



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 7, 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, December 7, 2010, at 9:54 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, 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** (9:37 a.m.)

Supervisor Foust asked everyone to keep in thoughts the family of a true humanitarian, Mr. Mukit Hossain, who died last week. Mr. Hossain was very active in the community and helped found both Project Hope and Harmony and the Food Source Foundation. Supervisor Foust noted that Mr. Hossain was named “Herndon Citizen of the Year” in 2004 by the *Herndon Times* and was recognized by the Virginia Senate in a joint resolution.

Supervisor Hudgins asked everyone to keep in thoughts the family of Pastor Mary Alice Glenn who lived in the Reston community and died on November 21. Supervisor Hudgins said that Pastor Glenn worked for Reston Interfaith as the Outreach Coordinator.

Supervisor Cook noted that today is Pearl Harbor Day and asked that everyone keep in thoughts the lives lost 69 years ago today and the sacrifices made in the cause of freedom by so many Americans around the world. Supervisor Cook noted that this is another opportunity to thank veterans and to remember their sacrifices not only in World War II, but in all of the nation’s military conflicts.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Jube Shiver, who died at age 88. Supervisor Hyland noted that Mr. Shiver was a former teacher turned home builder/developer, a former treasurer of the Mount Vernon Democratic Committee, and an involved member of the Mount Vernon community.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Charlie McDowell, who died recently. Mr. McDowell was a nationally syndicated columnist and author who regularly appeared on Public Broadcasting System (PBS) television’s “Washington Week in Review.”

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE OAKTON HIGH SCHOOL BEST BUDDIES CLUB (PROVIDENCE DISTRICT)** (10:03 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to members of the Oakton High School Best Buddies Club for being selected to receive the 2009-2010 Outstanding Chapter Award from Best Buddies International. Supervisor Herrity seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX HIGH SCHOOL** (10:09 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to Fairfax High School for its seventy-fifth anniversary. Supervisor Smyth seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. NICOLE MARIAROSE FERRARO (SULLY DISTRICT)** (10:15 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Ms. Nicole Mariarose Ferraro for establishing the Bite Me Cancer Foundation to raise funds to support research for thyroid and other cancers and to help children and teens with cancer. Supervisor Foust, Supervisor Herrity, and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

Ms. Ferraro shared the Foundation's products store website: www.CafePress.com/BiteMeCancer.

5. **RESOLUTION OF RECOGNITION PRESENTED TO DR. MORTEZA SALEHI** (10:15 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Dr. Morteza Salehi for his dedication as a public servant to the constituents of the County as the Virginia Department of Transportation Northern Virginia District Administrator. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF FAIRFAX ADVOCATES FOR BETTER BICYCLING** (10:38 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of Fairfax Advocates for Better Bicycling for preparing the *Guide for Reviewing Public Road Design and Bicycling Accommodations for Virginia Bicycling Advocates*. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MR. LARRY ICHTER (BRADDOCK DISTRICT)** (10:46 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Mr. Larry Ichter for his years of service to the County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **PARK AUTHORITY PRESENTS THE BOARD OF SUPERVISORS WITH 2010 NATIONAL GOLD MEDAL AWARD** (11:08 a.m.)

William G. Bouie, Chair, Fairfax County Park Authority Board, announced that the National Recreation and Park Association (NRPA) and the American Academy for Park and Recreation Administration named the County's Park system the best in the nation with the October 27 presentation of the 2010 National Gold Medal Award. Mr. Bouie stated that the award recognizes excellence in long-range planning, resource management, volunteerism, environmental stewardship, program and professional development, and agency recognition. The award was presented to the County in the Class I category of populations of 250,000 and greater which included Florida's Miami-Dade County Parks and Recreation, New York City's Department of Parks and Recreation, and Mecklenburg County, North Carolina (Charlotte). Mr. Bouie introduced Barbara Tulipane, Chief Executive Officer of the NRPA. Following a brief video presentation, the award was presented to the Board.

9. **10:30 A.M. – PRESENTATION OF THE LAWRENCE V. FOWLER AWARD** (11:23 a.m.)

(BACs) Chairman Bulova acknowledged the 2010 Fowler Award runners-up as follows:

- Edward H. Blum, Chairman and member of the Information Technology Policy Advisory Committee since its inception.
- Gerald B. Strider, a member of the Volunteer Fire Commission since 1984.

Chairman Bulova presented the fifth annual Lawrence V. Fowler Award to **Harold "Hal" Strickland** who has served with distinction as the Sully District Representative to the Fairfax County Park Authority Board since 1992 and previously served on the Athletic Council from 1982 through 1991.

ADDITIONAL BOARD MATTER

10. **ORDERS OF THE DAY** (11:41 a.m.)

Chairman Bulova announced that closed session will take over two hours and that Board Matters may need to be scheduled later in the day.

AGENDA ITEMS

11. **10:40 A.M. – BOARD ADOPTION OF THE 2011 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY’S 112TH CONGRESS FEDERAL APPROPRIATIONS REQUESTS FOR FISCAL YEAR (FY) 2012, AND ADOPTION OF PRINCIPLES FOR FEDERAL LEGISLATION FOR THE 112TH CONGRESS** (11:42 a.m.)

Supervisor McKay, Chairman of the Board’s Legislative Committee, announced that the Board will be adopting the County’s state and federal legislative program. He said that there had been a public hearing at the last Board meeting and these items were thoroughly vetted at Legislative Committee meetings that were held this fall and thanked the Board for its participation in those meetings.

After an opening statement regarding the four key priorities of this year’s State Legislative Program and Human Services White Paper, Supervisor McKay announced that a fifth statement on the need for the State to restore its funding partnership of localities, particularly as State revenues see tentative signs of economic recovery primarily driven by job growth in Northern Virginia, had been added.

Supervisor McKay briefly highlighted the County’s Federal Principles and Funding Requests noting that they were primarily focused on transportation infrastructure throughout the County, including the need for Federal funding to mitigate the impact from Base Realignment and Closing (BRAC) action at Fort Belvoir.

Supervisor McKay thanked legislative staff for their work and reminded the Board that:

- Friday afternoon meetings will begin while the General Assembly is in session.
- The annual work session will be held on Tuesday, December 14, with a 3:30 p.m. reception in the conference center reception area and a 4 p.m. work session in conference rooms 9 and 10.
- A reception will be held on Tuesday, February 15, 2011, at 5:30 p.m., in Old City Hall in Richmond.

Supervisor McKay moved adoption of the:

- 2011 Legislative Program and Human Services White Paper with the addition of language supporting an increase in Temporary Assistance to Needy Families (TANF) reimbursement rates.

- FY 2012 Federal Appropriations Requests.
- Principles for Federal Legislation in the 112th Congress.

Supervisor Hyland seconded the motion.

Discussion ensued concerning the possibility of legislation being introduced regarding the removal of signs in the County. Supervisor Hyland asked unanimous consent that the Board direct staff to include consideration of this legislation by the Legislative Committee when it is introduced. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to include consideration of possible legislation to include transitional assistance for former drug offenders by the Legislative Committee when it is introduced. Without objection, it was so ordered.

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

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12.

10:55 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (11:49 a.m.)

(APPTS)
(BACs)

Chairman Bulova noted that this past fall she held meetings with each Board Member and one subject was Board procedures. At the suggestion of Supervisor Frey, Chairman Bulova announced that beginning in 2011 the Board will streamline the appointments process. During the Board meeting, only BAC seats with a nominee will be read. Accordingly, Board Members will have to provide the Clerk to the Board with their nominations by close-of-business on the Friday prior to the Tuesday Board meeting. The Clerk’s Office will then prepare a list with those appointments for consideration by the Board at the meeting.

Following discussion, Chairman Bulova noted that the Board can always amend the procedure.

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.

ATHLETIC COUNCIL**CONFIRMATIONS:**

Supervisor Foust moved confirmation of the following appointments:

- Mr. Gerald W. Carter as the Town of Herndon Principal Representative
- Mr. Dennis "Butch" Baughan as the Town of Herndon Alternate Representative

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

Supervisor Herrity moved the appointment of Mr. Mark Heilbrun as the Springfield District Alternate Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Chairman Bulova moved the reappointment of Mr. Thomas Parr as the At-Large #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Mr. William Harvey as the Professional #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Noelle Holmes as the Professional #4 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Chairman Bulova* moved the reappointment of Ms. M. Yvonne Demory as the Professional #5 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

(*NOTE: Later in the meeting, this appointment was clarified as a nomination by Supervisor Hudgins. See page 14.)

Supervisor Hyland and Supervisor Cook jointly moved the appointment of Ms. Patricia Rehill as the Professional #6 Representative. Supervisor Cook seconded the motion, which carried by unanimous vote.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

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

CIVIL SERVICE COMMISSION

Supervisor Hudgins moved the reappointment of Mr. Ronald Copeland as the At-Large #2 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

ENGINEERING STANDARDS REVIEW COMMITTEE

CONFIRMATIONS:

Supervisor Hyland moved confirmation of the following appointments:

- Mr. Jack Reale as the Department of Planning and Zoning Representative
- Ms. Maya Huber as the Citizens Committee on Land Use and Transportation Representative

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- Ms. April Pinch Keeler as a Long Term Care Providers Representative
- Ms. Robin Remsburg as an Educational Organizations Representative
- Ms. Michelle Scott as a Community/Religious Leaders Representative
- Mr. Steve Gurney as a Long Term Care Providers Representative

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

HEALTH SYSTEMS AGENCY BOARD

Supervisor Hyland moved the appointment of Mr. Dave Lucas as the Provider #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Consumer #4 Representative.

HISTORY COMMISSION

Supervisor Hudgins moved the reappointment of Ms. Barbara Naef as the Archaeologist Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Irma Clifton as the At-Large #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Ms. Phyllis Walker Ford as the At-Large #3 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Elise Ruff Murray as the Citizen #3 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Naomi Zeavin as the Historian #1 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. Mayo Stuntz as the Historian #2 Representative. Supervisor Hudgins 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.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Foust moved the appointment of Mr. Siddhartha Chowdhary as the Dranesville Representative. Supervisor Hyland and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. John Skudlarek as the Mount Vernon District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

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

CONFIRMATION:

Supervisor Herrity moved confirmation of the following appointment:

- Mr. Paul Liberty as the Northern Virginia Technology Council Representative

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

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

The Board deferred the appointment of the Providence District Representative.

LIBRARY BOARD

Supervisor Hyland moved the appointment of Mr. Jay A. Jupiter as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

PARK AUTHORITY

Supervisor Cook moved the appointment of Mr. Anthony Vellucci as the Braddock District Representative. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, the Board directed staff to invite Ms. Winifred Shapiro, outgoing Braddock District Representative, to appear before the Board to be recognized for her service. See Clerk's Summary Item #61.)

Supervisor Gross moved the reappointment of Mr. Frank Vajda as the Mason District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Mount Vernon and Springfield District Representatives.

PLANNING COMMISSION

Chairman Bulova moved the reappointment of Mr. Timothy Sargeant as the At-Large #2 Representative. This motion was multiply seconded and it carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Janet R. Hall as the Mason District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Peter F. Murphy as the Springfield District Representative. This motion was multiply seconded and it carried by unanimous vote.

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

Supervisor Hyland moved the reappointment of Mr. Brendan Harold as the Citizen At-Large #2 Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

ROAD VIEWERS BOARD

Supervisor Herrity moved the reappointment of Mr. Joseph Bunnell as the At-Large #1 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. John W. Ewing as the At-Large #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Marcus Wadsworth as the At-Large #3 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Stephen E. Still as the At-Large #4 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

The Board deferred the appointment of the Mason District Representative.

WETLANDS BOARD

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

2011 ADVISORY CITIZEN REAPPORTIONMENT COMMITTEE

Chairman Bulova moved the appointment of Mr. Walter Alcorn as the At-Large #2 Representative. Supervisor Gross and Supervisor Smyth jointly seconded the motion, which carried by unanimous vote.

Supervisor Cook moved the appointment of Mr. Christopher Thomas Craig as the Braddock District Representative. Chairman Bulova and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Mr. William E. Sudow as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Mr. C. Denver Lovett as the Hunter Mill District Representative. Chairman Bulova and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the appointment of Mr. Scott T. Robinson as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Paul E. Krizek as the Mount Vernon District Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Ms. Carrie Nixon as the Providence District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the appointment of Mr. Paul Liberty as the Springfield District Representative. Supervisor Cook seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Mr. Ralph Hubbard as the Sully District Representative. Supervisor Herrity seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the appointment of Mr. Michael Kwon as the Asian/Pacific Islander Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the appointment of Ms. Bettie Baca as the Hispanic Community Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the African-American Community Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

(NOTE: Earlier in the meeting, the Board reappointed Ms. M. Yvonne Demory. See page 8.)

Supervisor Hudgins clarified that the reappointment nomination of Ms. M. Yvonne Demory as the Professional #5 Representative was circulated by her and not the Chairman.)

2011 ADVISORY CITIZEN REAPPORTIONMENT COMMITTEE**CONFIRMATIONS:**

Supervisor McKay moved confirmation of the following appointments:

- Ms. Kristin Cabral as the Democratic Party Representative
- Mr. David Thomas as the Republican Party Representative
- Ms. Fran Fisher as the Chamber of Commerce Representative
- Ms. Anne Kanter as the League of Women Voters

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

13. **ADMINISTRATIVE ITEMS** (12:08 p.m.)

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

Supervisor Cook called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing for the Sale of Two Million Gallons Per Day (MGD) of the County's Unused Capacity at the Upper Occoquan Sewage Authority's (UOSA) Treatment Plant to Prince William County. He raised a question regarding whether the net gain was factored into the proposed sewer rate increases and whether it will change the prospective increases. Discussion ensued, with input from Shahram Mosenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services (DPWES), who clarified that the net gain had not been factored in.

Further discussion ensued, with input from Randy Bartlett, Deputy Director, DPWES, regarding the uses for the net gain and using the additional funds to supplement the rate recommendations for extension of sewer services.

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."

ADMIN 1 – APPROVAL OF INSTALLATION OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS AND "WATCH FOR CHILDREN" SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE, SULLY, AND HUNTER MILL DISTRICTS)

- (Rs)
- Adopted the Resolution authorizing installation of "\$200 Additional Fine for Speeding" signs on the following roads:
 - Oak Street between Gallows Road and the Interstate 495 overpass (Providence District).
 - Galesbury Lane between Lee Jackson Memorial Highway and Galesbury Lane's terminus (Sully District).
 - Adopted the Resolution authorizing the installation of a "Watch for Children" sign on Liberty Tree Lane (Hunter Mill District).
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON PART OF ARROWHEAD PARK DRIVE (SPRINGFIELD AND SULLY DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 11, 2011, at 4 p.m.** to consider abandoning part of Arrowhead Park Drive adjacent to the Faircrest subdivision.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY A PORTION OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE STRINGFELLOW ROAD PROJECT (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 11, 2011, at 4 p.m.** to consider conveying a portion of County-owned property to VDOT for the Stringfellow Road Project.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), TO AMEND ARTICLES 2, 3, AND 7, REGARDING THE COUNTY RETIREMENT SYSTEMS – TECHNICAL CHANGES TO UPDATE INTERNAL REVENUE SERVICES (IRS) QUALIFICATION

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 11, 2011, at 4 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), to amend Articles 2, 3, and 7, regarding the retirement systems.

ADMIN 5 – ADDITION OF SEGMENTS OF SMITHSONIAN AIR AND SPACE MUSEUM PARKWAY AND HISTORIC SULLY WAY TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (SULLY DISTRICT)

- (R) Adopted the Resolution requesting that segments of Smithsonian Air and Space Museum Parkway, which the Virginia Department of Transportation (VDOT) has designated as Route 7833, and Historic Sully Way designated as Route 10345, be added to the Secondary System of State Highways.

ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Rolling Meadows Lot 16A	Dranesville	Utterback Store Road (Route 717) (Additional Right-of-way Only)

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE SALE OF TWO MILLION GALLONS PER DAY (MGD) OF THE COUNTY'S UNUSED CAPACITY AT THE UPPER OCCOQUAN SEWAGE AUTHORITY'S (UOSA) TREATMENT PLANT TO PRINCE WILLIAM COUNTY

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 14.)
- Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2011, at 4 p.m.** regarding the sale of two MGD of the County's unused capacity at UOSA's treatment plant to meet Prince William County's growing need for additional treatment plant capacity.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE COUNTY’S PURCHASE OF ONE MILLION GALLONS PER DAY (MGD) OF CAPACITY AT LOUDOUN WATER’S BROAD RUN WATER RECLAMATION (BRWR) FACILITY

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2011, at 4 p.m.** regarding for the execution of a purchase agreement for one MGD of capacity at Loudoun Water’s BRWR facility.

ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (HUNTER MILL, LEE, MASON, 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-M97-26-1	Fairfax County Department of Information and Technology Additional equipment shelter 6801 Industrial Road Mason District	February 6, 2011
FS-S10-56	Fibertower Antenna collocation on existing tower 4618 West Ox Road Springfield District	February 13, 2011
FS-M10-49	Clearwire US LLC Antenna collocation on existing monopole 3101 Hodge Place (Jefferson Fire Station) Mason District	February 16, 2011
FS-Y10-58	Clearwire US LLC Rooftop antennas 14280 Park Meadow Drive Sully District	February 20, 2011

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-MD10-14	NewPath Networks, New Cingular Wireless PCS LLC Distributed Antenna System Vale, Fox Mill, and Miller Heights Roads Sully and Providence Districts	February 24, 2011
FSA-M09-51-1	Clearwire US LLC Additional rooftop antennas 6200 Wilson Boulevard Mason District	February 24, 2011
FS-S10-48	Clearwire US LLC Antenna collocation on existing tower 13069 Autumn Willow Drive Springfield District	February 26, 2011
2232-S10-19	T-Mobile Northeast LLC 104-foot monopole 7000 Cottontail Court Springfield District	February 28, 2011
2232-S10-20	T-Mobile Northeast LLC 110-foot monopole 8600 Bridle Wood Court Springfield District	February 28, 2011
FS-L10-60	New Cingular Wireless PCS LLC Rooftop antennas 5176 South Van Dorn Street Lee District	March 4, 2011
FS-S10-61	Clearwire US LLC Rooftop antennas 12777 Fair Lakes Circle Springfield District	March 5, 2011
FS-H10-62	Clearwire US LLC Rooftop antennas 2100 Reston Parkway Hunter Mill District	March 5, 2011

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-M07-12	Columbia Crossroads LP East County Human Services Center (PPEA proposal) 5837 Columbia Pike Mason District	June 7, 2011
FS-D09-208	District of Columbia Water and Sewer Authority Odor control building North of River Park Drive Dranesville District	June 7, 2011

14. **A-1 – ADJUSTMENT TO QUALIFYING UPPER THRESHOLD REQUIREMENTS FOR THE TRAFFIC CALMING PROGRAM**
(12:13 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve adjustment of the qualifying upper threshold for the County's Traffic Calming Program from 4,000 vehicles per day (VPD) to 6,000 VPD. Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Supervisor McKay asked unanimous consent that the Board direct staff to provide at a Transportation Committee meeting data on what has and has not worked in the past. Without objection, it was so ordered.

A brief discussion ensued, with input from Anthony H. Griffin, County Executive, regarding funding for the program.

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

15. **A-2 – ADOPTION OF THE POHICK CREEK WATERSHED MANAGEMENT PLAN (BRADDOCK, MOUNT VERNON, AND SPRINGFIELD DISTRICTS) AND THE ADOPTION OF THE SUGARLAND RUN/HORSEPEN CREEK WATERSHED MANAGEMENT PLAN (DRANESVILLE, HUNTER MILL, AND SULLY DISTRICTS)**
(12:15 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Pohick Creek Watershed Management Plan and the Sugarland Run/Horsepen Creek Watershed Management Plan.

16. **A-3 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF ITS REVENUE BONDS TO REFINANCE CAPITAL IMPROVEMENTS TO EXISTING FACILITIES AND A NEW PARKING GARAGE AT ARLEIGH BURKE PAVILION** (12:17 p.m.)

(BONDS)

(R)

On motion of Supervisor Foust, seconded by Supervisor McKay, 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 the Resolution authorizing the EDA to issue up to \$30 million in revenue bonds for the benefit of Vinson Hall Corporation (VHC).

17. **A-4 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE’S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2012 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (12:18 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and endorse the CAOs Task Force’s initial recommendations regarding the proposed FY 2012 VRE budget. Supervisor Cook and Supervisor McKay jointly seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation (DOT), regarding the recommendation of withholding the rates and subsidy increase.

The question was called on 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.

18. **A-5 – APPROVAL OF VAMOOSE BUS LEASE AGREEMENT (MOUNT VERNON DISTRICT)** (12:23 p.m.)

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

- Approved, in substantial form, a Lease Agreement with Vamoose Bus and its bus operator, DC Trails.
- Authorized the Director of the Department of Transportation to execute the finalized agreement on behalf of the County.

19. **A-6 – APPROVAL OF LEASE AGREEMENT WITH BOSTON PROPERTIES FOR INTERIM COMMUTER PARK-AND-RIDE LOT AT 12050 SUNSET HILLS ROAD (HUNTER MILL DISTRICT)** (12:24 p.m.)

Supervisor Hudgins moved to defer this item until later in the meeting. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #35.)

20. **I-1 – PRESENTATION OF THE FISCAL YEAR (FY) 2010 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2010, regarding the FY 2010 CAFR.

Anthony H. Griffin, County Executive, shared information on a complimentary letter he received from KPMG, LLP, on successfully completing the annual audits and how well the County performed.

21. **I-2 – CONTRACT AWARD – ALCOHOL/DRUG TESTING AND MEDICAL REVIEW OFFICER (MRO) MANAGEMENT SERVICES** (12:28 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2010, requesting authorization for staff to award a five-year contract to Firstlab in an amount of \$279,106 annually (\$234,106 for Fairfax County Public Schools and \$45,000 for the County Government) for alcohol/drug testing and MRO management services.

Supervisor Frey asked unanimous consent that the Board direct staff to provide information about the program regarding the testing of student athletes and how the School System was using or planned to use the program. Without objection, it was so ordered.

Discussion ensued, with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, regarding the source of funding for the program.

The staff was directed administratively to proceed as proposed.

22. **I-3 – CONTRACT AWARD – PHYSICAL EXAMS AND MEDICAL EVALUATIONS** (12:30 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2010, requesting authorization for staff to award a contract to

INOVA Workplace Health Services in an amount of \$200,000 annually (\$140,000 for Fairfax County Public Schools and \$60,000 for the County Government) for physical and medical examinations for the first two years of the five-year contract. For the final three years of the contract, the cost increases two percent each year to reflect inflation.

The staff was directed administratively to proceed as proposed.

23. **I-4 – CONTRACT AWARD - GEOTECHNICAL ENGINEERING AND TESTING SERVICES TASK ORDER CONTRACT** (12:30 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2010, requesting authorization for staff to award a contract to ECS Mid-Atlantic, LLC, in the amount of \$650,000 for geotechnical engineering and testing services on various County projects which are being designed by staff and/or when these services are not part of a design contract with an outside firm. The contract will be renewable for two additional one-year terms.

The staff was directed administratively to proceed as proposed.

24. **I-5 – CONTRACT AWARD – SCHNEIDER BRANCH STREAM RESTORATION (SULLY DISTRICT)** (12:31 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2010, requesting authorization for staff to award a contract to Avon Corporation in the amount of \$396,734.97 for the construction of the Schneider Branch Stream Restoration, Project CU8001, Cub Run Pro Rata Share Projects, Fund 316, and Pro Rata Share Drainage Construction.

The staff was directed administratively to proceed as proposed.

25. **I-6 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (12:31 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2010, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts during the period between the December meeting and the first meeting on January 11, 2011. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located, and the Chairman of the Board, before action is taken. The Board will receive notification of all contracts awarded.

The staff was directed administratively to proceed as proposed.

26. **I-7 – PLANNING COMMISSION ACTION ON APPLICATION 2232-S10-13, T-MOBILE, IN CONJUNCTION WITH MILESTONE COMMUNICATIONS (WASHINGTON IRVING MIDDLE SCHOOL) (SPRINGFIELD DISTRICT)** (12:31 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2010, announcing the Planning Commission's approval of Application 2232-S10-13. 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 telecommunications facility consisting of a 115-foot tall pole with six panel antennas and up to three equipment cabinets at Washington Irving Middle School, 8100 Old Keene Mill Road, Springfield, Virginia, Tax Map 79-4 ((1)) 01. Colocation opportunities for four additional providers are shown subject to future 2232 review approval.

27. **RECESS/CLOSED SESSION** (12:32 p.m.)

Following an inquiry to David P. Bobzien, County Attorney, who indicated that closed session was expected to last two and one-half hours, Chairman Bulova stated that the Board would convene closed session at 1 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. Proposal from the Town of Herndon to Relocate the Boundary between Loudoun County and Fairfax County (Dranesville District)

2. *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. The Fairfax County Board of Supervisors*, Civil Action No. 1:10cv283 (E.D. Va.) (Mount Vernon District)
3. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. 10-311 (U.S. Sup. Ct.)
4. *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)
5. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
6. Application of Reston Lake Anne Air Conditioning Corp., PUE-2009-00129 (Va. State Corp. Comm'n) (Hunter Mill District)
7. *Taesuk Lee Campbell v. Fairfax County, Virginia, Ivan Roeske, M. F. Colorado and Does 1-5, inclusive*, Civil Action No. 1:10-cv-1245 (E.D. Va.)
8. *HSBC Finance Corporation and Stephen B. Wood, Substitute Trustee v. The Fairfax County Redevelopment and Housing Authority*, Case No. CL-2010-0011719 (Fx. Co. Cir. Ct.) (Springfield District)
9. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0008134 (Fx. Co. Cir. Ct.) (Providence District)
10. *Lewinsville Square Homeowners Association v. Fairfax County* (Fx. Co. Bd. of Building Code Appeals) (Dranesville District)

11. *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)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell*, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)
14. *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)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar*, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
17. *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)
18. *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)
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. *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)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcos C. Vieira and Maria Elena Vieira*, Case No. CL-2010-0005428 (Fx. Co. Cir. Ct.) (Mason District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler*, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Eller and Barbara D. Eller*, Case No. CL-2006-0014177 (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. Hermiz N. Yono and Mae Y. Yono*, Case No. CL-2010-0004120 (Fx. Co. Cir. Ct.) (Springfield District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ja Joo*, Case No. CL-2010-0011817 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Dunbar*, Case No. CL-2010-0010221 (Fx. Co. Cir. Ct.) (Dranesville District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Machuca*, Case No. CL-2010-0009688 (Fx. Co. Cir. Ct.) (Mason District)

29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Christopher Rademacher*, Case No. CL-2010-0000610 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen C. Stallings*, Case No. CL-2010-0006143 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fredi G. Guerke and Ruth M. Guerke*, Case No. CL-2010-0003571 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel Angel Alvarez and Delmi Aurora Alvarez*, Case No. CL-2010-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hae Won Lee and Nam Sook Lee*, Case No. CL-2010-0007139 (Fx. Co. Cir. Ct.) (Mason District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jodee Ann Butler*, Case No. CL-2010-0013031 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edna B. Jones*, Case No. CL-2010-0009039 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mai Land Corporation*, Case No. CL-2010-0014967 (Fx. Co. Cir. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmed Rababeh*, Case No. CL-2010-0015230 (Fx. Co. Cir. Ct.) (Providence District)

38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George W. Garber and Mary L. Garber*, Case No. CL-2010-0015516 (Fx. Co. Cir. Ct.) (Hunter Mill District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Earle M. McConn, Jr., and Glenda B. Cohen-McConn*, Case No. CL-2010-0015752 (Fx. Co. Cir. Ct.) (Sully District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Francisco Garcia and Irma Garcia*, Case No. CL-2010-0015751 (Fx. Co. Cir. Ct.) (Mount Vernon District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. James Lindley*, Case No. CL-2010-0015851 (Fx. Co. Cir. Ct.) (Mason District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. John A. Foster and Shirlean N. Foster*, Case No. CL-2010-0015850 (Fx. Co. Cir. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gertrude M. Jenkins*, Case No. CL-2010-0015885 (Fx. Co. Cir. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raheen Properties, LLC*, Case No. CL-2010-0015946 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abbas Y. Abutaa, a.k.a. Yousef Abutaa, Hamid R. Hosseinian, Hossein Goal, and Donna L. Goal*, Case No. CL-2010-0016245 (Fx. Co. Cir. Ct.) (Mason District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sang Yong Choi, L.C., and Wara Wara, Inc.*, Case No. CL-2010-0016244 (Fx. Co. Cir. Ct.) (Mason District)

47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emilio Herbas and Maria Rojas*, Case No. CL-2010-0016246 (Fx. Co. Cir. Ct.) (Providence District)
48. *Robert Lee Wiseman v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0014604 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Lee Wiseman*, Case No. CL-2010-0016247 (Fx. Co. Cir. Ct.) (Springfield District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonard Eugene Bumbaca and Priscilla Bumbaca*, Case No. CL-2010-0016332 (Fx. Co. Cir. Ct.) (Mason District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose D. Peralta-Lima*, Case No. CL-2010-0016335 (Fx. Co. Cir. Ct.) (Lee District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge Berrios*, Case No. CL-2010-0016329 (Fx. Co. Cir. Ct.) (Lee District)
52. *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)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ena Moran-Palma*, Case Nos. GV10-021121 and GV10-021122 (Fx. Co. Gen. Dist. Ct.) (Lee District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patrick L. Reich*, Case Nos. GV10-029237 and GV10-029238 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *Board of Supervisors v. Monarch Equities, LLC*
- *City of Falls Church v. Fairfax County Water Authority*
- Enforcement Actions Against Delinquent Taxpayers
- Compliance Review by the United States Department of Justice Under Title Two of the Americans with Disabilities Act of 1990.

Supervisor Foust seconded the motion.

Supervisor Hyland asked to amend the motion to add to the agenda a brief discussion with counsel of New Cingular Wireless litigation against the Board and the federal court decision on the impact on cell towers. Mr. Bobzien responded that it was already on the agenda, but would ensure that the attorney was available.

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

DAL:dal

At 4:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

28. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:05 p.m.)

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

29. **AUTHORIZATION TO TAKE LEGAL ACTION TO OBTAIN REFUND OWED TO THE COUNTY** (4:06 p.m.)

Supervisor Smyth moved that the Board authorize the County Attorney to take any and all legal action to preserve the rights of the County to obtain a refund it is owed from the City of Falls Church regarding certain overcharged amounts for water service during calendar years 2007 to the present, as discussed in closed session. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

30. **AUTHORIZATION TO SETTLE THE BOARD'S LAWSUIT AGAINST MONARCH EQUITIES, LLC** (4:07 p.m.)

Supervisor Foust moved that the Board authorize settlement of *Board of Supervisors of Fairfax County, Virginia v. Monarch Equities, LLC*, Case Number CL-2010-0002565 (Fairfax County Circuit Court), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Smyth seconded the motion and it carried by unanimous vote.

BOARD MATTER

31. **INTRODUCTION OF BARBARA BERLIN, NEW DIRECTOR OF THE ZONING EVALUATION DIVISION (ZED), DEPARTMENT OF PLANNING AND ZONING (DPZ)** (4:07 p.m.)

Fred Selden, Acting Director, DPZ, introduced Barbara Berlin, the new director of ZED, DPZ. On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

32. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-M-023-03 (REGENCY FURNITURE OF ALEXANDRIA INCORPORATED, AND REGENCY FURNITURE INCORPORATED) (MASON DISTRICT)** (4:08 p.m.)

The application property is located at 6200 Little River Turnpike, Tax Map 72-4 ((1)) 3.

Ms. Sarah E. Hall reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved approval of Special Exception Amendment Application SEA 86-M-023-03, subject to the development conditions dated November 16, 2010. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Gross moved:

- Reaffirmation of the minimum open space waiver.
- Reaffirmation of the transitional screening modification and barrier requirement waiver along the northern boundary.
- Reaffirmation of the interior and peripheral parking lot landscaping modification.

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

33. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL APPLICATION AF 2010-SP-001 (CHARLES R. ARMSTRONG AND KATHERINE ARMSTRONG) (SPRINGFIELD DISTRICT)** (4:15 p.m.)

- (O) The application property is located at 11921 Henderson Road, Tax Map 95-3 ((1)) 8A.

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

Following the public hearing, Ms. Zottl presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Agricultural Application AF 2010-SP-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Armstrong Local Agricultural and Forestal District, subject to the Ordinance provisions dated November 2, 2010. Supervisor McKay seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Vice-Chairman Gross voting "AYE," Supervisor Cook, Supervisor Frey, Supervisor Smyth, and Chairman Bulova being out of the room.

34. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-C-119-06 (BOARD OF SUPERVISORS OWN MOTION) (HUNTER MILL DISTRICT)**

AND

PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA 86-C-119-02 (BOARD OF SUPERVISORS OWN MOTION) (HUNTER MILL DISTRICT)

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-119 (BOARD OF SUPERVISORS OWN MOTION) (HUNTER MILL DISTRICT) (4:18 p.m.)

The applications property is located at 12050 Sunset Hills Road, Tax Map 17-3 ((1)) 29B.

Elizabeth Iannetta, Transportation Planner II, Department of Transportation, reaffirmed the validity of the affidavit for the record.

Ms. Iannetta 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.

Following the public hearing, Supervisor Hudgins submitted an item for the record.

Vice-Chairman Gross disclosed that she and her colleagues are all Members of the Board of Supervisors.

Regina Coyle, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Iannetta, regarding the site's exit locations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 86-C-119-06, subject to the proffers dated November 18, 2010.
- Approval of Development Plan Amendment Application DPA 86-C-119-02.

- Approval of Planned Residential Community Application PRC 86-C-119, subject to the development conditions dated November 4, 2010.
- Waiver of the peripheral and interior parking lot landscaping requirements in favor of that shown on the DPA and PRC Plan.
- To direct the Director of the Department of Public Works and Environmental Services to waive the applicable provisions of Section 17-201 of the Zoning Ordinance to permit that which is shown on the DPA and PRC Plan.

Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Herrity, and Chairman Bulova being out of the room.

35. **A-6 – APPROVAL OF LEASE AGREEMENT WITH BOSTON PROPERTIES FOR INTERIM COMMUTER PARK-AND-RIDE LOT AT 12050 SUNSET HILLS ROAD (HUNTER MILL DISTRICT)** (4:28 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #19.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of nine, Chairman Bulova being out of the room, the Board concurred in the recommendation of staff and approved an agreement with Boston Properties to lease property at 12050 Sunset Hills Road in Reston to be used as an interim commuter parking lot during the construction of the parking garage at the future Wiehle Avenue Metrorail Station. The total cost associated with the lease agreement is \$1,462,000, including \$475,000 for lot improvements, \$942,000 for the lease of the land/lot, and \$45,000 for electrical costs over the lease term.

36. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-SP-003 (TRUSTEES OF THE ACCOTINK UNITARIAN UNIVERSALIST CHURCH AND NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY) (SPRINGFIELD DISTRICT)** (4:30 p.m.)

The application property is located at 10125 Lakehaven Court, Tax Map 87-2 ((1)) 26.

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

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

- Mr. James R. Michal

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

Following the public hearing, Supervisor Herrity noted that he submitted an item for the record in the form of an email to the Clerk to the Board.

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

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2010-SP-003, subject to the development conditions dated December 21, 2010.
- Modification of the transitional screening requirement along a portion of the eastern and western boundaries and along the northern boundary in favor of that shown on the SE Plat.
- Waiver of the barrier requirement along each property boundary in favor of that shown on the SE Plat.

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

(NOTE: On October 20, 2010, the Planning Commission approved Public Facilities Application 2232-S08-20, noting that the application satisfied the criteria of character, location, and extent as specified by Section 15.2-2232 of the *Code of Virginia*.)

37. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-7, TO INCLUDE A DEFINITION FOR UTILITY TRAILER** (4:40 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 November 18 and November 25, 2010.

Corinne Lockett, Assistant County Attorney, presented the staff report.

Discussion ensued, with input from Robert Otten, staff, Traffic Division, Police Department, regarding utility trailers.

Following the public hearing, further discussion ensued, with input from Ms. Lockett, regarding utility trailers.

Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-7, to add a definition for utility trailer as it relates to the parking of commercial vehicles in residential districts. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room.

38. **4 P.M. – PH REGARDING THE LEASE OF COUNTY-OWNED PROPERTY AT 2310 COLTS NECK ROAD TO T-MOBILE NORTHEAST LLC (HUNTER MILL DISTRICT)** (4:45 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 November 18 and November 25, 2010.

Thomas Devaney, Leasing Manager, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Discussion ensued, with input from Marguerite Guarino, Assistant Director, Real Estate Division, Facilities Management Department, regarding lease agreements revenue.

Following the public hearing, Chairman Bulova announced that the Board will take action on this item later in the meeting.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #40.)

ADDITIONAL BOARD MATTER

39. **PROCLAMATIONS AND CERTIFICATES OF RECOGNITION**
(4:50 p.m.)

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

- Invite the members of the Commission on Organ and Tissue Donation and Transplantation to appear before the Board in March 2011 to receive a proclamation declaring April as "*Organ Donor Month*" in Fairfax County.

- Prepare and send a proclamation to the Mid-Atlantic Hispanic Chamber of Commerce recognizing not only its Annual Poinsettia Festival in the Greater Washington Metropolitan Area, but also December 12 as “*Poinsettia Day*” in Fairfax County.
- Invite organizers and participants in the Police Department's "Santa Ride" to appear before the Board in January to receive a certificate thanking them for their wonderful and successful efforts in raising money to give toys to children during the holiday season.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

AGENDA ITEMS

40. **CONTINUATION OF PH REGARDING THE LEASE OF COUNTY-OWNED PROPERTY AT 2310 COLTS NECK ROAD TO T-MOBILE NORTHEAST LLC (HUNTER MILL DISTRICT)** (4:51 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this public hearing. See Clerk's Summary Item #38.)

Supervisor Hudgins moved authorization to staff to execute a Real Property Deed of Lease Agreement with T-Mobile Northeast LLC for the leasing of County-owned property at 2310 Colts Neck Road for the installation and operation of a wireless telecommunications facility. Supervisor Frey seconded the motion and it carried by unanimous vote.

41. **4:30 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO SULLY EAST LC AND SULLY EAST-CASSEL, LC** (4:52 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 18 and November 25, 2010.

Thomas Devaney, Leasing Manager, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of a Resolution authorizing staff to convey four portions of County-owned property at the westerly line of Centerville Road to Sully East LC and Sully East-Cassel, LC. 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.”

42. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-19MV, LOCATED ON THE SOUTHEAST SIDE OF RICHMOND HIGHWAY GENERALLY NEAR THE FOREST PLACE INTERSECTION (MOUNT VERNON DISTRICT)** (4:57 p.m.)

(NOTE: On October 19, 2010, the Board deferred the public hearing on APR Item 09-IV-19MV until December 7, 2010.)

Supervisor Hyland moved to defer the public hearing on APR Item 09-IV-19MV until **January 11, 2011, at 4:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

43. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:58 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 November 18 and November 25, 2010.

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

There were no speakers.

NV:nv

ADDITIONAL BOARD MATTERS

44. **PUBLIC SAFETY AND LAW ENFORCEMENT JOB FAIR** (4:58 p.m.)

Chairman Bulova said that on November 13 Pakistan American Business Association (PABA), in collaboration with the County, held the Public Safety and Law Enforcement Job Fair at the Government Center. PABA members, County employees, and the public heard presentations, exchanged ideas, and demonstrated how to apply for County jobs. This event was an opportunity to draw upon the diverse cultures and perspectives to find new approaches to the challenges facing the community.

Chairman Bulova expressed her appreciation to Dwight Bower of the Police Department for taking charge and organizing this great event. He did an excellent job and his efforts are greatly appreciated. In addition, she commended PABA,

the Police Department, the Department of Fire and Rescue, the Sheriff's Office, the Department of Public Safety Communications, the Office for Women, the Office of Human Rights and Equity Programs, and the Department of Human Resources for engaging the public and encouraging a diverse work force to better serve the citizens of the County.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to prepare certificates of recognition to thank the public safety participants and members of PABA for participating, organizing, and being part of this great event. Without objection, it was so ordered.

Chairman Bulova expressed appreciation to Supervisor Herrity for joining her at the event.

45. **“ORANGE CONES. NO PHONES.” EMPLOYER SAFETY PLEDGE**
(5 p.m.)

Chairman Bulova said that on November 18, she announced that the County government would take the “Orange Cones. No Phones.” Employer Safety Pledge. The program is meant to discourage distracted driving in construction zones and is sponsored by Transurban-Fluor and AAA Mid-Atlantic.

Chairman Bulova said that she joined Virginia Transportation Secretary Sean Connaughton last month to promote the “Orange Cones. No Phones.” Employer Safety Pledge and commended the four major County employers that have taken the pledge: SAIC, Booz Allen Hamilton, Inova Health Systems, and Tysons Corner Center, as well as the Tysons employer transportation association, TYTRAN. Their participation demonstrates not only their commitment to the safety of their employees, but also exactly how businesses can combine good business practices with good community partnership.

Chairman Bulova urged County businesses to join the commitment to driver safety by taking the pledge. By raising awareness in the workplace and encouraging programs and policies aimed to eliminate distracted driving, everyone can achieve a great deal in efforts to keep drivers and communities safe.

Chairman Bulova asserted that with over 12,000 employees, the County must take a leadership role and commit to end distracted driving - especially throughout the work zones across the County. Everyone has a part to play in raising awareness of the dangers of distracted driving of all kinds, not just texting or making phone calls.

Chairman Bulova urged County agencies to visit www.OrangeConesNoPhones.com, sign up, and download the e-Toolkit. This toolkit includes the education and outreach materials and will help the County do its part to keep its roads safe.

Chairman Bulova asked unanimous consent that the Board direct staff to publicize the fact that the County has taken this pledge and is encouraging its commuters and employees to drive safely through construction zones.

Following discussion regarding distracted drivers and impaired driving, Chairman Bulova amended the request to also refer this issue to the Oversight Committee on Drinking and Driving for recommendations.

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

46. **REQUESTING TOLL CREDITS TO BE USED EQUITABLY TO THOSE AREAS SUPPLYING THOSE REVENUES** (5:04 p.m.)

Chairman Bulova reported that at the recent Virginia Association of Counties (VACo) conference, she had the opportunity to hear from the Virginia Department of Transportation (VDOT) Commissioner Whirley regarding potential transportation funding. One of the measures is through the use of toll credits.

Chairman Bulova said that to the extent toll credits are available in the Commonwealth of Virginia, they can be used as a State match for some Federal projects throughout the Commonwealth. This would allow the Commonwealth to use up to 100 percent Federal funds to construct these projects. This does not increase total Federal funding to a state. However, State funds that would have been used as the required match could be used for other projects.

Chairman Bulova explained that toll credits can be earned when a state, a toll authority, or a private entity funds a capital highway investment with toll revenues earned on existing toll facilities. The amount of the credit earned is based on the amount of toll revenues used to build, improve, or maintain highways, bridges, or tunnels that serve interstate commerce. States using these credits must certify that its toll facilities are properly maintained and must pass an annual maintenance of effort test.

Chairman Bulova said that on September 23, Governor McDonnell released the results of an independent VDOT financial and performance audit, which included 50 recommendations. One was that VDOT gain approval from the Federal Highway Administration (FHWA) to use over \$400 million in toll credits available to Virginia. On November 9, the Governor released the approved action plan for the audit's findings, which includes steps to comply with FHWA requirements for toll credits to gain approval for their use and to implement a policy to aggressively use toll credits to meet State match requirements to free up State funds for possible use on State only projects.

Virginia residents drive through several toll facilities throughout the Commonwealth, including those in Northern Virginia, central Virginia, and Hampton Roads. In Northern Virginia, the Dulles Toll Road and the Dulles Greenway serve a substantial portion of daily commuters, with some tolls exceeding \$10 per day. Commissioner Whirley believes that the Beltway High Occupancy Toll (HOT) lanes will be a major source of future toll credit revenue. This will be a facility built by the private sector in partnership with VDOT that will be used mostly by regional commuters.

Therefore, given the possibility of the utilization of toll credits, from transportation facilities that are primarily used by residents of the region to fund projects throughout Virginia, Chairman Bulova moved that the Board ask the Secretary of Transportation to consider using these credits equitably, focusing especially on those areas where tolls are collected. Supervisor McKay seconded the motion.

In regard to a draft letter that was circulated around the dais, Chairman Bulova clarified that her motion was to approve the letter.

Following discussion regarding the clarification that the funds that are collected from the tolls will NOT go to some other project and that this is a “paper” credit, Supervisor Hudgins asked to amend the motion to schedule the issue of toll credits for a Board Transportation Committee meeting in addition to sending the letter. She wanted more information about the audit in terms of its effects on the Northern Virginia region, as well as how the credits can be equitably used within the HOT lanes community. This was accepted.

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

47. **AWARD** (5:09 p.m.)

Chairman Bulova announced that on December 1, at the Dulles Corridor Rail Association’s annual meeting and reception, members of the Board received, on behalf of the entire Board, an award for leadership and the approval of a plan for Tysons Corner in support of MetroRail in the Dulles Corridor. She that she was joined by Supervisor Foust and Supervisor Hudgins at the event.

Accordingly, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to publicize the Board’s receipt of this recognition. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

48. **RECOGNIZING THE ROTARY CLUB OF McLEAN FOR ITS STOP WORLD HUNGER EVENT (DRANESVILLE DISTRICT)** (5:10 p.m.)

Supervisor Foust said that McLean and Langley High Schools may be rivals on the athletic fields, but on November 6, students stood side by side with other members of the McLean community and participated in the Stop World Hunger event organized by the Rotary Club of McLean. The event, held at the Lutheran Redeemer Church in McLean, drew hundreds of volunteers from the schools, girl scouts and boy scouts, Rotary Club members, veterans from the American Legion, and other community groups.

Supervisor Foust noted that the effort resulted in the packaging of 100,000 meals for needy people in Haiti and Nicaragua. McLean and Langley High Schools raised \$10,000 toward the \$25,000 cost of the ingredients for the 100,000 meals; their goal was \$5,000. Other groups raised the remaining \$15,000. While some volunteers scooped the ingredients into bags, others weighed, sealed, packed, and loaded the meals onto the Stop Hunger Now truck.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition that he will present to the Rotary Club of McLean expressing the Board's gratitude for its outstanding outreach effort that brought many segments of the McLean community together to combat world hunger. Without objection, it was so ordered.

49. **RECOGNIZING SAINT LUKE'S SCHOOL FOR ITS TREATS FOR TROOPS PROGRAM (DRANESVILLE DISTRICT)** (5:12 p.m.)

Supervisor Foust said that for most people, Halloween means trick-or-treating for candy, but for the children of Saint Luke's School in McLean, it also meant trick-or-treating for extra Halloween candy, toiletries, sundries, boxed soup, and other non-perishable items for the troops serving in Afghanistan and Iraq.

Supervisor Foust noted that Treats for Troops, now in its second year, was the brainchild of the school's fifth grade class. Mr. John Farnham, the fifth grade teacher, and Mrs. Jenn Latessa, a mother of three children at Saint Luke's, put the idea into action. This year the school-wide collection effort, led by the fifth graders, filled 35 USPS boxes. Neighbors Foundation, a non-profit group that has shipped 8,000 care packages to military personnel in Iraq and Afghanistan since 2004, is providing the postage. This year's program took on a special meaning as a family member of one of the fifth graders is serving in Afghanistan.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition that he will present to the school expressing the Board's gratitude to the school, and in particular its fifth grade class, for undertaking a very worthwhile program to remember those in harm's way and brighten the holidays for those who are away from home. Without objection, it was so ordered.

50. **RECOGNIZING THE LEWINSVILLE RETIREMENT RESIDENCE (LRR) ON ITS THIRTIETH ANNIVERSARY (DRANESVILLE DISTRICT)** (5:14 p.m.)

Supervisor Foust noted that the County faces a shortage of housing options for low-income seniors, particularly for those who can no longer live in their homes. Fortunately, the LRR located in McLean help to meet this need. This year marks LRR's thirtieth anniversary of service to the community.

Supervisor Foust referred to his written Board Matter and outlined the history of the LRR.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition that he will present to LRR expressing the Board's appreciation for its contribution to the community over the past 30 years. Without objection, it was so ordered.

ADDITIONAL ACTIONS FROM CLOSED SESSION

51. **EVALUATIONS FOR THE COUNTY EXECUTIVE AND COUNTY ATTORNEY** (5:15 p.m.)

Supervisor Gross stated that the Board conducted its annual evaluation of County Executive Anthony H. Griffin and County Attorney David P. Bobzien. They both earned excellent scores and have done an outstanding job—especially during this difficult [fiscal] time. The Board appreciates their outstanding services to the County and will meet with both in early January to discuss goals for the coming year.

52. **HIRING OF THE NEW DIRECTOR OF THE COUNTY'S DEPARTMENT OF TRANSPORTATION (DOT)** (5:16 p.m.)

Supervisor Gross moved that the Board authorize the County Executive to finalize the hiring of the new director of DOT as discussed in today's closed session. A public announcement will be made once there is an agreement in place.

ADDITIONAL BOARD MATTERS

53. **SNOW PLOWING COORDINATION AND AMERICANS WITH DISABILITIES ACT (ADA) ACCESS ISSUES** (5:16 p.m.)

Supervisor Hudgins said that as the Virginia Department of Transportation prepares for another winter, the Board is reminded of access concerns generated by last year's record breaking storms. In addition to new protocols for coordinating with schools on keeping sidewalks and intersections clear and making certain that County bus stops have access, she said that she would like the

County's assistance on another important issue: maintaining access for those residents who are physically challenged.

Supervisor Hudgins said that working with the business community, disability advocates have had a great deal of success in achieving voluntary compliance to support ADA accessibility issues from parking spaces to bus stops. During winter weather, she urged commercial and retail establishments to note the importance of ensuring that ADA parking spaces are cleared. This also applies to medical offices, many of which are in mixed use or commercial centers. Snow plows can create barriers for everyone in commercial and retail parking facilities because there are limited places to deposit snow. If property managers for commercial and retail facilities can remind everyone clearing the snow to be sensitive to these issues, potential access problems can be alleviated for those in the community who may need it the most.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to assist in conveying the importance that businesses and retail establishments clear the snow from ADA parking spaces and avoid creating barriers of accessibility. Without objection, it was so ordered.

54. **VIENNA YOUTH INCORPORATED, STEELERS REPEAT AS NATIONAL CHAMPIONS (HUNTER MILL DISTRICT)** (5:18 p.m.)

Supervisor Hudgins said that the Vienna Youth, Incorporated 125-pound football team, the Vienna Steelers, have completed a remarkable season. They were undefeated in their fall campaign and won the County championship and the Metro Super Bowl. Over Thanksgiving weekend, the Steelers competed in the title game of the annual National Championship Tournament in Daytona Beach, and persevered in a tough game. For the second year in a row, the Steelers brought home the national crown.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the players and coaches of the Vienna Steelers to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

55. **SAFE ROUTES TO SCHOOL** (5:18 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Hudgins said that they have been raising awareness about the County's role with students' ability to safely walk to school. She cited four previous Board Matters regarding this subject. This issue was recently raised again by North Vienna residents and the Fairfax Advocates for Better Bicycling (FABB) regarding the future implementation of the Safe Routes to School program in the community. To date, County Public Schools and the Health Department, along with other agencies, have worked together to investigate funding; however, there has been no clear indication on which agency takes the lead on these projects.

Supervisor Hudgins said that the Board and the School Board need to address these issues more comprehensively, looking specifically at the areas of transportation, safety, and the environment. She stated her belief that transportation and sustainability issues could be good starting points for future collaboration between the Board and the School Board. The Board's stated goals and the School Board's goals are clearly aligned, yet there is room for an improved partnership with the School Board. It ultimately leads to the question of how the Board of Supervisors correlates and implements common goals with the School Board.

Therefore, jointly with Supervisor McKay, Supervisor Hudgins moved that the Board direct the County Executive to:

- Determine which County agency should coordinate the grant application for the Safe Routes to School program. Any decision should take into consideration past efforts of the Schools and the Health Department, and they should remain part of the process. FABB has offered to do a presentation before the Board's Transportation Committee on this issue.
- Draft a letter to the School Board counterparts for a meeting to discuss future collaborative efforts between both boards in regard to transportation and sustainability.

Supervisor McKay seconded the motion.

Following discussion, Supervisor Gross asked unanimous consent that the Board direct staff to research existing easements [for sidewalks or trails]. Without objection, it was so ordered.

Following further discussion regarding issues that have impeded progress in this area, the question was called on the motion, and it carried by unanimous vote.

56. **RETIREMENT OF MS. MERRILY PIERCE FROM THE HUNTER MILL DISTRICT OFFICE** (5:24 p.m.)

Supervisor Hudgins announced the retirement of Ms. Merrily Pierce from her staff at the end of the year. Ms. Pierce previously worked for former Chairman Audrey Moore as well as former Chairman Katherine K. Hanley. Supervisor Hudgins praised Ms. Pierce's tireless service to the community and wished her well on behalf of the Board.

57. **RETIREMENT OF MOUNTAIN VIEW HIGH SCHOOL PRINCIPAL (SPRINGFIELD AND SULLY DISTRICT)** (5:26 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Frey expressed their dismay in announcing the impending retirement of Jim Oliver, the principal of Mountain View High School after more than 30 years of service to Fairfax County Public Schools. One year ago today, Mr. Oliver and several members of the Mountain View family appeared before the Board to recognize Mountain View's significant accomplishments in academic achievement. Mountain View is an exceptional place full of compassion and creativity, due in large part to Principal Oliver's efforts. He will be missed by so many.

Accordingly, jointly with Supervisor Herrity, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Oliver to appear before the Board in the new year to be recognized for his many years of dedicated service to County. Without objection, it was so ordered.

58. **CHANTILLY HIGH SCHOOL TAKES AAA NORTHERN REGION TITLE IN GOLF (SPRINGFIELD AND SULLY DISTRICTS)** (5:26 p.m.)

Supervisor Frey, jointly with Supervisor Herrity, announced that the Chantilly High School golf team won the 2010 AAA Northern Region Golf Championship and finished third in the State competition. Senior Ji Soo Park also won the individual medal by shooting an impressive 74 and 70 to lead the Chargers with a seven-shot victory in the region. This is the second year in a row that Mr. Park has won the individual title.

Supervisor Frey also noted that one member of the team is the son of Park Authority Executive Director John Dargle.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite all the members and coaching staff of the Chantilly golf team to appear before the Board to be recognized for their outstanding achievement. Without objection, it was so ordered.

59. **AGREEMENT BETWEEN THE BOARD OF SUPERVISORS AND FAIRFAX WATER** (5:28 p.m.)

(BACs)

At the last Development Process Committee meeting, Supervisor Frey said that he announced his intention to present a Board Matter relating to the 1993 agreement ("the Agreement") between the Board and the Fairfax County Water Authority, now known as Fairfax Water. Fairfax Water has indicated its desire to revisit the Agreement to modify the types of projects which require public review and to make other minor editorial changes. The proposed modifications are intended to keep pace with the Comprehensive Plan, not to facilitate potential development opportunities.

Supervisor Frey explained that specifically, the amendments would:

- Revise the definition of a water facility to include water mains up to 24 inches in diameter from the current 16-inch specification.
- Allow for the administrative replacement of water mains in the existing transmission system with larger mains, not to exceed the diameter of the existing main by more than 50 percent to accommodate projected growth.
- Allow Fairfax Water to coordinate replacement, enlargement, upgrades, and extension of existing water mains with the County and/or the Virginia Department of Transportation during road construction projects.

Fairfax Water's counsel sent a draft revised agreement to the County Attorney and to the Department of Planning and Zoning. Representatives from those offices indicated that the turnaround on a revised agreement can be fairly expeditious.

Therefore, Supervisor Frey moved that the Board direct staff to work with Fairfax Water to consider amendments to the Agreement and to return to the Board in January with a revised amendment for the Board's consideration and action, if appropriate. Following a brief explanation, Chairman Bulova seconded the motion.

Following discussion regarding providing the opportunity for individual briefing for Board Members by staff members, Supervisor Frey explained that this would return to the Board through regular channels as a Board Item and any Board Member could work with staff. This motion simply starts the process.

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

PMH:pmh

60. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (5:32 p.m.)

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

61. **HONORING MS. WINNIE SHAPIRO FOR HER DEDICATION TO COUNTY PARKS (BRADDOCK DISTRICT)** (5:32 p.m.)

(BACs) Supervisor Cook noted the dedication to County parks by Winnie Shapiro, Braddock District Representative to the Park Authority Board. He referred to his written Board Matter outlining her many accomplishments.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Ms. Shapiro to appear before the Board at a date to be determined, so that she may be recognized for her ceaseless dedication to parks and for the invaluable contributions she has made to the County. Without objection, it was so ordered.

Chairman Bulova expressed her appreciation for Ms. Shapiro's outstanding accomplishments throughout the years.

62. **PRESERVING GRIMESLEY CEMETERY (MOUNT VERNON DISTRICT)** (5:32 p.m.)

Jointly with Supervisor Hyland, Supervisor Herrity referred to an abandoned cemetery near 7516 Chancellor Way, located at Tax Map 89-4-006-Lot X, and surrounded on three sides by Park Authority property. He stated that former Springfield District Supervisor Elaine McConnell noted that staff attempts to locate the owner of the property were unsuccessful and tax records did not indicate an owner. She had asked that the Board direct the County Executive to initiate an investigation into the ownership of this site and, if no owner is found, that the County take the necessary steps to acquire the property and turn it over to the Park Authority. Her motion was unanimously approved.

Supervisor Herrity said that Mary Lipsey, the Braddock District History Commissioner and President of the Fairfax County Cemetery Preservation Association (FCCPA) brought this issue to his attention recently and asked him to follow up on the resolution of this issue. He said that he contacted staff and there has not been any resolution of this issue. According to the FCCPA, the Grimesley cemetery on this lot appears to be "in crisis." Vandalism of the markers, partying, and dumping of brush and fill dirt were in evidence there prior to a clean-up by a Scout troop last year. The FCCPA's mission is to preserve and protect the many family cemeteries in the County, and it would like to see the Park Authority aid it in its mission by taking ownership and maintaining the Grimesley Cemetery.

Therefore, Supervisor Herrity reiterated Supervisor McConnell's motion over ten years ago and moved that the County take the steps to identify the owner, and if none can be found, take the necessary steps to acquire the property and turn it over to the Park Authority for its ownership and maintenance. Supervisor Hyland seconded the motion and it carried by unanimous vote.

63. **HELPING BIKES FOR THE WORLD IDENTIFY STORAGE SPACE (SPRINGFIELD DISTRICT)** (5:37 p.m.)

Supervisor Herrity said that he recently received a letter from a Northern Virginia based non-profit, "Bikes for the World," asking for assistance in identifying a suitable, low-cost storage site in central Fairfax County from which to operate its non-profit bicycle reuse program. This program provides an outlet for Northern Virginia residents wishing to donate and put their old bicycles to good use, for distribution to the needy. "Bikes for the World" is now the country's largest

program of this type, collecting and redistributing more than 9,000 used bicycles annually (and 50,000 since 2005).

In 2004, the Board approved a resolution recognizing the value of this bicycle reuse program (then called Pedals for Progress) and directed staff to work with the group to identify a suitable site to house their five 40 foot trailers. Before staff could identify a space, the group secured storage space on private property off Route 123. Due to the redevelopment of the Dulles Corridor, "Bikes for the World" must now relocate their trailers. They are currently talking to private sector land owners, but they are also interested to see if there is any County owned property that they could use.

Therefore, Supervisor Herrity moved that the Board direct staff to:

- Work with representatives of "Bikes for the World" to identify any County owned properties that could potentially accommodate their storage needs.
- Determine the feasibility of a collection site for old bicycles at the West Ox Road transfer station.

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

A brief discussion ensued regarding recycling.

64. **CONCURRENT PROCESSING FOR JEFFERSON AT FAIRFAX CORNER, LLC (SPRINGFIELD DISTRICT)** (5:40 p.m.)

Supervisor Herrity said that Jefferson at Fairfax Corner LLC (the "applicant") has submitted both a proffered condition amendment and a final development plan amendment to develop 270 multiple family residential dwelling units on an eight acre portion of the Government Center Property. All units are planned to be affordable or workforce units. For the applicant to meet contractual obligations to proceed forward with the proposed development, approval of the rezoning actions, site plans and necessary building permits must be obtained by the fall of 2011. The application is scheduled for a public hearing before the Planning Commission on February 16, 2011.

Therefore, to enable the applicant to meet its contractual obligations, Supervisor Herrity moved that the Board:

- Direct staff to expedite the processing of the proffered condition amendment and the final development plan amendment applications and to concurrently process the related site plan.
- Authorize the County Executive, Anthony H. Griffin, to act as agent for the County for all matters concerning these applications.

This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the Board's consideration of this application in any way. Chairman Bulova and Supervisor McKay seconded the motion and it carried by unanimous vote.

65. **NOTICE FOR TRAINING FLIGHTS** (5:42 p.m.)

Supervisor Hyland announced that he had received a notice from the public affairs office at Fort Belvoir that indicates there will be a series of training flights taking place between midnight and 2 a.m. on December 8 in the region.

66. **RUGBY PHOTO (MOUNT VERNON DISTRICT)** (5:43 p.m.)

Supervisor Hyland shared a personal humorous story about his image.

67. **BASKETBALL BIRD BOWL COMPETITIONS (LEE DISTRICT)** (5:44 p.m.)

Supervisor McKay said that this year will mark the first annual Basketball Bird Bowl competitions between two high schools in Lee District.

Supervisor McKay explained that for the past two years, Red Hot and Blue sponsored the annual match-up between the Hayfield Hawks and the Thomas Edison Eagles in field hockey and football. Red Hot and Blue supplies food during the game and at the end a trophy is presented to the winning team.

With the success of both games this year, the high schools have decided to extend the tradition into the winter season with basketball. The Basketball Bird Bowl is scheduled for January 21, 2011, at Edison.

Therefore, Supervisor McKay invited Board Members to attend this upcoming game, and he asked unanimous consent that the Board direct the Office of Public Affairs to publicize this season's Basketball Bird Bowl. Without objection, it was so ordered.

68. **CHAIRMAN'S RECEPTION** (5:46 p.m.)

Chairman Bulova announced that she will be hosting the Chairman's annual reception on January 12, 2011, from 4:30 p.m. until 6 p.m. She said that the food will be provided by the Annandale High School Culinary Arts Program. She noted that this is not at taxpayers' expense.

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

The Board adjourned.

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