROM BEALL DRIVE TO ADELINE COURT (DRANESVILLE DISTRICT)

Approval of a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for Beall Drive on Tax Map Number 031-3 to Adeline Court effective 30 days following Board approval, in accordance with the Code of the County of Fairfax, Chapter 102 (Streets and Sidewalks), Section 102-1-9.

ADMIN 10 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

- (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>
Francis Young Estates	Hunter Mill	Francis Young Lane
		Mamie Dyer Lane
		Beulah Street (Route 675) Additional Right of Way (ROW) Only
Capital Baptist Church	Mason	Gallows Road (Route 650) Additional ROW Only
Gunston Corner Parcel C (Best Western Hotel)	Mount Vernon	Silverbrook Road (Route 600) Additional ROW Only
		Plaskett Lane (Route 7644) Additional ROW Only
Merrifield Metro Center Parcels 1 and 2	Providence	Gallows Road (Route 650) Additional ROW Only

ADMIN 11 – INSTALLATION OF “NO PARKING” SIGNS ON ORIOLE AVENUE (LEE DISTRICT)

- (Rs)
- Adopted the Resolution authorizing installation of “No Parking” signs on both sides of Oriole Avenue from Backlick Road to the eastern boundary of 7002 Oriole Avenue and the eastern boundary of 7003 Oriole Avenue.
 - Directed staff to install these signs at the earliest possible date.

11. **A-1 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF ITS REVENUE BONDS FOR THE BENEFIT OF BSI, INCORPORATED (BROWNE ACADEMY)** (11:14 a.m.)

(BONDS)

- (R) On motion of Supervisor McKay, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution for the EDA to issue revenue bonds up to \$8.3 million for the benefit of BSI, Incorporated (Browne Academy).

12. **A-2 – APPROVAL OF STATE LITTER PREVENTION AND RECYCLING GRANT FUNDING TRANSFER TO CLEAN FAIRFAX COUNCIL, INCORPORATED** (11:15 a.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Hudgins and Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the transfer of the State Litter Prevention and Recycling Grant Funding in the amount of \$115,003 to Clean Fairfax Council, Incorporated.

13. **A-3 – APPROVAL OF BOND UNDERWRITERS FOR DULLES RAIL PHASE I TRANSPORTATION IMPROVEMENT DISTRICT FINANCING** (11:15 a.m.)

On a joint motion of Supervisor Hudgins and Supervisor Hyland, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved J.P. Morgan Securities LLC and Citigroup Global Markets Incorporated to serve as joint book-running senior managing underwriters on the fixed-rate Dulles Rail Phase I Transportation Improvement District Bonds Series 2011.

14. **A-4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11078 AND APPROVAL OF A PROJECT AGREEMENT FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE SULLY CIVIL WAR CYCLE TOUR (HUNTER MILL, SPRINGFIELD, AND SULLY DISTRICTS)** (11:16 a.m.)

(SAR) Supervisor Frey moved that the Board concur in the recommendation of staff and approve:

- A project agreement in substantial form, between DOT and VDOT.
- SAR AS 11078 for DOT to accept funding from VDOT in the amount of \$118,000, including \$14,000 in local cash match for the Sully Civil War Cycle Tour. Commercial and Industrial funding for the local cash match is available from Fund 124, County and Regional Transportation Projects.

Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Following a brief discussion regarding the project, Chairman Bulova noted that a sesquicentennial commemoration of the Civil War is coming up next year.

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

15. **A-5 – ENDORSEMENT OF INTERCHANGE JUSTIFICATION REPORT (IJR) CONCERNING PROPOSED INGRESS/EGRESS FOR DULLES AIRPORT ACCESS ROAD (DAAR) WESTBOUND ON-RAMP FROM SOUTHBOUND ROUTE 123 (DRANESVILLE DISTRICT)** (11:18 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the IJR for proposed new ingress onto/egress off the DAAR westbound on-ramp from southbound Route 123 in the location as generally shown on Figures 3C and 9 of the IJR (pages 11 and 33 of Attachment I of the Board Agenda Item), subject to the following conditions:

- That the proposed new ingress/egress be designed in a manner so as not to degrade safety or capacity on the existing DAAR westbound on-ramp from southbound Route 123 by using intersection geometry, sight distances, acceleration/deceleration lane lengths, and weave/merge distances acceptable to the Virginia

Department of Transportation and the Federal Highway Administration for the expected operating speeds on the existing DAAR ramp and on the proposed ramps connecting from and to the Tysons McLean Office Park (TMOP) site.

- That adequate signage and a turnaround (in the event that unauthorized vehicles attempt to enter the TMOP site from the DAAR ramp) be provided.
- That the proposed ingress ramp (entering onto the TMOP site from the DAAR ramp) only be available for “emergency use,” defined as use for documented emergency events and not for routine business of emergency or other personnel accessing the site, the expectation being that usage of this ingress ramp onto the site would be minimal and intermittent.

16. **A-6 – ANNUAL ADJUSTMENT TO VARIOUS ROAD FUND CONTRIBUTION RATES** (11:18 a.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and adopt the updated Procedural Guidelines for the Annual Review Process to incorporate a 1.3 percent adjustment of the existing contribution rates in the Fairfax Center, Centreville, and Tysons Corner areas with the new rates, shown in Attachment I of the Board Agenda Item, effective December 1, 2010. Supervisor Foust and Supervisor Gross jointly seconded the motion.

Supervisor Smyth noted that the new rate for the Tysons Corner area is only an additional five cents.

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

17. **A-7 – ENDORSEMENT OF DESIGN PLANS TO WIDEN TELEGRAPH ROAD FROM SOUTH VAN DORN STREET TO SOUTH KINGS HIGHWAY (LEE DISTRICT)** (11:19 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the Virginia Department of Transportation design plans, as presented at the September 23, 2010, public hearing, to widen Telegraph Road to four lanes, including two 12-foot travel lanes, two 12-foot turn lanes, 4-foot wide on-road bicycle lanes on both sides of the road, curb and gutter, a raised median, 5-foot concrete sidewalk on the east side of the road, and a 10-foot shared use path on the west side of the road as presented at the Public Hearing with the following considerations:

- Continue coordination with the Fairfax County Park Authority and Friends of Huntley Meadows Park.

- Consider providing accommodation for U-turns at the Telegraph Road/South Van Dorn Intersection and Telegraph Road/South Kings Highway intersection.
- Continue refinement of the signage for the bicycle lanes.

18. **A-8 – APPROVAL OF PARKING REDUCTION FOR BROOKFIELD CORPORATE CENTER – PHASE III (SULLY DISTRICT)** (11:20 a.m.)

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 3.7 percent for Brookfield Corporate Center – Phase III located at 4431 and 4433 Brookfield Corporate Drive pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item.

19. **A-9 – ACTION TO INITIATE THE 2011 REDISTRICTING OF THE ELECTION DISTRICTS OF THE BOARD OF SUPERVISORS** (11:20 a.m.)

(APPTS)

(BACs) (R)

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

- And approve the general process and composition of an advisory citizen committee as described in the Board Agenda Item for the 2011 redistricting of the election districts of the Board. The list of community representatives to be appointed to the 2011 Advisory Citizen Reapportionment Committee by the Board is as follows:
 - At-Large Representative (2 members)
 - Braddock District Representative
 - Dranesville District Representative
 - Hunter Mill District Representative
 - Lee District Representative
 - Mason District Representative
 - Mount Vernon District Representative
 - Providence District Representative

- Springfield District Representative
 - Sully District Representative
 - Democratic Party Representative
 - Republican Party Representative
 - Chamber of Commerce Representative
 - Federation of Citizens Associations Representative
 - League of Women Voter Representative
 - African-American Community Representative
 - Hispanic Community Representative
 - Asian/Pacific Islander Community Representative
- The Resolution that will provide a general statement of the goal, the criteria, and the policies that will be followed in the 2011 redistricting of the election districts of the Board.

Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Chairman Bulova noted that:

- Supervisor McKay, Chairman of the Legislative Committee, will provide the coordinating and leadership role throughout the redistricting process.
- The Board will be adopting the redistricting plan in April 2011, at the same time that the budget is adopted.
- A task force has been created to work with and assist the Board as part of the process for boundary redistricting.

Supervisor McKay noted that appointments to the task force can be made today, even though the Board Agenda Item recommends that appointments be made at the December 7, 2010, meeting or at the latest by the January 11, 2011, meeting. He also noted that the task force will have its first meeting in January 2011.

Supervisor Frey clarified that the Virginia General Assembly is responsible for setting the primary elections date, not the Board.

The question was called on 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."

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved the appointment of The Honorable Katherine (Kate) Hanley as the At-Large Chairman's Representative to the 2011 Advisory Citizen Reapportionment Committee. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Gross moved the appointment of Mr. Robert Schwaninger as the Mason District Representative to the 2011 Advisory Citizen Reapportionment Committee. Supervisor Foust seconded the vote and it carried by unanimous vote.

20. **A-10 – DISCLOSURE AGREEMENT RELATED TO THE ISSUANCE OF REGIONAL SEWERAGE SYSTEM REVENUE BONDS, SERIES OF 2010 BY THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SULLY DISTRICT)** (11:30 a.m.)

On motion of Supervisor Frey, jointly seconded by Supervisor Gross and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the proposed Disclosure Agreement related to the issuance of revenue bonds by UOSA.
- Authorized the Chairman to execute the agreement on behalf of the Board in substantially the form presented.

21. **C-1 – ADOPTION OF GUIDELINES TO EXCLUDE CERTAIN AUDIT DOCUMENTS FROM THE VIRGINIA FREEDOM OF INFORMATION ACT (VFOIA) REQUIREMENTS AS ALLOWED BY STATE CODE** (11:30 a.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2010, regarding adoption of guidelines to protect confidential information collected by audit investigators from the mandatory disclosure provisions of the VFOIA. The VFOIA generally provides citizens ready and open access to public records, but exempts certain records to protect the integrity of investigations and the identity of any persons falsely accused of wrong doing.

Supervisor Foust moved adoption of the guidelines as set forth in the Board Agenda Item. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

22. **I-1 – PLANNING COMMISSION ACTION ON APPLICATION 2232-P09-35, NEW CINGULAR WIRELESS PCS, LLC, T-MOBILE NORTHEAST, LLC, VERIZON WIRELESS, CLEARWIRE WIRELESS BROADBAND, AND MILESTONE COMMUNICATIONS (PROVIDENCE DISTRICT)**

(11:31 a.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2010, announcing the Planning Commission's (PC) approval 2232-P09-35. The PC noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval to construct a 115' tall monopole/treepole to accommodate up to 5 co-located wireless providers, along with related equipment cabinets, on the south side of Thoreau Middle School adjacent to the existing parking lot, located at 2505 Cedar Lane, Vienna, Tax Map 49-1 ((1)) 37A.

23. **I-2 – CONTRACT AWARD – FLATLICK CONFLUENCE STREAM RESTORATION (SULLY DISTRICT)** (11:31 a.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2010, requesting authorization for staff to award a contract to Meadville Land Service, Incorporated, in the amount of \$392,666 for the construction of the Flatlick Confluence Stream Restoration, Project CU8001-CU016, Cub Run Pro Rata Share Projects, in Fund 316, Stormwater Management Program.

Discussion ensued, with input from Craig Carinci, Director, Stormwater Planning Division, Department of Public Works and Environmental Services, who clarified that the bid numbers in the second paragraph of the Board Agenda Item were incorrect and should read as follows:

The second lowest bid of \$570,440.25 is \$68,841.76 or 14 percent above the engineer's estimate. The highest bid of \$622,800.95 is **\$121,202.46** or 24 percent above the engineer's estimate.

Supervisor Frey noted that staff should monitor this contract closely because it is substantially below the engineer's estimate and the other bids.

The staff was directed administratively to proceed as proposed.

24. **I-3 – SERVICE CHANGES TO FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED AT THE END OF NOVEMBER 2010** (11:34 a.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2010, requesting authorization for the Department of

Transportation to implement the following service changes to Fairfax Connector routes at the end of November 2010:

- Routes 595 and 597 (Hunter Mill District): Modify the routes to originate from the Reston North Park-and-Ride Lot and remove the routes from the Reston East Park-and-Ride Lot.
- Route 585 (Hunter Mill District): Modify the schedule to increase the number of daily trips on Route 585 to improve the frequency of bus service at the Reston South Park-and-Ride lot.

The staff was directed administratively to proceed as proposed.

25. **I-4 – PLANNING COMMISSION ACTION ON APPLICATION 2232A-D09-2-1, (NODE GFE 12), NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC (DRANESVILLE DISTRICT)**
(11:34 a.m.)

The Board next considered an item contained in the Board Agenda dated November 16, 2010, announcing the Planning Commission's (PC) approval of Application 2232A-D09-2-1, as amended, for node GFE12 on Seneca Road in the Virginia Department of Transportation (VDOT) right-of-way, which had previously been deferred. The PC noted that this portion of the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. This portion of application 2232A-D09-2-1 sought approval to construct an antenna site in the VDOT right-of-way on a portion of Seneca Road as part of a telecommunications distributed Antenna System in Great Falls.

A brief discussion ensued regarding the application.

NV:nv

ADDITIONAL BOARD MATTERS

26. **WORKFORCE HOUSING SUMMIT: "TYSONS – A NEW MARKET FOR A NEW WORKFORCE"** (11:37 a.m.)

Chairman Bulova noted that the transformation of the Tysons Corner area is underway, with major road improvements and the extension of mass transit leading the way. She stated that a critical component in making Tysons work will be the availability of attractive and affordable housing for the Tysons workforce. In that regard, she said that she has been working with the ULI Terwilliger Center for Workforce Housing and the Department of Housing and Community Development on a Workforce Housing Summit: "Tysons - A New Market for a New Workforce."

Chairman Bulova announced that the summit will take place on Friday, December 3, from 9 to 11 a.m., at the Capitol One Financial offices in Tysons. Board Members will be receiving a personal invitation. The distinguished panel of national experts includes:

- Former US Housing and Urban Development Secretary Henry Cisneros, now Executive Chairman of CityView
- Tom Buzzuto, Chief Executive Officer (CEO) of the Buzzuto Group
- F. Barton Harvey, former Chairman of Enterprise Community Partners
- Walter Havenstein, CEO of SAIC
- J. Ronald Terwilliger, Chairman and CEO of Trammell Crow Residential
- John McClain, Senior Fellow and Deputy Director, Center for Regional Analysis, at George Mason University

The summit will focus on the following:

- Benefits for employers when their employees can live near where they work.
- Some potential tools and strategies.
- Examples that developers and landowners can use to leverage the development potential for a successful Tysons.

Chairman Bulova invited Board Members to participate.

27. **FEE WAIVER FOR FOUNDATION FOR APPLIED TECHNICAL EDUCATION, INCORPORATED (FATE) (LEE DISTRICT)** (11:39 a.m.)

Chairman Bulova said that in 1971, Fairfax County Public Schools (FCPS) entered into a partnership with the private sector to establish FATE. It consists of representatives from a wide range of business and professional organizations, as well as individuals dedicated to assisting the FCPS in providing practical educational experiences for interested high school students. Through programs, business partnerships, scholarships, and other initiatives, FATE aspires to enable students to acquire industry-valued occupational and employability skills, confidence to pursue post-secondary education, and broad-based global thinking that will propel them into successful careers.

The Residential Construction Program provides students with the opportunity to "stick build" large single-family homes in a residential community. Students receive classroom instruction onsite and apply their knowledge directly to the house under construction. In addition, students gain valuable experience and knowledge about the construction industry as they work closely with various sub-contractors in specific trade areas.

Chairman Bulova stated that the Spring Village Residential Construction Site will be a community of 18 single family homes built in partnership between FATE, FCPS, and construction industry leaders helping students realize their career goals in the construction industry. The site is located at the intersection of the Franconia-Springfield Parkway and Spring Village Road. This program provides FCPS students with the opportunity to develop a variety of trade skills that better prepare them to enter the workforce upon graduation. The scope of the project plan, one home built per year for 18 years, requires that FATE obtain from the Department of Public Works and Environmental Services (DPWES) an extension of the subdivision plan agreement to cover the 18 year construction period and pay the associated fees.

Chairman Bulova said that FATE presents a valuable opportunity to high school students in the County. Students receive "real world" practical knowledge. The experience they have in this program arms them with the skills they need to excel in technical school or in today's challenging job market upon graduation.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that, given the unique nature of the project, the fact that FATE is a non-profit and charitable institution, and the extraordinary opportunity provided to the County's young people, the Board direct DPWES to waive the fees associated with the extension of the subdivision plan agreement for the Spring Village Residential Construction site upon verification that FATE is, in fact, a non-profit and charitable institution. Supervisor Hyland seconded the motion and discussion ensued regarding screening for the construction trailer.

Supervisor McKay asked to amend the motion to convene a meeting with FATE in his office with the community to address outstanding issues on site prior to the approval of the extension of the subdivision plan agreement, and this was accepted.

Noting the 18-year projection for this project, the Board discussed the possibility of periodic reviews and inclusion of this issue during the aforementioned meeting.

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

28. **PANCREATIC CANCER AWARENESS MONTH** (11:45 a.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to prepare and send a proclamation to the Pancreatic Cancer Action Network recognizing November as "*Pancreatic Cancer Awareness Month*" in Fairfax County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

29. **HUNTER MILL DISTRICT COAT CLOSET** (11:46 a.m.)

With reference to her written Board Matter and a flyer on the subject, Supervisor Hudgins announced that November 20 will mark the beginning of the 2010 - 2011 Hunter Mill District Coat Closet for adults and children in need of winter coats. Co-sponsored with Reston Interfaith, the seventh annual Coat Closet will end March 12, 2011. Last year 5,592 coats and 2,355 hats, gloves, and scarves were distributed, compared to 4,736 coats and 1,862 accessories the previous year. In the last four years, the Coat Closet has distributed more than 20,000 coats to the community.

The Coat Closet will be open on Tuesdays, 10 a.m. - 12 noon, Thursdays, 6 p.m. - 8 p.m., and Saturdays, 10:30 a.m. - 12:30 p.m. for those in need of coats. New and "gently used" (i.e. in good condition and cleaned) winter coats will be accepted at the North County Government Center at 12000 Bowman Towne Drive in Reston. Both child and adult sizes are needed (X large and XX large are especially appreciated). Donations are tax deductible. Volunteers are also needed to greet donors, sort donations, and assist clients in selecting coats.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs assist in disseminating information on the Hunter Mill Coat Closet so that those who are able to donate have the appropriate information and so that those in need may take advantage of the kindness and generosity of citizen and business donors. Without objection, it was so ordered.

30. **HUNTER MILL DISTRICT HOLIDAY OPEN HOUSE** (11:47 a.m.)

Supervisor Hudgins invited everyone to the Hunter Mill District Office Holiday Open House, scheduled for Wednesday, December 8, from 4-7 p.m. She asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

31. **MASON DISTRICT HOLIDAY TOWN GATHERING** (11:47 a.m.)

Supervisor Gross announced that the Mason District Holiday Town Gathering will take place on December 2, from 7-9 p.m. in her office, and she asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

32. **FIREFIGHTERS' COAT DRIVE AND BREAST CANCER AWARENESS (MASON DISTRICT)** (11:48 a.m.)

Supervisor Gross announced that on October 28, Chairman Bulova and Supervisor Hyland joined her at the firefighters' coat drive held at Fire Station 11. It was held in conjunction with a joint breast cancer awareness event with the Inova Breast Cancer Center. All of the firefighters wore bright pink shirts for the event and challenged her to wear her shirt to the Board meeting. She showed off her bright pink shirt worn under her jacket.

Supervisor Hyland related a story about yearly mammograms for some men, including him.

33. **VIRGINIA ASSOCIATION OF COUNTIES' (VACo) ANNUAL CONFERENCE** (11:51 a.m.)

Supervisor Gross announced that Supervisor Hudgins was elevated to First Vice President at the recent VACo annual conference.

Supervisor Gross also announced that she accepted the "Go Green" Virginia Challenge Award on behalf of the County. She presented the award to Chairman Bulova and noted that an error on the award will be corrected.

34. **MOTION TO EXPEDITE DISCOVERY WOODS – SPECIAL EXCEPTION APPLICATION SE 2010-DR-024 (DRANESVILLE DISTRICT)** (11:53 a.m.)

Supervisor Foust said that Special Exception Application SE 2010-DR-024 is a request by Discovery Woods Learning Community, LLC, for a Category 3 special exception. The Planning Commission public hearing is currently scheduled for February 9, 2011. The school is currently in operation on this property, but is seeking additional enrollment capacity through the Special Exception.

Therefore, for the school to meet enrollment deadlines for the next school year, Supervisor Foust moved that the Board direct staff to schedule a public hearing to be held before the Board on Special Exception Application SE 2010-DR-024 for February 22, 2011. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor McKay seconded the motion and it carried by unanimous vote.

35. **RECOGNITION OF OAKTON HIGH SCHOOL'S BEST BUDDIES CLUB (PROVIDENCE AND SULLY DISTRICTS)** (11:55 a.m.)

In a joint Board Matter with Supervisor Frey, Supervisor Smyth stated that Oakton High School's largest club is its Best Buddies Club. It is a club that pairs students with and without disabilities to help foster friendships, create a more integrated student population, and help students with disabilities enter into the social chaos and thrill of teenage life more easily. Best Buddies International is a nonprofit organization dedicated to establishing a global volunteer movement that creates opportunities for one-to-one friendships, integrated employment, and leadership development for people with intellectual and developmental disabilities. Oakton High School's student-led chapter, created in 2006 with about 30 students participating, has grown to more than 100 today.

In recognition of its achievement, the Oakton High School Chapter of Best Buddies was selected from among 800 high school programs and 62 applicants to receive the 2009-2010 Outstanding Chapter Award from Best Buddies International.

Accordingly, jointly with Supervisor Frey, Supervisor Smyth moved that the Board direct staff to invite representatives from the Oakton High School Chapter of Best Buddies International to appear before the Board on December 7 to be recognized for their achievement. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Cook being out of the room.

36. **EXPEDITED SCHEDULING AND SITE PLAN PROCESSING ASSOCIATED WITH MITRE'S PROPOSED FOURTH OFFICE BUILDING (PROVIDENCE DISTRICT)** (11:56 a.m.)

Supervisor Smyth stated that over the last several years MITRE has been working to consolidate its Tysons area offices to its Colshire Drive complex. MITRE's pending proffered condition amendment and special exception applications propose to add a fourth building to the complex. To reach their objective of opening the new building in July of 2014, MITRE and Cityline Partners (the current owner of the land) have requested an expedited Board public hearing date and concurrent and modified processing of their site and building plans. The applicants have indicated that they fully understand and accept the risks associated with concurrent and modified processing of their plans.

Accordingly, Supervisor Smyth moved that the Board:

- Authorize concurrent processing of the site plan for MITRE's proposed fourth office building with Proffered Condition Amendment Application PCA 92-P-001-07 and Special Exception Application SE 2010-PR-023 and direct staff to set an expedited Board public hearing date.

- Direct staff from the Office of Land Development Services to expeditiously process MITRE's site plan under the County's Modified Processing regulations.

Supervisor Smyth noted that this motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards nor does it prejudice in any way the Board's consideration of the pending proffered condition amendment and special exception applications. Supervisor Gross and Chairman Bulova jointly seconded the motion, which carried by unanimous vote.

37. **EXPEDITED SCHEDULING AND SITE PLAN PROCESSING ASSOCIATED WITH ECHO HILL SHOPPING CENTER AND BRUEGGER'S BAKERY (PROVIDENCE DISTRICT)** (11:58 a.m.)

Supervisor Smyth announced that the owner of the "Echo Hill Shopping Center" and its new tenant, Bruegger's Bakery, has requested a Board hearing date and concurrent processing of the site and building plans associated with Special Exception Amendment Application SEA 80-P-025. The applicant(s) indicated that they fully understand and accept the risks associated with concurrent processing of the plans and date certain scheduling of the Board hearing.

Accordingly, Supervisor Smyth moved that the Board direct staff:

- To schedule the public hearing for Special Exception Amendment Application SEA 80-P-025 to be held before the Board on February 22, 2011.
- Of the Department of Public Works and Environmental Services to permit the concurrent processing of site and building plans associated with this pending special exception.

This motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards, nor does it prejudice in any way the Board's consideration of the pending special exception. Supervisor Foust seconded the motion, which carried by unanimous vote.

PMH:pmh

38. **URGING SENATORS WARNER AND WEBB TO STOP "INSOURCING"** (11:59 a.m.)

Supervisor Herrity said that Federal contracting is the backbone of the County's economy. The Federal government spends more than \$200 billion a year in private sector procurement. As reported by the Economic Development Authority, federal government contracts with County companies reached \$39.8 billion (\$22.4 billion in defense agency work, \$17.4 billion in civilian agency

work) in fiscal year 2009, according to the US Census Bureau. There are 22 County-based businesses are on *Washington Technology* magazine's 2010 list of the 100 largest government contractors in the nation, and another 54 based elsewhere also have operations in the County. Government contractors are the largest employer in the County. In recent years, County businesses have won more federal procurement dollars than the total in 47 states.

Supervisor Herrity noted that the Obama Administration has begun "insourcing" much of this work. Insourcing is the conversion of work currently performed by private sector contractor firms to performance by federal government employees. Defense Secretary Robert Gates plans to cut defense contract spending by 10 percent a year for each of the next three years. Last week, a Presidential commission on the federal deficit recommended further cuts in defense spending, including those for contracting to the private sector, and more insourcing.

Supervisor Herrity said that this insourcing is being done without objective criteria, without metrics for success, and without any objective analysis of the cost or the benefits. He said that Secretary Gates recently admitted, "We weren't seeing the savings we had hoped from insourcing."

This is a very real threat and a number of County firms have already had contracts cancelled to insourcing, and employees lost to recruitment "poaching" by the federal government.

The US House of Representatives earlier this year approved an amendment to the 2011 National Defense Authorization Act that mandates that federal workers be considered first for all new work and for work that previously had been outsourced. All three members of the House representing the County voted against the amendment. Representative Gerald Connolly called the provision "overly broad and very damaging to small and medium contractors."

According to Stephen Fuller, director for the Center for Regional Analysis at George Mason University, these moves would mean a loss of up to \$7 billion from the local economy. This would have a devastating impact on the citizens and the tax base.

A coalition of 36 national and regional organizations recently sent a letter to President Obama urging an intermediate moratorium on insourcing. Among the groups signing the letter was the Fairfax County Chamber of Commerce, the Northern Virginia Technology Council, and the Reston-based Business Coalition for Fair Competition.

The National Defense Authorization Act is among the items that may be considered by the US Senate in the lame duck session, possibly in December. It is imperative that the Senate take a position contrary to the House and that a moratorium on insourcing be enacted into law.

Therefore, Supervisor Herrity moved that the Board direct and authorize the Chairman to promptly send a letter similar to the draft to Senators Mark Warner and James Webb urging them to offer an amendment to the National Defense Authorization Act, or other appropriate legislation, as soon as possible, to impose a moratorium on insourcing until the Administration has developed a justification for the policy that establishes a clear and objective metric for justifying and determining cost-effectiveness of government performance of commercial activities to protect the interest of taxpayers and the government contractors and their employees in the County. Supervisor Gross seconded the motion.

Supervisor Gross asked to amend the motion to direct staff to review the Council of Government's (COG) position on this issue and whether any points in its letter might be useful to include in the County's position, and this was accepted.

Supervisor McKay asked to amend the motion to direct staff to compare the proposed letter with the COG letter and circulate a copy to Board Members, and this was accepted.

Supervisor Hudgins asked unanimous consent that the Board:

- Direct staff to report on the breadth of the legislation.
- Refer the issue to the Legislative Committee.
- Direct staff to report with the legislative proposal.

Following further discussion regarding the proposed letter and motion, Chairman Bulova clarified the motion that the Board:

- Is sending a letter.
- Directs staff to review the COG letter and blend some of the language with the proposed letter.
- Directs staff to circulate the letter to Board Members.
- Directs staff to send the letter out as quickly as possible after receiving comments from the Board.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Hudgins abstaining until she sees the letter.

39. **CHANTILLY HIGH SCHOOL SHOW CHOIR, TOUCH OF CLASS (SPRINGFIELD DISTRICT)** (12:16 p.m.)

Jointly with Supervisor Frey, Supervisor Herrity announced that on Friday, October 29 Chantilly High School's Show Choir "Touch of Class" was named America's Favorite Show Choir. After the October 3 cover story on a real-life glee club, *Parade Magazine* launched a nationwide search for America's Favorite Show Choir. There were thousands of videos submitted from across the nation. Each group was assessed and Touch of Class was hand selected into the top 25. Two rounds of voting and more than 50,000 votes later, the results are in. Congratulations, to the **Touch of Class Show Choir from Chantilly High School** on being recognized as America's Favorite Show Choir!

The video selected in the competition came from the 2009 Jazz and Pizzazz Show featuring Touch of Class and The Chantilly Jazz. The video featured a musical montage from the Broadway musical "Hair" and was linked to several other videos from the 2010 Jazz and Pizzazz Show. Director Glenn Cockrell and Teacher/Choreographer Sarah Pramstaller are at the roots of this historically hard-working and successful ensemble.

This recognition is a great accomplishment as the choir celebrates another milestone – its twenty-fifth anniversary season.

Supervisor Herrity recognized Directors Glenn Cockrell and Sarah Pramstaller and the current students include: Joel Bading, Hanna Busse, Ralph Chambati, Wesley Coleman, Kaia Derbyshire, Diego Elliott, Brianna Ellis, Mark Fearson, Gregory Garcia, Gabby Gomez, Victoria Hafner, Brynn Harper, Josh Harris, Lauren Holcombe, Julianne Holmblad, Megan Husson, Henry Hutchinson, Julia Jamison, Taylor, Jarrell, Ariel Kao, Rebecca Keatinge, Joe Kisiday, Lauren McCue, Olivia McKnight, David McVicar, Katie McVicar, Emily Meiberg, Gray O'Reilly, Samantha Proctor, Pritika Ramesh, Natalia Rodriguez, Emily Sakowitz, Carolyn Smillie, Lauren So, Courtney Swan, Casey Trahan, Harrison Waddell, and Haeri Yoo.

Therefore, Supervisor Herrity moved that the Board direct staff to invite the Chantilly High School Show Choir "Touch of Class" to appear before the Board to receive a resolution honoring it for its outstanding accomplishment being named "America's Favorite Show Choir" and its twenty-fifth anniversary. Supervisor Frey seconded the motion and it carried by unanimous vote.

40. **FAIRFAX RAILROAD MUSEUM TEMPORARY SPECIAL PERMIT (TSP) (SPRINGFIELD DISTRICT)** (12:17 p.m.)

Supervisor Herrity said that the Friends of the Fairfax Station, Incorporated, a non-profit 501(c) (3), an all-volunteer organization, maintains and operates the rebuilt Fairfax Station railroad depot as a museum. Fairfax Station is rich in railroad, Civil War, and local history. Since 1975, through the efforts of

volunteers and donations from citizens, groups, and the County, the museum has become the historic site and community that everyone enjoys today. On December 4 and 5, the museum is conducting its Twenty-First Annual Holiday Train Show — this holiday tradition allows the very young and old to take a step back in time and discover trains, railroading, the Civil War, and the fascinating story of local community. The museum has submitted an application for a TSP for this event and must submit an application fee of \$200.

Supervisor Herrity noted that it is difficult for non-profits, similar to this organization, to raise funds for ongoing maintenance and programs. With increasing costs and decreased revenues, smaller organizations are finding it increasingly difficult to sustain their operations and hold special events.

To reduce the group's costs for the Annual Holiday Train Show, Supervisor Herrity moved that the Board waive the \$200 fee associated with the application for the TSP. Supervisor Cook seconded the motion.

Following input from David P. Bobzien, County Attorney, regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

41. **RADIO FREQUENCY (RF) TESTING FOR TELECOMMUNICATION APPLICATIONS** (12:19 p.m.)

Supervisor Herrity said that in response to a Board Matter made jointly with Supervisor Hyland on July 13, 2010, concerning the County's capabilities to evaluate and verify radio frequency (RF) emissions associated with proposed telecommunication sites in the County, Board Members recently received a memorandum dated September 24, 2010, from Wanda Gibson, Director of the Department of Information and Technology (DIT), which recommended that the wireless carrier applicants be required to submit as part of their 2232 Review applications, an independent analysis performed by a Professional Engineer, concerning the level of RF emissions from the proposed facility. This RF analysis would be prepared at the applicant's expense and in accordance with Federal Communications Commission (FCC) guidelines. It would confirm that the telecommunications facility being proposed meets all FCC guidelines and will serve to respond to various questions that are many times raised in the application review process concerning antenna emissions and safety. DIT does not currently have the staff available to perform such an analysis and, due to the competition from the market, staff believes it would be difficult to recruit the necessary skills to do so.

Supervisor Herrity said that he believes that the recommendations made by staff to require an RF analysis as part of the 2232 Review application submission is probably the best method for verifying the safety of proposals, it is unnecessary to impose this requirement on all telecommunication applications and to do so

would be unnecessarily burdensome and time consuming, particularly for the many cases that involve collocation on existing buildings and structures that are processed as a "feature shown." A more realistic approach is to provide that such RF studies be provided with a 2232 Review application only when requested by the respective Planning Commission (PC) member. This would eliminate a blanket application requirement and focus the requirement only on those applications where it is determined by the respective PC member that such study is of value to the decision and of interest to the community.

Therefore, jointly with Supervisor Hyland, Supervisor Herrity moved that the Board direct staff to make the submission of an independent RF analysis a 2232 Review application requirement when it is determined at the discretion of the respective PC member that such RF analysis is pertinent and of value to the application being considered, and that the current 2232 review application guidelines be modified to include this requirement beginning January 1, 2011. Supervisor Hyland seconded the motion.

Discussion ensued regarding:

- The cost to perform the studies
- Health impacts
- Community concerns
- FCC guidelines/regulations
- Current Board Policy
- Independent testing
- Inconsistency of costs and measurements

Following further discussion of the motion, with input from Anthony H. Griffin, County Executive, Supervisor Herrity amended his motion that the Board refer this issue to the PC Task Force for additional review and recommendation.

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

42. **CONCURRENT AND EXPEDITIOUS PROCESSING OF SPECIAL EXCEPTION APPLICATION SE 2010-SP-029 AND SPECIAL PERMIT AMENDMENT APPLICATION SPA 78-P-192-03 (SPRINGFIELD DISTRICT)** (12:39 p.m.)

Supervisor Herrity said that Special Exception Application SE 2010-SP-029 (concurrent with Special Permit Amendment Application SPA 78-P-192-03) is a

request by the Pleasant Valley Preschool to amend its existing special permit for a community center and to request a special exception for a child care center to permit the continued operation of the existing preschool, with minor site modifications. The Pleasant Valley Preschool currently operates within the Greenbriar Community Center on Stringfellow Road under special permit, which permitted both the community center and child care uses. The widening of Stringfellow Road has required the granting of easements and other considerations from both the Park Authority and the Greenbriar Civic Association; in lieu of payment, an agreement was reached which would provide for the construction of the proposed joint parking lot, which will connect the existing Greenbriar Community Center parking lot with the adjacent Park Authority parking lot, and permit the implementation of a shared parking agreement for the benefit of all. There are no changes to the operation of the preschool, including the maximum enrollment of 15; staff of 3; or the hours of operation, which are from 9 a.m. to noon, Monday through Friday. As child care uses are no longer governed by special permit, it is necessary to file a new special exception for the child care use.

Therefore, due to the straightforward nature of this application, Supervisor Herrity moved that the public hearings for the applications be expedited and that all plans associated with these applications be concurrently processed. The applicant is aware that this action should not be construed to prejudice the consideration of these applications in any way. Supervisor McKay seconded the motion and it carried by unanimous vote.

43. **TRANSPORTATION UPDATES** (12:41 p.m.)

Supervisor Herrity noted that he has asked staff to prepare a report noting the pros and cons of converting the Fairfax County Parkway from a secondary road to a primary road.

A brief discussion ensued regarding re-designating other roads and the use of stimulus funds for primary roads. He noted that some safety issues on the Parkway were also being addressed.

44. **TOWN HALL ON ENGAGING PEOPLE WITH DISABILITIES IN THE COMMUNITY (BRADDOCK DISTRICT)** (12:43 p.m.)

Supervisor Cook announced that the Town Hall on Engaging People with Disabilities in the Community had been held last night and it was very successful.

45. **GOOD SHEPHERD CHRISTIAN ACADEMY WINS \$500,000 IN KOHL'S CARES PROGRAM (BRADDOCK DISTRICT)** (12:43 p.m.)

Jointly with Supervisor Herrity, Supervisor Cook said that on Friday, November 5, he had the great privilege of witnessing the incredibly positive

impact made possible when an engaged community comes together with worthwhile corporate philanthropy.

For ten years Kohl's has actively engaged in giving kids a brighter, healthier future through a program called Kohl's Cares. To date, more than \$150 million has been raised for this worthwhile endeavor, supporting everything from immunization and nutrition programs to scholarships. In celebration of its 10 year anniversary, Kohl's decided to donate \$500,000 each to 20 different schools throughout the country.

Their charge was simple: be one of the top 20 vote-getting schools in the nation, as recorded on Kohl's Facebook page. The execution would seem much more difficult, however, especially for a small, local school of only 146 students. But for the Good Shepherd Christian Academy, they accepted the challenge and exceeded all expectations. Thanks to the help of some passionate families, friends, and local businesses, Good Shepherd took sixth place, receiving over 146,000 votes. Local businesses including Starbucks, Giant, and Fuddruckers allowed the school to set up laptops outside their stores to ask locals to vote - the response was tremendous.

At the awards ceremony on November 5, Supervisor Cook heard firsthand how this very generous donation will be put to great use. Good Shepherd plans to add new classrooms, purchase new computers and make playground improvements.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite representatives from the Good Shepherd Christian Academy and Kohl's be invited to appear before the Board to be recognized for their efforts in this year's Kohl's cares program. Without objection, it was so ordered.

46. **REQUEST FOR AN AMENDMENT TO THE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) ORDINANCE** (12:46 p.m.)

Supervisor Cook said for many months he has been working with a number of concerned citizens in the Braddock District, striving to find a resolution to the significant parking problems in their community caused by students attending the Annandale campus of Northern Virginia Community College (NVCC). Staff has advised him that The Midway and Saint Jerome, the roads where this particular problem is most prevalent, do not currently qualify under the RPPD Ordinance for restricted permit parking because they are not within 2,000 feet of an authorized pedestrian entrance to the NVCC campus. They are, however, very close to campus. Well within 2,000 feet in fact, and enterprising college students are cutting through a tree line between the school and the community, creating their very own pedestrian access point.

Supervisor Cook noted that currently, County Code reads: "The Board of Supervisors may establish a Residential Permit Parking District encompassing an area within 2,000 feet walking distance from the pedestrian entrances of an

existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus."

The spirit of the code clearly intends for the community described above to utilize the parking restrictions made available by the RPPD ordinance. And after having consulted with staff, Supervisor Cook believes that an amendment to the RPPD Ordinance could be developed that would properly account for this and other similar situations. This amendment would not change how RPPD requests are processed nor would it negatively affect currently established RPPDs.

Therefore, Supervisor Cook moved that the Board direct staff to prepare an amendment to Section 82-5A-4(a) of the County Code to also include residential properties within 1000 feet of the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus to the criteria for establishment or modification of a District. Chairman Bulova seconded the motion.

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

47. **ANNUAL TASTE OF BRADDOCK (BRADDOCK DISTRICT)** (12:52 p.m.)

Supervisor Cook announced that the Annual Taste of Braddock is scheduled for December 2, from 5 p.m. until 7:30 p.m. at the Braddock Hall in the Kings Park Library – 9002 Burke Lake Road, Burke, Virginia.

48. **EMERGENCY OPERATIONS TRAINING (LEE DISTRICT)** (12:53 p.m.)

Supervisor McKay said that he attended an emergency operations training event held jointly with the Virginia Railway Express (VRE). He shared photos with the Board.

49. **AMERICAN RECOVERY AND REINVESTMENT ACT** (12:57 p.m.)

Supervisor McKay said that on February 17, 2009, the American Recovery and Reinvestment Act of 2009 was signed into law. This legislation included a provision that temporarily increased the monthly tax exclusion amount for employer-provided commuter transit benefits from \$120 to \$230 per month. Both employees and their employers see a reduction in their tax liability because of this provision.

The commuter benefit increase is set to expire on December 31, 2010. Failure to extend the parity of this benefit would have a significant negative impact on County residents and may also deter transit ridership, resulting in a negative impact on our local and regional transit systems. Further, as the majority of transit riders have vehicles available, a reduction in these benefits may result in

more commuters driving, thereby worsening the already substantial congestion on Northern Virginia's roads.

Language to extend this parity for one more year is included in an extensive tax bill drafted by the House Ways and Means Committee. This legislation, however, has not been introduced, and it is questionable whether it would pass. Additionally, stand-alone legislation that would require parity between transit and parking benefits, entitled the Commuter Benefits Equity Act, has been introduced in both the Senate and House of Representatives. Senator Jim Webb is a cosponsor of the Senate legislation, which was introduced on January 26, 2009, and is awaiting action in the Senate Committee on Finance. Congressmen Gerald Connolly and James Moran are cosponsors of the legislation in the House (introduced on February 4, 2009) and is awaiting action in the House Committee on Ways and Means and the House Committee on Oversight and Government Reform.

Additionally on January 1, 2011, another Federal mandate that will affect our regional transit systems will take effect. Specifically, the Internal Revenue Service (IRS) has enacted regulations to require the separate disbursement of transit benefits and parking benefits, even those at transit facilities. Previously transit benefits could be used for parking and transit, however, transit and parking benefits will no longer be interchangeable.

The IRS extended the deadline for transit systems to make modifications to their technology to make it compatible with the regulations and to allow employers to comply with the rule. The Washington Metropolitan Area Transit Authority has created fare media that will be able to differentiate between transit benefits, parking benefits and personal stored value. Fares will be paid from separate benefit accounts. Once a monthly transit or parking benefit is depleted, the fee will need to be paid from the stored value account on the card. Although Metro is prepared to implement this change, it will be very complicated for the transit user. Since parking at a Metrorail station is an integral part of the transit trip for many Fairfax County commuters, this separation seems to add unnecessary complexity and may deter riders from using the transit benefit.

Therefore, Supervisor McKay moved that the Board approve sending a letter to County's Federal delegation requesting that they work to ensure that the current transit benefit level be extended for at least one year and that employers be given more time to comply with the federal mandate requiring separate disbursement and monitoring of transit and parking benefits. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Herry being out of the room.

50. **PENN DAW PLAZA (LEE DISTRICT)** (1:01 p.m.)

Jointly with Supervisor Hyland, Supervisor McKay said that on May 11, 2010, the Board authorized a special study of the Penn Daw Plaza, west of North Kings Highway and south of Poag Street in the Lee District. The special study allows

for the consideration of residential, office, and retail uses at an intensity of up to a 1.5 floor area ratio (FAR) on the subject area. The Plaza consists of 11 acres and constitutes the southern portion of Land Unit H in the Penn Daw Community Business Center. The study intends to more fully consider 2009-2010 South County Area Plans Review nomination 09-IV-22MV with input from the surrounding community, staff, and the property owners. A task force, which includes members of the nearby community in the Lee and Mount Vernon Districts, has been chosen to participate in the study. The task force will begin meeting next month.

After further consideration of the area of the special study, Supervisor McKay prepared a joint motion with Supervisor Hyland to expand the subject area to include the remaining 3.8-acres of Land Unit H, south of School Street and west of North Kings Highway in the Lee District; two additional parcels that are adjacent to the community business center, Tax Map parcels 83-3 ((11)) 6 and 83-3 ((4)) 34; and the adjacent Sub-unit F2 of the Penn Daw CBC, located in the Mount Vernon District. The expansion of the special study boundaries would allow opportunities to consider a more logical and coordinated evaluation of the Plan recommendations among the land units within the CBC, existing property owner configuration, potential improvements to circulation, and land area that contains frontage along Richmond Highway.

Therefore, jointly with Supervisor Hyland, Supervisor McKay moved that the Board authorize the expansion of the special study to include all of Land Unit H of the Penn Daw CBC, Sub-unit F2 of the CBC, and Tax Map parcels 83-3 ((11)) 6 and 83-3 ((4)) 34. The special study should consider residential mixed-use development at an intensity of up to 2.0 FAR over the entirety of the study area. The increased intensity will allow additional flexibility during the task force review, but it is recognized that the ultimate intensity may be less than this maximum. Supervisor Hyland seconded the motion and it carried by unanimous vote.

51. **HUNTINGTON METRO STATION AND JEFFERSON MANOR (LEE DISTRICT)** (1:04 p.m.)

Supervisor McKay said that on March 30, 2009, the Board authorized staff to initiate a planning study for an approximately 11-acre area located across from the Huntington Metro Station and adjacent to the Jefferson Manor neighborhood. This site is currently developed with strip-retail uses and approximately 80 garden apartments, all of which were built in the 1950s. The residents of Jefferson Manor have been actively involved in this study designed to promote transit-oriented development.

The planning study boundaries are within the Jefferson Manor Conservation Area, but the Conservation Plan has not been updated since 1991. To ensure the Jefferson Manor Conservation Plan is compatible with the County

Comprehensive Plan, an amendment to the Conservation Plan must be completed before recommendations from the planning study can be considered.

Therefore, Supervisor McKay moved that the Board authorize staff to pursue an amendment to the Jefferson Manor Conservation Plan so it aligns with possible future amendments to the Comprehensive Plan. The Conservation Plan will refer to the Comprehensive Plan for land use recommendations, rather than referring to an obsolete Conservation Plan Land Use Map. He noted that an update of the entire Conservation Plan is ultimately needed, and therefore request that the process to update the Conservation Plan takes place in the future after the amendment is completed. Supervisor Hyland seconded the motion and it carried by unanimous vote.

52. **RETIREMENT OF MR. LARRY ICHTER** (1:05 p.m.)

Supervisor McKay announced the retirement of Mr. Larry Ichter after almost 24 years with the County. He referred to his written Board Matter and noted that Mr. Ichter has held positions in the Department of Public Works and Environmental Services as well as the Department of Transportation.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Ichter to appear before the Board for recognition at its December 7 meeting. Without objection, it was so ordered.

53. **HISTORY COMMISSION PHONE NUMBER** (1:08 p.m.)

Supervisor Frey said that he was recently contacted by a constituent who learned that the phone number for the Fairfax County History Commission had been disconnected. The decision to disconnect the phone number was made by the Library Board as a cost cutting measure for their budget. This phone number is posted on the History Commission's website and it is used both by Fairfax residents, former residents and others who are looking for information. A recent example is a gentleman wanting to donate pictures of Ravensworth right before it was demolished.

Therefore, Supervisor Frey moved that the Board review this issue and determine how citizens can contact the History Commission by phone. Chairman Bulova seconded the motion and it carried by unanimous vote.

54. **2011 HARBIN INTERNATIONAL MASS ICE WEDDING CEREMONY (MOUNT VERNON DISTRICT)** (1:09 p.m.)

Supervisor Hyland announced that County couples, frostbitten by the love bug, looking to tie the knot in a special way should look no further than China's northernmost province Heilongjiang to the County's sister city, Harbin's 2011 Ice and Snow Festival's International Mass Ice Wedding Ceremony. The group ice wedding ceremony has been one of the highlights of Harbin's ice and snow festival over the years. The Festival, January 4 – 9, 2011, is specially designed to

attract one hundred couples from over 50 countries to recite their vows in China's renowned Ice City. One lucky couple will win a trip to Harbin's preferred honeymoon destination – Fairfax County, Virginia.

Therefore, Supervisor Hyland moved that the Board direct the Office of Public Affairs to publicize this information through appropriate media. Chairman Bulova seconded the motion and it carried by unanimous vote.

55. **RECESS/CLOSED SESSION** (1:14 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. Board of Supervisors' Authorization to Sue Flashover Systems, Inc., for Breach of Contract and Refund of Advance Payment
 - 2. *Najib Gerdak v. County of Fairfax and Jane Doe*, Case No. 1:10-cv-00908 (E.D. Va.)
 - 3. *Michael D. Huminik v. Anthony H. Griffin*, Case No. CL-2010-0008985 (Fx. Co. Cir. Ct.)
 - 4. *Janet Lyon Haight v. Robert Carlson, et al.*, (Haight III) Case No. 2010-7827 (Fx. Co. Cir. Ct.)
 - 5. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL 2010-0014219 (Fx. Co. Cir. Ct.) (Providence District)

6. *Mohammed Moosavi v. Fairfax County Tax Administration, et al.*, Case No. CL 2010-0011690 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Stephen B. Wood, Trustee, Johnie R. Muncy, Trustee, and F & M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2009-0016302 (Fx. Co. Cir. Ct.) (Sully District)
8. *Richard Lord and Nancy Lord Zearfoss v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Record No. 101865 (Va. Sup. Ct.) (Springfield District)
9. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alejandro J. Sanabria*, Case No. CL-2010-0006025 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong H. Ngo and Thien D. Nguyen*, Case No. CL-2010-0005427 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirna G. Rubio and Manuel R. Perez*, Case No. CL-2010-0000611 (Fx. Co. Cir. Ct.) (Lee District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares*, Case No. CL-2010-0011113 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James W. Lewis*, Case No. CL-2010-0008214 (Fx. Co. Cir. Ct.) (Mason District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian Richard Bartunek and Sharon C. Bartunek*, Case No. CL-2010-0005678 (Fx. Co. Cir. Ct.) (Springfield District)
17. *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)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Keun-Hoon Lee and Young Ja Lee, a/k/a Yong Ja Lee*, Case No. CL-2009-0013425 (Fx. Co. Cir. Ct.) (Mason District)
19. *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)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad*, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)
21. *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)
22. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)

24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Konstantino M. Pappaminas and Josephine M. Pappaminas*, Case No. CL-2006-0005204 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald J. McCarthy and Jaki S. McCarthy*, Case No. CL-2006-0004413 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert J. Ayoub and Jack J. Ayoub*, Case No. CL-2009-0003281 (Fx. Co. Cir. Ct.) (Providence District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Porter C. Lindsay*, Case No. CL-2010-0011929 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kee Cho Han and Ae Young Han*, Case No. CL-2010-0005706 (Fx. Co. Cir. Ct.) (Mason District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luom Son and Sen Ly*, Case No. CL-2010-0007026 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Ramirez and Noemy Ramirez*, Case No. CL-2010-0006225 (Fx. Co. Cir. Ct.) (Lee District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cleveland Randle*, Case No. CL-2009-0015831 (Fx. Co. Cir. Ct.) (Dranesville District)

33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia A. Snyder*, Case No. CL-2010-0011971 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdul Jalil Aziz and Fauzia Aziz*, Case No. CL-2010-0013204 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pong Y. Oclarien*, Case No. CL-2010-0013636 (Fx. Co. Cir. Ct.) (Mason District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tiffany Chau and Tom Bui*, Case No. CL-2010-0014135 (Fx. Co. Cir. Ct.) (Mason District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alex P. Yadao and Nilda A. Yadao*, Case No. CL-2010-0014237 (Fx. Co. Cir. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Adams and Juana Adams*, Case No. CL-2010-0014239 (Fx. Co. Cir. Ct.) (Mount Vernon District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joanne E. Wright*, Case No. CL-2010-0014339 (Fx. Co. Cir. Ct.) (Mount Vernon District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. LM734, LC, Case No. 2010-0014340; LM 734, LC, trading as Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dulal M. Miah*, Case No. CL-2010-0014408 (Fx. Co. Cir. Ct.) (Mason District)

42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eric D. Smith, Kevin D. Smith and Michelle C. Smith*, Case No. CL-2010-0014667 (Fx. Co. Cir. Ct.) (Hunter Mill District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ransell Property, LLC*, Case No. CL-2010-0014720 (Fx. Co. Cir. Ct.) (Providence District)
44. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Aminullah A. Arsala*, Case No. CL-2010-0014719 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Idalia Cruz and Nelzar Gallo*, Case No. CL-2010-0014776 (Fx. Co. Cir. Ct.) (Hunter Mill District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee*, Case No. CL-2010-0014721 (Fx. Co. Cir. Ct.) (Mason District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Chambers*, Case No. CL-2010-0014897 (Fx. Co. Cir. Ct.) (Mount Vernon District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wiman P. Rodriguez*, Case No. CL-2010-0014969 (Fx. Co. Cir. Ct.) (Braddock District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)

50. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bassam N. Haje and Eva Marar, Case No. CL-2010-0015004 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
51. *Dr. Charles M. Anderson, P.E. v. Virginia Department of Professional and Occupational Regulation and Department of Public Works, Fairfax County, Virginia, Case No. CL-2010-0004923 (Pr. Wm. Co. Cir. Ct.) (Providence District)*
52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Doris Harwitz, Trustee of the Florence Harwitz Trust, Case Nos. 10-0025984 and 10-0025985 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*

And in addition:

- *Petition of Virginia Electric and Power Company to the State Corporation Commission for Declaratory Judgment Regarding the Use of Renewable Energy Credits from the Covanta Facility*
- *Hong Theng Ker versus Vinnita M. Macri*
- *Board of Supervisors versus Newpath Networks LLC*
- *FFW Enterprises versus Fairfax County, et al. and FFW Enterprises versus Fairfax County Economic Development Authority, et. al*
- *Town of Leesburg versus Steve Giordano, Jr., et al.*
- *Eileen M. McLane versus Robert Pierre Johnson Housing Development Corporation of the National Capital Area*
- *Regulations Regarding Financing of Affordable Dwelling Units*
- *City of Falls Church versus Fairfax County Water Authority*

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

DET:det

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

56. **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 Hyland and Supervisor Smyth 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."

57. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO FILE SUIT AGAINST FLASHOVER SYSTEMS, INCORPORATED** (3:38 p.m.)

Supervisor Foust moved that the Board authorize the County Attorney to file suit against Flashover Systems, Incorporated, for breach of contract and refund of prepayment for purchase of a Flashover simulator system and generator and to pursue all other rights and remedies. Supervisor McKay seconded the motion and it carried by unanimous vote.

58. **AUTHORIZATION FOR THE DIVISION OF SOLID WASTE DISPOSAL AND RESOURCE RECOVERY AND THE COUNTY ATTORNEY'S OFFICE TO PARTICIPATE IN A PROCEEDING FILED BY VIRGINIA ELECTRIC AND POWER COMPANY** (3:39 p.m.)

Supervisor Hyland moved that the Board authorize the Division of Solid Waste Disposal and Resource Recovery and the County Attorney's Office to participate in a proceeding filed by Virginia Electric and Power Company for declaratory judgment, SCC Case Number PUE-2010-00132. Supervisor Foust seconded the motion and it carried by unanimous vote.

59. **AUTHORIZATION OF THE SETTLEMENT OF HONG THENG KER VERSUS VINNITA M. MACRI, CASE NUMBER CL-2009-0017367** (3:40 p.m.)

Supervisor Hyland moved that the Board authorize *Hong Theng Ker versus Vinnita M. Macri*, Case Number CL-2009-0017367, according to the terms and

conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

Following consultation with David P. Bobzien, County Attorney, Supervisor Hyland moved that the Board authorize the settlement of *Hong Theng Ker versus Vinnita M. Macri*, CL-2009-0017367. Chairman Bulova seconded the motion and it carried by unanimous vote.

60. **AUTHORIZATION TO DIRECT THE COUNTY ATTORNEY TO FILE A MOTION IN THE CASE OF BOARD OF SUPERVISORS VERSUS NEWPATH NETWORKS, LLC, CASE NUMBER CL-2010-0005141**
(3:41 p.m.)

Supervisor Foust moved that the Board authorize and direct the County Attorney to file a motion requesting that the Court nonsuit the case of *Board of Supervisors versus NewPath Networks, LLC*, Case Number CL-2010-0005141, which is pending in the Fairfax County Circuit Court. Supervisor McKay seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

61. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION 86-C-121-03 (RESTON EXCELSIOR LLC) (HUNTER MILL DISTRICT)** (3:41 p.m.)

The application property is located in the northeast quadrant of the intersection of Dulles Toll Road and Reston Parkway, Tax Map 17-4 ((1)) 7B.

Chairman Bulova confirmed that there was no affidavit affiliated with the application.

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

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

Supervisor Hudgins moved approval of Planned Residential Community Application 86-C-121-03, subject to the development conditions dated November 16, 2010. Supervisor Foust seconded the motion.

Discussion ensued with input from Mr. Looney and Mr. Williams concerning:

- Confirmation of the development conditions.

- The development conditions in relationship to notes cited on the plans.

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

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-BR-003 (CHRISTOPHER LAND, LLC) (BRADDOCK DISTRICT)** (3:54 p.m.)

- (O) The application property is located on the west side of Burke Lake Road approximately 1800 feet north of its intersection with Burke Center Parkway directly opposite its intersection with Shiplett Boulevard, Tax Map 78-3 ((1)) 9.

Mr. Clark L. Massie reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed a campaign contribution in excess of \$100 which he had receive from:

- Mr. Clark L. Massie, Tetra Corporation

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

Following the public hearing, which included testimony by three speakers, Supervisor Cook submitted items for the record and Mr. Massie presented rebuttal.

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

Supervisor Cook moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-BR-003, from the R-1 District to the PDH-3 District, and approval of the Conceptual Development Plan, subject to the proffers dated October 28, 2010.
- Waiver of the on-road bike lane requirement and modification of the 8-foot wide major paved trail requirement for Burke Lake Road in favor of the existing 5.5-foot wide paved sidewalk.
- Waiver of the 600-foot maximum length of private streets.

- Modification of Section 10-104(3) B and C of the Zoning Ordinance to permit an increase in fence height to a maximum 8-foot tall fence along a portion of the northern property line.
- To direct the Director of the Department of Public Works and Environmental Services to grant a deviation from the tree preservation target area requirement in Section 12-0507.1 of the Public Facilities Manual in favor of that proposed on the CDP/FDP.

Supervisor McKay 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.”

(NOTE: On November 3, 2010, the Planning Commission approved Final Development Plan Application FDP 2010-BR-003.)

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-005 (JENNINGS BUSINESS PARK, LLC) (LEE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2010-LE-009 (JENNINGS BUSINESS PARK, LLC) (LEE DISTRICT) (4:29 p.m.)

- (O) The application property is located on the east side of Loisdale Road and west of the CSX Railroad Tracks and south of Loisdale Park, Tax Map 90-4 ((1)) 6A and 7.

Ms. Elizabeth A. McKeeby reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Ms. McKeeby submitted rebuttal.

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

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-LE-005,

from the R-1 and R-3 Districts to the C-8 District, subject to the proffers dated November 19, 2010.

- Approval of Special Exception Application SE 2010-LE-009, subject to the development conditions dated October 26, 2010.
- Waiver of the barrier requirement along the northern property line of parcel 7 in favor of that shown on the GDP/SE Plat.
- Waiver of the minor trail requirement.
- Waiver of the frontage improvements.

Supervisor Foust, Supervisor Herrity, and Supervisor Smyth 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."

Supervisor McKay thanked Ms. Cho for her work on this application and wished her much success and a happy, healthy baby.

64. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-SU-004 (JAMES G. MILLER, TRUSTEE FOR THE J.G. MILLER REVOCABLE TRUST) (SULLY DISTRICT)** (4:45 p.m.)

- (O) The application property is located in the Southwest quadrant of the intersection of Stonecroft Boulevard and Thompson Boulevard, Tax Map 33-2 ((2)) 13.

Mr. William McCauley Arnold reaffirmed the validity of the affidavit for the record.

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

Supervisor Frey moved the amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-SU-004 from the I-3, AN, and WS Districts to the 1-5, AN, and WS Districts, subject to the proffers dated November 3, 2010. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay,

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

65. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-SU-002 (STEVEN C. BRYANT) (SULLY DISTRICT) (4:54 p.m.)**

- (O) The application property is located on the west side of Stonecroft Boulevard approximately 400 feet north of its intersection with Murdock Street, Tax Map 33-2 ((2)) 13A and 34-1 ((2)) 13B.

Mr. David A. Roll reaffirmed the validity of the affidavit for the record.

Mr. Roll 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, William O’Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved the amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-SU-002, from the I-3, AN, and WS Districts to the I-5, AN, and WS Districts, subject to the proffers dated November 1, 2010. 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.”

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 122 (TREE CONSERVATION ORDINANCE) AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING CONSERVATION OF TREES DURING THE LAND DEVELOPMENT PROCESS (5:01 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2010.

Michael Knapp, Director, Urban Forest Management Division, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Mr. Knapp, concerning:

- The preparation of tree inventories or condition analyses by individuals other than certified arborists or registered consulting arborists.

- The maximization of tree preservation as authorized by the State.
- The implementation of a quality control program to monitor the plants that are being reviewed and a statistical analysis of the industries' compliance on a voluntary basis to determine effectiveness.
- Measurement of increased benefits associated with tree canopy.
- The impact of the proposed amendments on tree conservation/preservation.

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

- Adoption of the proposed amendments to Chapter 122 of the County Code (Tree Conservation Ordinance) and the PFM, as set forth in the staff report dated September 14, 2010, and that these amendments become effective at 12:01 a.m. on November 17, 2010.
- That the Board direct staff to monitor the new ordinance for six months and report with that information to the Environment Committee in the spring.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

67. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING APPEAL FEE** (5:32 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2010.

Jill G. Cooper, Senior Assistant to the Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued with input from Leslie Johnson, Senior Deputy Zoning Administrator, ZAD, DPZ, and Ms. Cooper concerning:

- The number and estimated cost of appeals, including staff costs/cost recovery.

- The use of separate fee structures in other jurisdictions.
- The percentage of appeals filed in response to a notice of violation.

Following the public hearing, which included testimony by one speaker, Chairman Bulova stated that she had an item for the record.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to reduce the zoning appeal fee from \$2455 to \$600 as recommended by the Planning Commission with an effective date of 12:01 a.m. on November 17, 2010. Supervisor Cook seconded the motion.

Discussion ensued concerning:

- The percentage of appeals filed by counsel, with input by Ms. Johnson.
- Cost recovery.

Supervisor Foust noted that there were two jurisdictions with significant difference in fees between commercial and residential and asked to amend the motion to direct staff review the difference between commercial and residential costs to determine whether there should be two separate fees. This was accepted.

Following discussion, Chairman Bulova restated the motion, as amended:

- That the Board adopt the Planning Commission's recommendation, setting the zoning appeal fee at \$600.
- That the Board direct staff to monitor the effect of the changes and, after a period of approximately a year, review the results to determine if further changes need to be made.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of six, Supervisor Cook, Supervisor Frey, Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, and Chairman Bulova voting "AYE," Supervisor Gross, Supervisor Herrity, Supervisor McKay and Supervisor Smyth voting "NAY."

Supervisor Frey noted that the Development Process Committee would work with staff regarding reviewing and evaluating differential rates in other jurisdictions.

68. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 11 (HUMAN RIGHTS ORDINANCE)**
(6:08 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2010.

Kenneth Saunders, Executive Director, Office of Human Rights and Equity Programs, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 11 (Human Rights Ordinance), regarding the appeals process and to reflect procedural changes due to the merging of the Office of Human Rights and the Office of Equity Programs. Supervisor Cook and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Frey and Supervisor Smyth being out of the room.

69. **4 P.M. – PH ON ENDORSEMENT OF THE FISCAL YEAR 2012 VIRGINIA DEPARTMENT OF TRANSPORTATION’S ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (6:12 p.m.)

- (Rs) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2010.

Kenneth Kanownik, Transportation Planner, Coordination and Funding Division (CFD), Department of Transportation (DOT), presented the staff report.

Discussion ensued with input from Tom Biesiadny, Chief, CFD, DOT, concerning:

- Future maintenance and operational costs.
- Volunteer maintenance.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to:

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

Supervisor 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."

70. **4:30 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2011 VIRGINIA GENERAL ASSEMBLY** (6:23 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2010.

Supervisor McKay, Chairman of the Board's Legislative Committee, presented a thumbnail sketch of the proposed legislative program.

Chairman McKay:

- Announced the cancellation of the November 30 Legislative Committee meeting.
- Reminded the Board that the Legislative Program will be voted on at the Board's December 7 meeting and that the Board will be accepting testimony until then.

The public hearing included testimony by two speakers. Following the testimony of Marlene Blum, Speaker Number One, Supervisor Gross asked unanimous consent that the Board direct staff to report on the age of the 617 alternative on-site sewage systems. Without objection, it was so ordered.

Following the testimony of Ken Fredgren, Speaker Number Two, Supervisor Hudgins asked unanimous consent that the Board direct staff to follow-up on a previous request to review opportunities to improve the complaint process in order to improve accessibility to public accommodations and commercial facilities for persons with mobility impairments. Without objection, it was so ordered.

Following the public hearing, Supervisor McKay reminded the Board that the work session with General Assembly members is scheduled for December 14 at 3:30 p.m.

Supervisor Hudgins called the Board's attention to page 7 of the Board Agenda Item, Attachment 2, dated November 16, 2010, concerning accessibility, and asked unanimous consent that the Board direct staff to review language for more specific clarity. Without objection, it was so ordered.

Following discussion concerning accessibility ramps. Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to review designated markings for accessibility ramps. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

71. **BOARD ADJOURNMENT** (6:44 p.m.)

The Board adjourned.

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