



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
January 11, 2011**

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**01-11**

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**DAL:dal**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 11, 2011, at 9:33 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville 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

Supervisor Michael Frey, Sully District, arrived at 9:37 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; 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 MATTER**1. **MOMENT OF SILENCE** (9:34 a.m.)

Chairman Bulova asked everyone to keep in thoughts Congresswoman Gabrielle Gifford, as well as others in Tucson, Arizona, who were victims of the terrible incident that happened last week.

Supervisor Gross asked everyone to keep in thoughts Ms. Sidney Savage, who died last week. She was the former chair of the Mason District Democratic Committee. She also was a former Mason District Representative to the Human Services Council.

Supervisor Gross asked everyone to keep in thoughts Mr. Michael Kennedy Murphy, who died recently. He was the husband of Shelley Murphy, the Executive Director of Wesley Housing Development Corporation in Mason District.

Supervisor Gross asked everyone to keep in thoughts Loren Beach, retired FBI agent, who died recently. He was a resident of the Mason District. His wife, Noreen, worked for many years in the Supervisor's Office in Mason District for both former Supervisor Davis and former Supervisor Trapnell.

Supervisor Foust asked everyone to keep in thoughts Mr. Jack Corkey who died suddenly of a heart attack. Mr. Corkey and his wife Laurie owned the Great Harvest Bread Company from November 1990 until their retirement in January 2010. On January 12, 2010, the Board recognized Mr. and Mrs. Corkey for their many years of contributions to improving the quality of life in the community.

Supervisor Foust asked everyone to keep in thoughts Mr. Joel Newsom who died recently. He was an English teacher at Herndon High School.

Supervisor McKay asked everyone to keep in thoughts Mr. Mark Fried who died recently. Mr. Fried and his wife Barbara had been involved in the County for many years, were champions of those with developmental disabilities, and started a program for individuals with developmental disabilities in Albemarle County. Mr. Fried was a pioneer in redeveloping huge parts of Springfield.

Supervisor McKay asked everyone to keep in thoughts Ms. Ruth Marler who died recently. Ms. Marler was an auxiliary police officer who was seen constantly at the Franconia District Station and was very involved in her community.

Supervisor Cook asked everyone to keep in thoughts Ms. Donna Stecker who died recently after a long battle with ovarian cancer. Ms. Stecker was very active in the community for many years, starting a decade ago with the Traffic Calming Committee. Supervisor Cook noted that she served as secretary of the Kings Park Civic Association when he was president and was the "glue" that kept the

organization together, and served as membership chair. She was also an avid gardener and worked at Green Springs Garden.

Supervisor Hudgins echoed Supervisor Foust's comments on the death of Mr. Jack Corkey, who was a Restonian. She said his business was the kind of small business that allowed the community to thrive. He helped employ persons with disabilities. He also served as a volunteer in contributing to the County's Bike to Work Program.

Supervisor Smyth asked everyone to keep in thoughts Angela Rodeheaver, Section Chief, Planning Division, Department of Transportation, whose husband died recently.

### **AGENDA ITEMS**

2. **RESOLUTION OF RECOGNITION PRESENTED TO MR. EDWARD DeSANTIS** (9:41 a.m.)

(BACs) Supervisor McKay moved approval of the Resolution of Recognition presented to Mr. Edward DeSantis for 25 years of service on the Geotechnical Review Board. Supervisor Hyland seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MS. WINIFRED SHAPIRO** (9:48 a.m.)

(BACs) Supervisor Cook moved approval of the Resolution of Recognition presented to Ms. Winifred Shapiro for her years of service on the Park Authority Board. Chairman Bulova seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. TRACEY RYAN** (9:58 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Ms. Tracey Ryan for her dedicated service to the residents of the County as a member of the Volunteers in Police Services program. Supervisor Herrity and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. MICHAEL McMAHON** (10:08 a.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Mr. Michael McMahon for his years of service on the Tree Commission. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE DEPARTMENT OF PLANNING AND ZONING (DPZ)** (10:14 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to the DPZ for its dedication and professionalism in working with the Mount Vernon District Area Plans Review Task Force. Supervisor McKay seconded the motion and it carried by unanimous vote.

7. **10:30 A.M. – BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (10:26 a.m.)

Chairman Bulova noted that the committee assignment list of appointments have not changed much from last year, except as follows:

- Supervisor Cook will chair the Fairfax City Committee.
- A new Vienna Committee has been created, which Supervisor Hudgins will chair.
- Supervisor McKay is replacing Supervisor Foust on the Northern Virginia Regional Commission.

Chairman Bulova also noted that Supervisor Hyland will be the representative for the Community Criminal Justice Board, instead of Supervisor Hudgins.

Chairman Bulova moved approval of the list of Appointments of Board Members to Various Regional Agencies, Committees, and Subcommittees for Calendar Year 2011, as distributed. This motion, the second to which was inaudible, carried by unanimous vote.

Supervisor Hyland moved the reappointment of Supervisor Gross as Vice-Chairman of the Board. The motion, which was multiply seconded, carried by unanimous vote.

The full list of appointments is as follows:

**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR YEAR 2011**

**INTERJURISDICTIONAL COMMITTEES**

**ALEXANDRIA**

Gerald Hyland, Chairman  
Sharon Bulova  
Penelope Gross  
Jeffrey McKay

**ARLINGTON**

Penelope Gross, Chairman  
Sharon Bulova  
John Foust  
Linda Smyth

**DISTRICT OF COLUMBIA**

Sharon Bulova  
Gerald Hyland  
Jeffrey McKay  
Linda Smyth

**FAIRFAX CITY**

John Cook, Chairman  
Sharon Bulova  
Linda Smyth

**FALLS CHURCH**

Penelope Gross, Chairman  
Sharon Bulova  
John Foust  
Linda Smyth

**FORT BELVOIR (Board of Advisors/Base Realignment and Closure)**

Sharon Bulova  
Patrick Herrity  
Gerald Hyland  
Jeffrey McKay

**HERNDON**

John Foust, Chairman  
Sharon Bulova  
Catherine Hudgins

**LOUDOUN COUNTY**

Michael Frey, Chairman  
Sharon Bulova  
John Foust  
Catherine Hudgins

**PRINCE WILLIAM**

(includes UOSA, City of Manassas, and City of Manassas Park)  
Michael Frey, Chairman  
Patrick Herrity  
Sharon Bulova  
Gerald Hyland

**VIENNA**

Catherine Hudgins, Chairman  
Sharon Bulova  
John Foust

**INTERGOVERNMENTAL BOARDS AND COMMITTEES**

(including Federal and State)

**COMMUNITY CRIMINAL JUSTICE BOARD**

Gerald Hyland

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)**

**COG BOARD OF DIRECTORS**

Sharon Bulova, Principal  
John Foust, Principal  
Penelope Gross, Principal  
Michael Frey, Alternate  
Patrick Herrity, Alternate  
Catherine Hudgins, Alternate

**COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE**

Sharon Bulova, Principal  
John Cook, Principal  
Linda Smyth, Principal  
Gerald Hyland, Alternate (for any member)

**COG CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE**

Penelope Gross, Principal  
Gerald Hyland, Principal

**COG CLIMATE, ENERGY AND ENVIRONMENTAL POLICY COMMITTEE**

Penelope Gross – Principal  
Kambiz Agazi (Staff) - Principal

**COG EMERGENCY PREPAREDNESS COUNCIL**

John Foust, Principal

**COG HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE**

Penelope Gross  
Catherine Hudgins

**COG METROPOLITAN DEVELOPMENT POLICY COMMITTEE**

Sharon Bulova, Principal  
John Cook, Principal  
Michael Frey, Principal

**COG TASK FORCE ON REGIONAL WATER SUPPLY ISSUES**

Penelope Gross

**COG NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD**

Catherine Hudgins, Principal  
Linda Smyth, Principal  
Sharon Bulova, Alternate  
Patrick Herrity, Alternate

**CLEAN AIR PARTNERS**

John Cook

**COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE**

Sharon Bulova  
Penelope Gross

**FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED**

John Foust  
Michael Frey

**GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY BOARD**

Sharon Bulova  
John Cook

**INOVA HEALTH CARE SERVICES BOARD**

Michael Frey  
Gerald Hyland

**INOVA HEALTH SYSTEMS BOARD**

Penelope Gross

**NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)**

Sharon Bulova  
John Cook  
Penelope Gross  
Patrick Herrity  
Catherine Hudgins  
Jeffrey McKay  
Linda Smyth

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)**

(including WMATA and VRE Representatives)

Sharon Bulova, Principal (VRE Operation)

John Cook, Principal (VRE Operation)

John Foust

Catherine Hudgins, Principal (WMATA)

Jeffrey McKay, Alternate (WMATA) and Alternate (VRE Operation)

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT  
DISTRICT COMMISSION**

Sharon Bulova, Chairman

John Foust

Catherine Hudgins

Linda Smyth

**PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT  
DISTRICT COMMISSION**

Sharon Bulova

John Foust

Catherine Hudgins

**POTOMAC WATERSHED ROUNDTABLE**

Penelope Gross

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT  
DISTRICT COMMISSION**

Sharon Bulova

John Foust

Michael Frey

Catherine Hudgins

**VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)**

Sharon Bulova

Penelope Gross

Catherine Hudgins (First Vice President)

Gerald Hyland

Linda Smyth

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY  
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Catherine Hudgins, Principal

Jeffrey McKay, Alternate

**INTRAGOVERNMENTAL AND OTHER COMMITTEES**

**50+ COMMITTEE**

(Committee of the Whole)  
Patrick Herrity, Chairman  
John Cook, Vice-Chairman

**AUDIT COMMITTEE**

John Foust, Chairman  
Sharon Bulova  
Michael Frey  
Patrick Herrity

**BOARD PROCEDURES COMMITTEE**

Penelope Gross, Chairman  
Michael Frey, Co-Chairman

**BUDGET POLICY COMMITTEE**

(Committee of the Whole)  
Sharon Bulova, Chairman  
John Foust, Vice-Chairman

**COMMUNITY REVITALIZATION AND REINVESTMENT  
COMMITTEE**

(Committee of the Whole)  
Gerald Hyland, Co-Chair  
Jeffrey McKay, Co-Chair

**DEVELOPMENT PROCESS COMMITTEE**

(Committee of the Whole)  
Michael Frey, Chairman  
Penelope Gross, Vice-Chairman

**ECONOMIC ADVISORY COMMITTEE**

(Committee of the Whole)  
John Foust, Chairman  
Patrick Herrity, Vice-Chairman

**ENVIRONMENTAL COMMITTEE**

(Committee of the Whole)  
Penelope Gross, Chairman

**HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE**

(Committee of the Whole)  
Catherine Hudgins, Chairman  
John Foust, Vice-Chairman

**HUMAN SERVICES COMMITTEE**

(Committee of the Whole)  
Catherine Hudgins, Chairman  
Penelope Gross, Vice-Chairman

**INFORMATION TECHNOLOGY COMMITTEE**

(Committee of the Whole)  
Linda Smyth, Chairman  
Catherine Hudgins, Vice-Chairman

**LEGISLATIVE COMMITTEE**

(Committee of the Whole)  
Jeffrey McKay, Chairman

**PERSONNEL AND REORGANIZATION COMMITTEE**

(Committee of the Whole)  
Penelope Gross, Chairman  
Linda Smyth, Vice-Chairman

**PUBLIC SAFETY COMMITTEE**

(Committee of the Whole)  
Gerald Hyland, Chairman

**TRANSPORTATION COMMITTEE**

(Committee of the Whole)  
Jeffrey McKay, Chairman  
John Foust, Vice-Chairman  
Catherine Hudgins, Vice-Chairman

**ADDITIONAL BOARD MATTER**

8. **APPOINTMENTS TO THE 2011 ADVISORY CITIZEN REAPPORTIONMENT COMMITTEE** (10:30 a.m.)

(BACs)  
(APPTs)

Chairman Bulova announced that The Honorable Katherine Hanley will serve as the Chairman of the 2011 Advisory Citizen Reapportionment Committee.

Chairman Bulova moved:

- The following appointments to the 2011 Advisory Citizen Reapportionment Committee:
  - Mr. Robert Jackson as the Federation of Citizens Association representative.
  - Mr. Owen Short as the African-American Community #1 representative.

- To create two additional seats on the 2011 Advisory Citizen Reapportionment Committee and appointed the following:
  - Mr. David L. Temple, Jr. as the African-American Community #2 representative.
  - Mr. Jay Bhandari as the Asian/Pacific Islander #2 representative.

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

**DET:det**

Supervisor Hyland asked when information would be available concerning the population in each magisterial district, with input from Michael Long, Deputy County Attorney, concerning the process and an availability date of early February. Chairman Bulova noted that there will be an organizational meeting of the Reapportionment Committee on January 18.

Supervisor Hyland stated that he had a town meeting on February 5 and expressed interest in having the numbers available as soon as possible. Discussion ensued concerning population numbers on the County's webpage. Chairman Bulova stated that the Hunter Mill, Springfield, and Mount Vernon Districts had experienced growth.

Supervisor Gross expressed concern regarding split precincts, with input from Mr. Long, concerning the County's ability to make adjustments to those precincts once plans have been adopted.

## **AGENDA ITEMS**

### 9. **ADMINISTRATIVE ITEMS** (10:39 a.m.)

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

### **ADMIN 1 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY AND PROVIDENCE DISTRICTS)**

- (R)
- Endorsed a traffic calming plan for Ox Hill Road and Charles Stewart Drive consisting of the following:
    - One raised crosswalk and three speed tables on Ox Hill Road (Sully District)

- Two multi-way stops on Charles Stewart Drive (Sully District)
- Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on the following roads:
  - Lawrence Drive between Lee Highway and Fenwick Road (Providence District)
  - Rogers Drive between Lee Highway and Allen Street (Providence District)
  - Stuart Drive between Lee Highway and Elmwood Drive (Providence District)
  - Elmwood Drive between Strathmeade Street and Johnson Road (Providence District)
  - Fenwick Road between Arlington Boulevard and Allen Street (Providence District)
- Directed staff to schedule the installation of the approved measures as soon as possible.

**ADMIN 2 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11094 FOR THE HEALTH DEPARTMENT TO ACCEPT A DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) SUBGRANT AWARD THROUGH THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR PUBLIC HEALTH EMERGENCY RESPONSE**

(SAR) Approved SAR AS 11094 for the Health Department to accept a HHS Fiscal Year 2010 subgrant award through VDH for Public Health Emergency Response in the amount of \$311,261. These funds will be used to support the agency’s community outreach and vaccine storage infrastructure.

**ADMIN 3 – EXTENSION OF REVIEW PERIOD FOR 2232 REVIEW APPLICATION (LEE DISTRICT)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L10-63	Sprint Antenna collocation on existing lightpole/ monopole 6540 Franconia Road (Lee High School) Lee District	March 24, 2011

**ADMIN 4 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT FUNDING FROM THE 2010 STATE HOMELAND SECURITY PROGRAM GRANT FROM THE NATIONAL PREPAREDNESS DIRECTORATE**

Authorized FRD to apply for and accept funding, if received, from the Virginia Department of Emergency Management Fiscal Year 2010 State Homeland Security Program grant in the amount of \$302,820. These funds will be used to upgrade the County's Virginia Communications Team radios and bring the team from a Type II to a Type I team. In addition, it will bring the Virginia Communications Cache to the 500 mark. The program period is September 1, 2010, through March 31, 2012. No local cash match is required.

**ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND SPRINGFIELD DISTRICTS)**

(R) Approved the request that the following streets be accepted into the State System:

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Addition to Swinks Mill Acres	Dranesville	Swinks Mill Court – Route 8052
Leader Nursing and Rehabilitation Center (Tall Timbers Drive)	Springfield	Tall Timbers Drive
Will H Krause – Beechwood Drive	Springfield	Beechwood Drive

**ADMIN 6 – AUTHORIZATION TO SUBMIT GRANT APPLICATIONS FOR FISCAL YEAR (FY) 2010 US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) DISCRETIONARY FUNDING COMPETITIONS**

Authorized the Fairfax County Redevelopment and Housing Authority (FCRHA) to apply for grants under the HUD FY 2010 Notice of Funding Availability Discretionary Funding Competition, as outlined in the Board Agenda Item dated January 11, 2011.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX P, REGARDING AN ORDINANCE THAT PROVIDES FOR A SPECIAL ASSESSMENT TO BE LEVIED ON THE PROPERTIES WITHIN THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 8, 2011, at 3:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix P, regarding an Ordinance that provides for a Special Assessment to be levied on the properties within the Mosaic District Community Development Authority in accordance with a revised rate and method for calculating the special assessment on individual parcels within the District.

10. **A-1 – APPROVAL OF THE BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2011** (10:39 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the meeting schedule for January through December, 2011, noting that there was a change from the draft in that the November meeting date had been moved from November 15 to November 1. Chairman Bulova seconded the motion and it carried by unanimous vote.

11. **A-2 – SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS, SERIES 2011** (10:40 a.m.)

(BONDS)

(R)

On motion of Supervisor Hyland, jointly seconded by Supervisor Foust and Supervisor Smyth, 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:

- Approved the sale of General Obligation Public Improvement Bonds that will generate \$182.3 million to fund construction of capital facilities and infrastructure as previously approved by the Board.
- Approved the sale of General Obligation Public Improvement Refunding Bonds to refund certain outstanding maturities of the Series 2002A bonds, Series 2003B bonds, Series 2004A bonds, Series 2004B bonds, Series 2005A bonds, Series 2007A bonds, Series 2008A bonds and Series 2009A bonds. While the actual amount of the refunding sale will be dependent on the bond market conditions, at this time, the best refunding candidates total approximately \$15.0 million from the Series 2002A bonds.

- Adopted a Resolution authorizing the issuance of the General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This Resolution also:
  - Delegates to the County Executive or Deputy County Executive/Chief Financial Officer authority to award the bonds to the lowest responsive bidder.
  - Allows for any bonds to be issued as Build America Bonds and delegates to the County Executive or Deputy County Executive/Chief Financial Officer the authority to evidence the County's irrevocable election to apply Section 54AA(g) of the Tax Code to any bonds to be issued as Build America Bonds. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions.
  - Approves the form of the notice of sale and the Official Statement, and authorizes the Chairman and/or Vice Chairman to sign the Official Statement.

12. **A-3 – ADOPTION OF THE BELLE HAVEN/DOGUE CREEK/FOUR MILE RUN WATERSHED MANAGEMENT PLAN (DRANESVILLE, MASON, LEE, AND MOUNT VERNON DISTRICTS)** (10:40 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan.

13. **A-4 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT AND THE FAIRFAX CITY POLICE DEPARTMENT** (10:41 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign a MOU between the Police Department and the Fairfax City Police Department authorizing the use of polygraph examinations for Fairfax City police officer applicants.

14. **A-5 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US MARSHALS SERVICE (USMS)** (10:41 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to renew a MOU between the FCPD and the USMS authorizing the assignment of the Fairfax County Fugitive Section to the Capital Area Regional Fugitive Task Force (RFTF).

15. **I-1 – CONTRACT AWARDS – BASIC ORDERING AGREEMENTS (BOA) FOR FLOOD MITIGATION AND MONITORING, DAM SAFETY, AND DREDGING PROGRAM** (10:42 a.m.)

The Board next considered an item contained in the Board Agenda dated January 11, 2011, requesting authorization for staff to award BOA contracts to Michael Baker, Jr., Incorporated, and Gannett Fleming, Incorporated, in an amount not-to-exceed \$1 million per year in the first two years and \$1.5 million per year in the third and fourth years for consulting engineering services to provide assistance with dam safety, flood mitigation, and stormwater improvement projects.

The staff was directed administratively to proceed as proposed.

16. **I-2 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-B10-15, T-MOBILE NORTHEAST, LLC (BRADDOCK DISTRICT)** (10:42 a.m.)

The Board next considered an item contained in the Board Agenda dated January 11, 2011, announcing the PC's approval of Public Facilities Application 2232-B10-15. The PC noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*, as amended. The application sought approval to construct a telecommunications facility consisting of a 120-foot monopole, nine panel antennas, and related equipment, located at the Ravensworth Industrial Park, 5405 Port Royal Road, Springfield, Tax Map 79-2 ((4)) A2. The facility will accommodate collocation for up to three additional future service providers.

NV:nv

### **ADDITIONAL BOARD MATTERS**

17. **ORDERS OF THE DAY** (10:43 a.m.)

Noting the forecast for snow later in the day, a long closed session, and that many written Board Matters concerned invitations to persons for recognition by the

Board, Supervisor Smyth asked unanimous consent that Board Members condense those Board Matters. Without objection, it was so ordered.

18. **BOARD PRESENTATIONS** (10:43 a.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to invite:

- Teachers from the Fairfax County/Songpa-gu teacher exchange to appear before the Board to receive a warm welcome and a certificate thanking them for their service as teaching professionals.
- Representatives from the Fairfax Partnership for Youth to appear before the Board in January to receive a proclamation declaring January 2011, as “*Mentoring Month*” in Fairfax County.
- Representatives from the Civil Service Commission appear before the Board on February 22 to receive a proclamation recognizing “*Alternative Dispute Resolution Month*” in Fairfax County.
- Representatives from the Office of Human Rights and Equity Programs to appear before the Board in January to receive a proclamation recognizing “*African American History Month*” in Fairfax County.
- Representatives from the Office for Women and Domestic and Sexual Violence Services to appear before the Board in March to receive a proclamation recognizing “*Sexual Assault Awareness Month*” in Fairfax County.
- Dr. Jerry Gordon and representatives from the Economic Development Authority to appear before the Board to receive a proclamation recognizing Dr. Gordon as *Virginia Business* magazine's Business Person of the Year.

Without objection, it was so ordered.

19. **PRESENTATION OF THE DANIEL BURNHAM AWARD** (10:45 a.m.)

Chairman Bulova announced that earlier today the American Planning Association (APA) gave its most prestigious award, The Daniel Burnham Award for a Comprehensive Plan, to the County for its Comprehensive Plan for Tysons Corner. The Daniel Burnham Award is given to only one comprehensive plan in the US each year and honors work that significantly advances the science and art of planning. The award will be presented at an awards luncheon at the APA

National Conference in Boston on April 11. This award reflects the hard work of the Planning Commission, the Tysons Task Force, County staff, and engaged citizens who worked tirelessly to develop the vision and plan to transform Tysons into a premier mixed-use, transit oriented urban center.

Chairman Bulova circulated a press release and asked unanimous consent that the Board direct the Office of Public Affairs to publicize this and post it on the County's website. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

20. **VEHICLE TAX EXEMPTION FOR DISABLED VETERANS** (10:46 a.m.)

Supervisor McKay noted that during the Board's 2008 Budget deliberations for the Fiscal Year (FY) 2009 Budget, he asked about the feasibility of implementing a vehicle tax exemption by the County for 100 percent disabled veterans. The response was that while the Board did not have enabling authority to adopt a vehicle tax exemption for disabled veterans, it could adopt a separate and lower tax rate for one vehicle per disabled veteran as defined in *Virginia Code*, Section 58.1-3506(A)(19).

The response further stated that while staff does not have any data on the number of registered vehicle owners who are disabled veterans, since the enabling legislation for the special tax rate could only apply to a maximum of one vehicle per applicant, the revenue impact was not expected to be significant. There is precedent for such an adjustment as the County already has a special one cent tax rate for one vehicle owned by persons with permanent or total disabilities.

Noting the ongoing deployments to Iraq and Afghanistan and the growing number of veterans who have sacrificed so much for Virginia and the nation, Supervisor McKay asserted that the Board needs to weigh its responsibility to those who have served against the potential impact to the still fragile budget.

Therefore, Supervisor McKay moved that the Board direct staff to research the following questions contained in his written Board Matter and respond in time for the Board to make this change, if possible, for the FY 2012 Budget that begins on July 1:

- How many 100 percent disabled veterans have cars registered in the County?
- What would be the financial impact of creating a one cent tax rate for one vehicle per 100 percent veteran? In actual practice, this would mean that 100 percent disabled veterans would not pay car tax as the County does not mail a tax bill for amounts under \$5.00.

- What other jurisdictions in Virginia have such tax relief for 100 percent disabled veterans?
- Are there other forms of tax relief that the Board has the authority to implement for 100 percent disabled veterans?

Supervisor McKay further moved that the Board's Legislative Committee be directed to monitor General Assembly actions for legislation regarding 100 percent disabled veterans, especially as they concern tax rates. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

21. **CONTROLLED SUBSTANCES** (10:49 a.m.)

Supervisor McKay stated that as the Board discussed during the process of compiling the County's Legislative Program, Virginia's criminal laws prohibit the possession and administration of controlled substances, except as authorized in the Virginia Drug Control Act (§54.1-3400 et seq.). Controlled substances include those drugs, such as "EpiPens" and inhalers, which are needed on an emergency basis. Since many children are unable to self-administer these medications, the Drug Control Act has been amended, for example, to allow State-licensed child care providers to administer medications to children upon fulfilling certain criteria. He noted that the County has an initiative for 2011, which will be carried by Senator George Barker, and is intended to correct an oversight in this portion of the Code, to also allow locally-permitted child care providers to administer medications upon fulfilling the same criteria as those met by state-licensed providers. Other provisions in the Drug Control Act address the administration of medications in school settings.

Supervisor McKay noted, however, that while school and day care are situations specifically addressed by the Drug Control Act, these activities are only two of the multitude of programs and activities in which children participate in the County. He asserted that it would be prudent for the Board to work with the State to determine whether other social, educational, or recreational programs should be granted a similar exception, or whether a general exemption in the Drug Control Act for controlled substances needed on an emergency basis would be preferable to the current piecemeal approach of case-by-case exceptions based on separate criteria.

Given the complexity of this issue, and its statewide implications, Supervisor McKay said that the best venue for an examination of this issue is the Joint Commission on Health Care. He distributed copies of a draft letter to the County's representatives on the Commission, asking them to request that the Commission undertake a review of this issue. Suggested issues that the Commission could consider are included in the letter.

Therefore, Supervisor McKay moved that the Board approve the draft letter for the Chairman's signature. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

22. **RECOGNITION OF MR. MIKE PALLONE (LEE DISTRICT)** (10:51 a.m.)

Supervisor McKay noted that his next Board Matter was a request to invite Mr. Mike Pallone to appear before the Board for recognition. He said that nearly everyone who drives along Interstate 95 is familiar with the enormous American flag that flies over Pallone Chevrolet. Mr. Pallone has long been a staple in the Springfield business community, has helped soldiers at Fort Belvoir, and has participated in many civic activities over the years.

With the recent closing of the Mike Pallone dealership on Backlick Road, the Chevrolet dealership's 40-year run is now part of Springfield's history. Since the sale of his property, Mr. Pallone and his key associates have formed Pallone Asset Management to seek out and acquire new ventures. The site of his former dealership will be the home of Patriot Ridge, an 800,000 square foot Class A office park that will house 3,000 new Base Realignment and Closure (BRAC) jobs in Lee District.

With reference to his written Board Matter, which detailed Mr. Pallone's life and civic achievements, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Pallone to appear before the Board for recognition on February 8. Without objection, it was so ordered.

Supervisor McKay added that the US flag is proffered to remain and will continue to fly over the new development.

23. **SCHEDULING OF PUBLIC HEARINGS FOR FLEET DRIVE LLC APPLICATIONS (LEE DISTRICT)** (10:52 a.m.)

Supervisor McKay stated that Fleet Drive LLC has filed rezoning applications seeking a rezoning of an assemblage of parcels on Fleet Drive in Lee District. Due to circumstances beyond the control of the applicant, Fleet Drive is approaching contractual deadlines on the contracts with the various landowners. Fleet Drive LLC is requesting an early Board public hearing date to fulfill its contractual obligations.

Accordingly, Supervisor McKay moved that the Board direct staff to schedule the public hearing for Rezoning Application RZ 2010-LE-007 and Proffered Condition Amendment Application PCA 2006-LE-018 to be held before the Board on March 8, 2011, and direct that the Planning Commission hold its public hearing on these applications on March 2, 2011.

Supervisor McKay noted that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve

the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

24. **FEE WAIVER FOR THE SPRINGFIELD HOST LIONS CLUB CHARITIES (LEE DISTRICT)** (10:53 a.m.)

Supervisor McKay announced that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Incorporated. The Board has approved this waiver request annually since 1994.

Accordingly, Supervisor McKay moved that the Board waive the application fees for 21-day permits associated with the Springfield Host Lions Club Charities 2011 flea markets. Supervisor Foust and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

25. **LEE DISTRICT OPEN HOUSE** (10:54 a.m.)

Supervisor McKay announced that on Saturday, January 22, he and his staff will host the traditional Lee District New Year's Open House from 1-3 p.m. in the community room of the Franconia Governmental Center. Students from Edison High School's Culinary Academy will prepare the refreshments. He invited the listening audience and Board Members to attend.

26. **CHAIRMAN'S RECEPTION** (10:55 a.m.)

Chairman Bulova announced that she is hosting her reception in the Government Center Forum tomorrow (January 12) from 4:30-6:30 p.m. and was anxiously watching the weather forecast. If the Government Center is open, the event will proceed whether or not Schools are open despite the fact that the Annandale High School Culinary Arts class is catering the event.

27. **RECOGNIZING THE SEVENTIETH ANNIVERSARY OF THE HERNDON WOMEN'S CLUB (DRANESVILLE DISTRICT)** (10:55 a.m.)

Supervisor Foust congratulated the Herndon Women's Club on its seventieth anniversary. His written Board Matter contained some details about the history and mission of the club. Accordingly, Supervisor Foust moved that the Board direct staff to invite members of the Herndon Women's Club to appear before the Board on February 22 to be honored for the club's exemplary tradition of volunteerism. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor McKay being out of the room.

28. **RECOGNIZING THE CENTENNIAL ANNIVERSARY OF HERNDON HIGH SCHOOL ( DRANESVILLE DISTRICT) )** (10:55 a.m.)

Supervisor Foust said that Fairfax County Public Schools (FCPS) are recognized as being among the top in the nation. He announced that Herndon High School is celebrating its centennial anniversary, and his written Board Matter contained more information on its history.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite representatives of Herndon High School to appear before the Board on February 22 to be recognized for the immense contributions the school has made to the County. Without objection, it was so ordered.

There was a brief inquiry to Merni Fitzgerald, Director, Office of Public Affairs, who indicated that this was the fifth presentation scheduled for February 22.

29. **TRANSFERRING OLD DOMINION SCHOOL SITE TO THE PARK AUTHORITY (DRANESVILLE DISTRICT)** (10:56 a.m.)

Supervisor Foust said that there are several contiguous undeveloped parcels of land in the center of the area bounded by Old Dominion Drive, Kimberwick Road, and Hunting Hill Lane in McLean. Some of these parcels are owned by the Park Authority. Other parcels, known as the Old Dominion School site, were formerly owned by the School Division, but have been transferred to the Board.

Supervisor Foust said that residents of the areas surrounding these parcels, as well as the McLean Citizens Association, have long advocated consolidation of these parcels as a park to serve the local neighborhoods. He stated his understanding that the Park Authority is considering development of a master plan that would designate its parcels as a resource-based park. He expressed the belief that consolidating the Old Dominion School site with the parcels owned by the Park Authority at this location would greatly enhance the benefits of the park to the community and result in the long term preservation of this land.

Therefore, Supervisor Foust moved that the Board direct staff to evaluate transferring the parcels comprising the former Old Dominion School Site to the Park Authority and report with a recommendation. Chairman Bulova seconded the motion and it carried by unanimous vote.

30. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE A. GROSS** (10:58 a.m.)

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

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31. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA SMYTH** (10:58 a.m.)

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

32. **CREATION OF A SUPPORT GROUP FOR PARENTS OF DEPLOYED SONS AND DAUGHTERS (BRADDOCK DISTRICT)** (10:58 a.m.)

Supervisor Cook said that in the Braddock District and throughout the County, many residents currently are or have served in the military. While this may lead some to believe that a cohesive support infrastructure exists for all those with family in the military, there are many whose only connection may be a child who has chosen to serve. Parents of sons and daughters who are overseas often do not have the necessary support network to deal with the emotional and psychological stress associated with their loved ones' being in harm's way.

Many of these parents may also need support in navigating the military system. In response to this need, the Department of Neighborhood and Community Services – in partnership with the Virginia Wounded Warrior Program and Easter Seals Greater Washington-Baltimore Area, and with support from the Braddock District – is putting together a support group for parents who have children who are currently deployed. This informal organization is attempting to reach those who may not have access to the more traditional support services.

Supervisor Cook announced that the support group will be led by Gail Ledford, Director, Department of Administration for Human Services, who has a son who served during the Gulf War and in Somalia, Tilly Blanding from the Department of Neighborhood and Community Services, who has a son currently deployed to Afghanistan, and Ann Sharp from his office, who has a son who recently served in both Iraq and Afghanistan.

The first meeting will take place on Thursday, January 27, 2011, from 7 to 8:30 p.m., at Brion's Grille in Fairfax. Dessert and coffee will be served. For more information about the program, individuals should contact Tilly Blanding at 703-324-5252.

Therefore, Supervisor Cook asked unanimous consent that:

- The Board direct the Office of Public Affairs to publicize this event.
- Board Members share this information with their constituents.

Without objection, it was so ordered.

33. **TERRA CENTRE ELEMENTARY (TCE) CELEBRATES 30 YEARS IN THE COMMUNITY (BRADDOCK DISTRICT)** (10:59 a.m.)

Supervisor Cook said it brings him great pleasure to recognize one of the Braddock District's great treasures, TCE School. For 30 years now, TCE has been serving the Burke Centre community, preparing youth for future success in life and acting as a model for excellence in the Fairfax County Public School system. In late 2010 the greater Burke Centre community gathered for a thirtieth anniversary celebration, which featured an outstanding performance from the Terra Centre Chorus.

Latin for "center of the earth," TCE is partially underground to minimize the building's use of heating oil and electricity, highlighting the school's commitment not only to its students but to the environment as well. Built with oil shortages still fresh in people's minds, the school was also initially outfitted with solar panels, and, though they were removed in the late 1980s, the school remains one of the most energy efficient in the system. The unique design has an additional benefit as well – it creates a distinctive rooftop playground for the children to enjoy.

Due to both a highly qualified staff of educators and a dedicated parent community, TCE has long been a school where children are given only the best educational opportunities. The school features multiage classrooms, a middle school experience for sixth graders, and provides a variety of learning experiences including: Young Scholars, Socratic Seminars, Challenge 24 competitions, Hands on Equations, Compacted Math, and a Philosopher's Club

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite representatives from TCE School, the Burke Centre Conservancy, the TCE Parent/Teacher Association (PTA), and School Board Member Tessie Wilson to appear before the Board at a future meeting to be recognized for their ceaseless dedication to the children. Without objection, it was so ordered.

34. **REQUEST FOR RECOGNITION OF MS. NSHIRA TURKSON AND MS. STEPHANIE ASANTE (BRADDOCK DISTRICT)** (11:01 a.m.)

Supervisor Cook said that two West Springfield High School seniors have looked beyond themselves and in the process improved the lives of others. Ms. Nshira Turkson and Ms. Stephanie Asante likely did not envision a class project evolving into a 501(c)(3) nonprofit organization that benefits orphans in Ghana, but that is exactly what happened. As a result of running toy drives at local churches, some intense outreach at the high school, and a bit of guidance from marketing teacher Vera Woodson, the duo's initial effort, the Goo Goo for Ghana Campaign, was an impressive success, as over 50 items were collected and shipped to an orphanage in Ghana.

Seeing the immense potential and desire of Ms. Turkson and Ms. Asante, West Springfield High School encouraged the two to turn the program into a real not-for-profit organization. With the help of Ms. Turkson's father, who assisted in the paperwork filing process, these exceptional young women now serve as co-presidents of Born with Love.

Currently, they are actively working to register their organization with the United Way and Toys for Tots to maximize contributions. They are also busy participating in a public relations campaign to spread the word about the nonprofit organization to the Ghanaian community. Donations for the orphanage are being accepted on an ongoing basis and can be brought to West Springfield High School.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Ms. Turkson and Ms. Asante to appear before the Board, at a date to be determined, to be recognized for their selfless dedication to others. Without objection, it was so ordered.

35. **CONSIDERATION OF LEGISLATIVE BILL FROM STATE SENATOR  
CHAP PETERSEN** (11:02 a.m.)

Supervisor Cook said that during this year's General Assembly session, State Senator Chap Petersen plans to introduce a bill that would extend the immunity from civil liability enjoyed by the directors and other officers of tax exempt organizations for acts taken in their official capacities. Currently, this immunity ends upon the dissolution or other discontinuance of the organization, often times leaving a group of volunteers in a position they are not equipped to handle. Senator Petersen's bill would allow that level of immunity to continue even after a group ceases to exist.

Supervisor Cook said this bill arose out of a conversation he had with Senator Petersen regarding the Tapestry Drive pool in Kings Park West. He noted that this pool presents a tragic story. Not only does a pool sit abandoned in the middle of a residential community, but State law places legal liability for the land on the last board members, and does not permit these volunteers to resign, instead naming them as "trustees in liquidation." This legal position may discourage others from serving on volunteer organizations such as community pools.

Therefore, Supervisor Cook moved that the Board direct the County Attorney to perform an assessment of this bill, and upon completion, that it be brought before the Legislative Committee for consideration. Chairman Bulova seconded the motion and it carried by unanimous vote.

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36. **FURTHER STUDY OF THE COUNTY'S CAPITAL TRANSFER TO THE SCHOOL SYSTEM** (11:04 a.m.)

Supervisor Herrity said that as the School System prepares the Fiscal Years (FY) 2012-2016 Capital Improvement Program (CIP), it faces significant capital challenges both in terms of new construction and renovations. One added challenge that the School System faces is the anticipated drop in the amount of capital money the County will transfer to the School System in FY 2013. In FY 2013 the annual transfer of capital money is scheduled to drop from \$155 million to \$130 million.

Therefore, Supervisor Herrity moved that the Board direct the County Executive and the County Debt Manager to examine the impact and feasibility of keeping the capital transfer to the School System at \$155 million through 2016 on the CIP and the County's total capacity.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to direct staff to report with the requested information in time for a discussion at a Budget Committee meeting, and this was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

37. **KOREAN-AMERICAN DAY** (11:05 a.m.)

Supervisor Herrity said that for over a century Korean-Americans have been immigrating to this country, bringing with them their own unique history and culture, and making America that great melting-pot that it is. The Korean-American community in Northern Virginia is a thriving one, with a strong sense of community, family, and an entrepreneurial spirit that epitomizes the values that all Americans share.

Supervisor Herrity noted that January is an important month for Korean-Americans in the community, for in December of 1902 a group of 56 men, 21 women, and 25 children traveled from Korea across the Pacific Ocean, landing in Honolulu, Hawaii, on January 13, 1903. This event marked the first entry of Korean immigrants onto US soil, and the date of January 13 has since been recognized as national Korean-American Day.

Celebrations will take place all over the country, and here in the County the date will be celebrated in one of the large epicenters of the local Korean community - Annandale - at the Northern Virginia Community College, in the Ernst Cultural

Center, on Sunday January 16 starting at 4:30 p.m. The celebration is being hosted by the Korean American Foundation of Greater Washington.

Therefore, Supervisor Herrity asked unanimous consent that the Board recognize January 13 as "*Korean-American Day*" in Fairfax County, and prepare a proclamation to be presented at the Korean-American Day celebration at NVCC on January 16. Without objection, it was so ordered.

38. **REDDFIELD SUBSTATION AT WEST FALLS CHURCH METRO YARD (HUNTER MILL DISTRICT)** (11:06 a.m.)

Supervisor Hudgins said that Dominion Virginia Power has filed a Special Exception Amendment Application SEA 85-D-033-03 to permit the development and operation of an electric substation on property known as the West Falls Church Rail Yard. This facility is needed to provide power to the Metro Silver Line.

The public hearing before the Planning Commission occurred on December 9, 2010. The Commission deferred its decision to its meeting of January 13, 2011.

Therefore, to keep the Dulles Rail project on schedule, Supervisor Hudgins moved that the Board authorize an expedited Board public hearing for Special Exception Amendment Application SEA 85-D-033-03, filed in the name of VEPCO, d/b/a Dominion Power. Supervisor Hudgins said that it was her understanding that these applications can be scheduled for public hearing before the Board on February 8, 2011. Supervisor Hudgins said that this motion should in no way prejudice the full review of this application and does not preclude the applicant from adherence to all adopted standards in anyway. Supervisor McKay and Chairman Bulova jointly seconded the motion.

Following comments by Supervisor Foust regarding the proposed application, the question was called on the motion and it carried by unanimous vote.

39. **CONCURRENT PROCESSING FOR DOGWOOD POOL (HUNTER MILL DISTRICT)** (11:08 a.m.)

Supervisor Hudgins said that Reston Association (RA) has filed Planned Residential Community Application PRC C-099 for substantial renovations of the Dogwood Pool located at 2460 Green Range Drive, Reston. This is RA's only pool west of Reston Parkway and south of the Dulles Toll Road, and plans include a total rebuild of the pool and bath house. The new facility will be totally accessible and includes a zero-depth entry splash element, three-lane lap pool and diving well. RA is excited to get this project underway and concurrent processing may accelerate the actual construction earlier in 2011 than originally anticipated, ultimately to the benefit of the residents who will use the facility. The anticipated grand opening of the new facility is Memorial Day weekend in 2012.

Therefore, Supervisor Hudgins moved that the Board approve concurrent processing for the property which is the subject of Planned Residential Community Application PRC C-099 and direct the Department of Public Works and Environmental Services to accept and review site plans and public improvement plans pertaining to this property. This motion should not be construed as a favorable recommendation on this application, nor does this motion relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

40. **RESTON HOSPITAL CENTER – HOSPITAL CORPORATION OF AMERICA (HCA) VIRGINIA HEALTH SYSTEM (HUNTER MILL DISTRICT)** (11:09 a.m.)

Supervisor Hudgins said that Reston Hospital Center – HCA Virginia Health System will celebrate its twenty-fifth anniversary in the greater Reston region.

Therefore, Supervisor Hudgins asked unanimous consent that the Board recognize Reston Hospital Center's twenty-fifth anniversary and invite Tim McManus, President and CEO of Reston Hospital Center, to appear before the Board at the February 22 meeting. Without objection, it was so ordered.

41. **RECOGNITION OF MR. DOUG PEW FOR SERVICE ON TRAILS AND SIDEWALK COMMITTEE (HUNTER MILL DISTRICT)** (11:10 a.m.)

(BACs) Supervisor Hudgins announced that Mr. Doug Pew resigned from the Trails and Sidewalk Committee on December 31, 2010. Mr. Pew has served on the Trails and Sidewalk Committee since 2007. He has helped connect neighbors and communities Countywide through miles of trails and sidewalks.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Pew to appear before the Board on January 25, to be recognized for his years of service to the County. Without objection, it was so ordered.

42. **RECOGNITION OF MS. TRUDY HARSH (SULLY DISTRICT)** (11:11 a.m.)

(BACs) Supervisor Frey announced that Ms. Trudy Harsh, a member of the Fairfax-Falls Church Community Services Board, has been named by *Washingtonian Magazine* as one of its 12 Washingtonians of the Year. Ms. Harsh is a well-known brain services advocate, and in 2003 created the Brain Foundation to raise funds to buy, furnish, and maintain a house for persons with brain disorders.

To honor her for this tremendous recognition by *Washingtonian Magazine*, Supervisor Frey asked unanimous consent that the Board direct staff to invite Ms. Harsh to appear before the Board for recognition. Without objection, it was so ordered.

43. **EVOLUTION CYCLING CLUB USE OF COUNTY RIGHT-OF-WAY (SULLY DISTRICT)** (11:11 a.m.)

Supervisor Frey said that the Evolution Cycling Club, in collaboration with the Mid-Atlantic Bicycle Racing Association and USA Cycling, has requested permission from the Board to conduct a bicycle race on Avion Parkway and Virginia Mallory Drive on Saturday, April 16 from 7 a.m. until 5 p.m. During that timeframe, two interior lanes of Avion Parkway and Virginia Mallory Drive would be closed to the public. The Cycling Club will provide three flagmen and two "Caution Bike Race" signs within the County right-of-way and will coordinate additional security with the Police Department. This event has occurred for the last several years and has been tremendously successful.

The Evolution Cycling Club estimates that 500 cyclists will participate in the event. The applicant has liability insurance coverage and agrees to hold harmless and indemnify the County with respect to any claim for loss, injury, or damage arising out of negligence of the applicant. It is also understood that the participants will wear appropriate protective equipment and will not encroach on private property.

Therefore, Supervisor Frey moved that the Board authorize the County Executive to grant permission to the Evolution Cycling Club to utilize Avion Parkway and Virginia Mallory Drive from 7 a.m. until 5 p.m. on April 16 for the bicycle race event. Supervisor Foust seconded the motion and it carried by unanimous vote.

44. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (11:13 a.m.)

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

45. **RECESS/CLOSED SESSION** (11:15 a.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. *Louise Root v. County of Fairfax, et al.*, Case No. 10-406 (U.S. Sup. Ct.)
  2. *Jermaine Ridgley v. Fairfax County Department of Family Services*, Record No. 2560-09-4 (Va. Ct. App.)
  3. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
  4. *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)
  5. *T-Mobile Northeast LLC v. Fairfax County, Virginia, and the Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:10cv117 (E.D. Va.) (Dranesville District)
  6. *Board of Supervisors of Fairfax County, Virginia v. NewPath Networks, LLC*, Case No. CL-2010-0005141 (Fx. Co. Cir. Ct.) (Dranesville 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. *Stacey Bailey v. Fairfax County, Virginia*, Case No.1:10cv01031 (E.D. Va.)
  9. *The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificate Holders of CWABS, Inc. Asset-Backed Certificate Series 2004-15 v. Fairfax County Redevelopment and Housing Authority*, Case No. CL-2010-0015209 (Fx. Co. Cir. Ct.) (Springfield District)

10. *Ellen S. Boer, Trustee v. Scott A. Crabtree, Phyllis P. Crabtree, Ray Pylant, Building Official for Fairfax County, Virginia, and Paul M. Lynch, Acting Building Official for Fairfax County, Virginia*, Case No. CL-2010-0014981 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *LM 734 LC, t/a Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eric D. Smith, Kevin D. Smith and Michelle C. Smith*, Case No. CL-2010-0014667 (Fx. Co. Cir. Ct.) (Hunter Mill District)
13. *Kenneth R. Andersen v. Zoning Administrator of Fairfax County*, Case No. CL-2010-0017593 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Mohammed Moosavi v. Fairfax County Tax Administration, et al.*, Case No. CL-2010-0011690 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles*, Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District)
16. *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)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison, Jr.*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville 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. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
20. *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)
21. *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)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernard C. Cox*, Case No. CL-2010-0016983 (Fx. Co. Cir. Ct.) (Providence District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonel A. Romero and Nora E. Martinez*, Case No. CL-2009-0012157 (Fx. Co. Cir. Ct.) (Braddock District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0001725 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Forouzanfar*, Case No. CL-2010-0009636 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)

28. *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)
29. *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)
30. *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)
31. *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)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Grace Y. Hurr*, Case No. CL-2010-0006141 (Fx. Co. Cir. Ct.) (Providence District)
33. *Board of Supervisors of Fairfax County, Virginia v. Harold D. Spain and Wells Fargo Bank, NA*, Case No. CL-2010-0009720 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Todd Keller and Lori A. Keller*, Case No. CL-2010-0012764 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolyn A. Studds*, Case No. CL-2010-0017283 (Fx. Co. Cir. Ct.) (Dranesville District)
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45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Mondino and Marta M. Mondino*, Case No. CL-2010-0017077 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bao Quoc Nguyen and Bang Si Nguyen*, Case No. CL-2010-0017149 (Fx. Co. Cir. Ct.) (Mason District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0017148 (Fx. Co. Cir. Ct.) (Mason District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farah Sharifi*, Case No. CL-2010-0017146 (Fx. Co. Cir. Ct.) (Mason District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hanh Thi My Huynh and Sinh Nhan Ha*, Case No. CL-2010-0017150 (Fx. Co. Cir. Ct.) (Mason District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Annandale Boys Club, Inc., d/b/a Annandale Boys' & Girls' Club, Inc.*, Case No. CL-2010-0017226 (Fx. Co. Cir. Ct.) (Mason District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Evelin Y. Mendoza, Sulma Patricia Flores de Sanchez, and Beltran Sanchez Carbajal*, Case No. CL-2010-0017224 (Fx. Co. Cir. Ct.) (Mason District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose R. Loza and Maria C. Loza*, Case No. CL-2010-0017377 (Fx. Co. Cir. Ct.) (Mason District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samphy Iep and Sorn K. Iep*, Case No. CL-2010-0017544 (Fx. Co. Cir. Ct.) (Mason District)

54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Brennan*, Case No. CL-2010-0017543 (Fx. Co. Cir. Ct.) (Lee District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirsad Obradovac and Alisa Obradovac*, Case No. CL-2010-0017676 (Fx. Co. Cir. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel H. Shin and Seong J. Shin*, Case No. CL-2010-0017656 (Fx. Co. Cir. Ct.) (Mason District)
57. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George L. Ruecroft and Robert C. Ruecroft, Trustees of the George Ruecroft Trust*, Case No. CL-2010-0017674 (Fx. Co. Cir. Ct.) (Mason District)
58. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mehdi Molaei, a.k.a. Molaei Mehdi*, Case No. CL-2010-0017937 (Fx. Co. Cir. Ct.) (Hunter Mill District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harvey Ray Williams, Jr., and Jason Williams*, Case No. CL-2010-0017992 (Fx. Co. Cir. Ct.) (Braddock District)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan D. Cuenca*, Case Nos. 10-0021713 and 10-0021714 (Fx. Co. Gen. Dist. Ct.) (Sully District)
62. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patrick L. Reich*, Case Nos. 10-0029237 and 10-0029238 (Fx. Co. Gen. Dist. Ct.) (Mason District)

63. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hossein Nilforoush*, Civil Case Nos. 10-0028993 and 10-0028994 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- Personal Injury Claim of Ferdinand Poblador, and Contribution and Indemnification Claims of Anatares Monument, LLC, Rim Pacific Management, Incorporated, and Pflow Industries, Incorporated
- *Salvatore J. Culosi, et. al. v. Fairfax County, et al.*
- Compliance Review by the United States Department of Justice Under Title Two of the Americans with Disabilities Act of 1990
- *Board of Supervisors of Fairfax County v. City of Falls Church*

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

**EBE:ebe**

At 4:35 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:35 p.m.)

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

47. **DENIAL OF CLAIMS OF FERDINAND POBLADOR, ANATARES MONUMENT, LLC, RIM PACIFIC MANAGEMENT, INCORPORATED, AND PFLOW INDUSTRIES, INCORPORATED** (4:36 p.m.)

Supervisor Foust moved that the Board deny the claims of Ferdinand Poblador, Anatares Monument, LLC, Rim Pacific Management, Inc., and Pflow Industries, Incorporated, for the reasons outlined by the County Attorney in closed session. Supervisor Gross seconded the motion, and it carried by unanimous vote.

48. **AUTHORIZATION TO SIGN AMENDED SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND FAIRFAX COUNTY, VIRGINIA UNDER THE AMERICANS WITH DISABILITIES ACT** (4:36 p.m.)

Supervisor Cook moved that the Board approve the amended settlement agreement between the United States of America and Fairfax County, Virginia under the Americans with Disabilities Act, and authorize Sharon Bulova, Chairman, Board of Supervisors, and Anthony H. Griffin, County Executive, to sign the Agreement on behalf of the County. Supervisor Hyland and Supervisor Gross jointly seconded the motion, which **CARRIED** by a recorded vote of eight, Supervisor Frey voting “NAY,” Supervisor Herrity being out of the room.

49. **AUTHORIZATION TO SETTLE THE CASE OF SALVATORE J. CULOSI, ET AL., V. FAIRFAX COUNTY, VIRGINIA, ET AL., CASE NO. 1:07CV266** (4:37 p.m.)

Supervisor Hyland moved that the Board settle the case of *Salvatore J. Culosi, et al. v. Fairfax County, Virginia, et al., Case No. 1:07CV266 (E.D. Va.)* according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

50. **ORDERS OF THE DAY** (4:38 p.m.)

Following a brief inquiry to David P. Bobzien, County Attorney, Chairman Bulova announced that the first two public hearings would be considered concurrently.

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-SU-012 (HEADQUARTERS 2, LLC) (SULLY DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2010-SU-013 (HEADQUARTERS 2, LLC) (SULLY DISTRICT) (4:38 p.m.)**

The Special Exception Application SE 2010-SU-012 property is located in the northeast quadrant of the intersection of George Carter Way and Lee Road, Tax Map 34-3 ((14)) 2 pt.

The Special Exception Application SE 2010-SU-013 property is located at the terminus of George Carter Way on the west side of Sully Road, Tax Map 34-3 ((14)) 4.

Ms. Sara Mariska reaffirmed the validity of the affidavits for the record.

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

- Mr. William H. Gordon, William H. Gordon Associates

Ms. Mariska 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 Frey moved:

- Approval of Special Exception Application SE 2010-SU-012, subject to the development conditions dated November 4, 2010.
- Waiver of the trail requirement along Lee Road, in favor of the existing and proposed sidewalks shown on the SE Plat.

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

Supervisor Frey moved:

- Approval of Special Exception Application SE 2010-SU-013, subject to the development conditions dated November 4, 2010.

- Waiver of the service drive requirement along Sully Road (Route 28), in favor of the interparcel access to the adjacent property to the south.

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

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-DR-002 [DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY (DCWASA)] (DRANESVILLE DISTRICT)** (4:46 p.m.)

The application property is located at the terminus of River Park Lane, Tax Map 4-3 ((1)) 2 pt.

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

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

Following the public hearing, which included testimony by one speaker, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

A brief discussion ensued, with input from Barry C. Lucas, representative, DCWASA, confirming that the DCWASA agrees to adhere to the terms of the development conditions as outlined in the applications.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2010-DR-002, subject to the development conditions dated December 10, 2010, and an additional development condition #30 dated January 11, 2011.
- Modification of the transitional screening yard and waiver of the barrier requirements for all property lines, in favor of the existing vegetation and topographic features.

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

53. **4 P.M. – PH TO CONVEY A PORTION OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE STRINGFELLOW ROAD PROJECT (SULLY DISTRICT)** (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 December 24 and December 31, 2010.

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

Following the public hearing, Supervisor Frey moved that the Board authorize staff to convey a portion of County-owned property to VDOT for the Stringfellow Road Project. Supervisor Herrity seconded the motion and it carried by unanimous vote.

54. **4 P.M. – PH ON A PROPOSAL TO ABANDON PART OF ARROWHEAD PARK DRIVE (SPRINGFIELD AND SULLY DISTRICTS)** (5:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 24 and December 31, 2010.

Donald Stephens, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the Order abandoning part of Arrowhead Park Drive. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

55. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING TECHNICAL CHANGES TO THE EMPLOYEES’, UNIFORMED, AND POLICE OFFICERS RETIREMENT SYSTEMS REQUIRED TO UPDATE INTERNAL REVENUE SERVICES (IRS) QUALIFICATION OF THE PLANS** (5:03 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of December 24 and December 31, 2010.

Robert Mears, Executive Director, Retirement Systems, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding County retirement systems. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Smyth being out of the room.

56. **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) (5:05 p.m.)**

(NOTE: On October 19, 2010, the Board deferred the public hearing on this item until December 7, 2010. On December 7, 2010, the Board deferred the public hearing on this item until January 11, 2011.)

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 December 24 and December 31, 2010.

Kimberly R. Rybold, Chief, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland submitted items for the record.

After a brief discussion, with input from Ms. Rybold regarding phasing and mixed integration of residential and commercial uses, Ms. Rybold presented the staff and Planning Commission recommendations.

Supervisor Hyland moved adoption of the Planning Commission recommendations for APR Item 09-IV-19MV, as modified in his handout, as distributed to the Board. The recommendations would allow for approximately 75 percent of the land area to be developed as residential at 16-20 dwelling units/acre, with the remaining land area recommended for retail and office uses up to an intensity up to .50 Floor Area Ratio (FAR). This recommendation would allow for a better mix of uses, including residential use, in the subject area, while maintaining a similar level of intensity as is currently recommended by the maximum Comprehensive Plan option for the subject property. Supervisor McKay seconded the motion and it carried by unanimous vote.

**ADDITIONAL BOARD MATTER**

57. **CHAIRMAN'S RECEPTION** (5:25 p.m.)

(NOTE: Earlier in the meeting, the Chairman announced her annual reception. See Clerk's Summary Item #25.)

Chairman Bulova reminded everyone of the Chairman's reception to be held tomorrow at 4:30 p.m. at the Government Center and invited everyone to attend.

58. **BOARD ADJOURNMENT** (5:26 p.m.)

The Board adjourned.

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