



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 6, 2011**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <http://www.fairfaxcounty.gov/bosclerk/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

21-11

EBE:ebe

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 6, 2011, at 9:40 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; Denise A. Long, Deputy Clerk to the Board of Supervisors; and Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTERS1. **HAPPY BIRTHDAY TO CHAIRMAN BULOVA** (9:40 a.m.)

On behalf of the Board, Supervisor Hyland wished Chairman Bulova a happy birthday. Supervisor Gross gave a historical background for the year she was born. Chairman Bulova was given a birthday card and a cupcake tree made by Occasionally Cake, a woman owned business in the Mount Vernon District and the winner of the Small Business Award for the year.

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

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Robert Counts, former longtime employee of the Department of Housing and Community Development, who died recently.

Supervisor Hyland asked everyone to keep in thoughts the family of retired Lieutenant Colonel Bill G. Evans, who died recently. Colonel Evans had been the Mount Vernon District Water Authority Representative, had a very distinguished military career with the Water Authority, and was a management consultant who consulted with many local jurisdictions around the country. He volunteered his expertise, which was in the area of public safety and working with the police and fire departments. His funeral is at 2 p.m. this afternoon at Fort Belvoir.

Supervisor Hudgins announced the death of Matthew Cooper, a 16-year-old Madison High School student. Matthew had a passion for music, sang in the chorus, and played guitar and piano. Supervisor Hudgins asked everyone to keep in thoughts his family, parents Don and Beth, and siblings Amy and Andrew.

Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a copy of the message of condolence and send to the family. Without objection, it was so ordered.

Supervisor Gross asked everyone to keep in thoughts the family of Ms. Mary Margaret "Sandy" Augliere who died on Thanksgiving Day at the age of 95. Ms. Augliere was an active realtor until the day she died. She is renowned for having sold a house in Lake Barcroft to Supreme Court Justice Thurgood Marshall in the mid-1960s. She was discharged from her position as a result of that sale, and her famous response was to wonder if the community was objecting to an African-American or a Supreme Court Justice. She continued to have a stellar career in real estate and will be sadly missed.

AGENDA ITEMS**3. PRESENTATION TO COUNTY EXECUTIVE ANTHONY H. GRIFFIN**
(9:48 a.m.)

Robert J. O'Neill, Jr., Executive Director, International City/County Management Association (ICMA) and former County Executive, presented a certificate to County Executive Anthony H. Griffin as the ICMA Mark E. Keane Career Excellence Award recipient.

Chairman Bulova acknowledged the presence of former Chairman of the Board, the Honorable Katherine K. Hanley, and invited her to join in presenting the award.

4. RECOGNITION OF COUNTY EMPLOYERS SELECTED AS "BEST WORKPLACES FOR COMMUTERS" (9:56 a.m.)

Julie Bond, Project Manager, Center for Urban Transportation Research, presented certificates of recognition to the County employers selected by the Department of Transportation as "Best Workplaces for Commuters."

The employers recognized were:

- Calibre
- Cascades Technology, Incorporated
- CSC
- Energy and Security Group
- Fort Belvoir
- High Performance Technologies, Incorporated
- National Geospatial-Intelligence Agency
- Price Waterhouse Coopers
- Reston Interfaith, Incorporated

5. RECOGNITION OF THE MAKE IT WORK PROGRAM (10:03 a.m.)

Sue Woodruff, Director, Department of Human Resources, recognized the Make it Work Program for students with disabilities that facilitate their transition from the County high schools to the workplace.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. GARRETT EVANS** (10:07 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Garrett Evans from Rachel Carson Middle School for being named the Virginia Middle School Technology Education Teacher of the Year for 2011. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO THOSE WHO ASSISTED WITH THE RESCUE AND RECOVERY OF THE HUNTINGTON COMMUNITY AND OTHER AREAS OF THE COUNTY DURING TROPICAL STORM LEE** (10:13 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to those who assisted with the rescue and recovery of the Huntington community and other areas of the County during Tropical Storm Lee in September. Supervisor Gross seconded the motion and it carried by unanimous vote.

Following the presentation, a brief video slideshow of pictures from the flooding was shown.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ROBIN HARDY RANSOM** (10:35 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Robin Hardy Ransom, former Assistant Director of the Planning Commission, for her years of service to the County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

9. **RESOLUTION OF RECOGNITION PRESENTED TO NANCY VEHR'S, CLERK TO THE BOARD** (10:42 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of a resolution of recognition presented to Nancy Vehrs, Clerk to the Board, for her 31 years of service to the County upon her retirement. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **10:30 A.M. – PRESENTATION OF THE LAWRENCE V. FOWLER AWARD** (10:54 a.m.)

(BACs) This prestigious award was established to honor the accomplishments of the late Lawrence V. Fowler who served for 41 years on the Consumer Protection Commission and its predecessor. Mr. Fowler set the bar for exceptional and long term volunteer service for Fairfax County government. His actions had a major

effect on the quality of life of the community through his work with consumer issues. Given the significance of Mr. Fowler's accomplishments, this award recognizes distinguished service of a longstanding member of a County Board, Authority, Commission, or Committee (BACs) whose exceptional service contributed to the overall quality of life in the community.

Chairman Bulova acknowledged the 2011 Fowler Award runners-up as follows:

- Raymond and Jessica Burmester, members of the Fairfax-Falls Church Community Services Board and Human Services Council
- Lynne Garvey-Hodge, History Commission
- Suzanne Harsel, Planning Commission
- Al McAloon, Redevelopment and Housing Authority
- Emily McCoy, Commission for Women
- Dan McKinnon, Revitalization committees
- David Sanders, McLean Community Center Governing Board
- Gerald B. Strider, Volunteer Fire Commission

Chairman Bulova presented the sixth annual Lawrence V. Fowler Award to:

- **Ms. Marlene Blum**, who has served with distinction as the Providence District Representative to the Health Care Advisory Board since 1985

Chairman Bulova invited Delegate and former Supervisor James Scott and former Chairman Katherine K. Hanley to join her in presenting the award.

On behalf of Congressman Gerald Connolly, Ms. Sharon Stark, District Director, presented a statement entered into the Congressional Record congratulating Ms. Blum on being the recipient of the 2011 Lawrence V. Fowler and commending her on her many years of service to the community.

11. **10:30 A.M. – PRESENTATION OF THE BARBARA VARON VOLUNTEER AWARD** (11:07 a.m.)

(BACs) This annual award was established to recognize a County resident's dedication to improving the community through volunteer service and to honor the memory of Barbara Varon, former chairman of the Electoral Board. The award's selection criteria states that nominees must reside in the County, demonstrate an appreciation for the diversity of the community's population, exhibit patriotism,

show evidence of having a positive effect on the community, and be known for encouraging others to do the same.

Chairman Bulova acknowledged the presence of Mr. Ben Varon, husband of Barbara Varon and, on behalf of the Board, warmly welcomed him to the Board Auditorium.

Chairman Bulova presented the Barbara Varon Award to **Gerald W. “Jerry” Hopkins.**

12. **10:45 A.M. – BOARD ADOPTION OF THE 2012 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY’S 112TH CONGRESS FEDERAL LEGISLATIVE STRATEGY, AND ADOPTION OF PRINCIPLES FOR FEDERAL LEGISLATION FOR THE 112TH CONGRESS** (11:12 a.m.)

Supervisor McKay moved adoption of the 2012 Legislative Program and Human Services White Paper. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Following comments regarding the Federal strategy and Federal principles, Supervisor McKay moved adoption of the Fiscal (FY) 2013 Federal funding strategy and the principles for Federal legislation in the 112th Congress. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor McKay referred to a resolution released by the Northern Virginia Transportation Alliance regarding transportation funding. The resolution is consistent with the transportation funding position the Board just adopted within its State Legislative Program.

Therefore, Supervisor McKay moved that the Board:

- Endorse and support the resolution
- Support the positions within the resolution
- Direct staff to work to secure support from other Northern Virginia local governments

This motion was multiply seconded.

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

Supervisor Hudgins asked unanimous consent that the issue of uranium mining be referred to the Legislative Committee for review. Without objection, it was so ordered.

Supervisor McKay announced that the:

- Legislative work session is scheduled for Tuesday, at 3 p.m., at the Public Safety and Transportation Operations Center (PSTOC), and he added that tours will be available to those who attend the session.
- Board's annual reception will be held in Richmond with legislators at Old City Hall on February 21, 2012.

Following discussion regarding the Board's action, Supervisor Herrity asked unanimous consent that the Board direct staff to provide a clarification of the Board's action. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board received clarification of action regarding this item. See Clerk's Summary Item #36.)

13. **11 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (11:28 a.m.)

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

- Continue to adequately fund and implement the ongoing stormwater programs with funds generated through the funding from Stormwater Service District rates
- Increase the Stormwater Services District rates by a penny from a rate of 1.5 cents per \$100 of assessed real estate value to 2.5 cents per \$100
- Establish an Environmental Improvement Program (EIP) projects fund
- Modify the Comprehensive Plan to better utilize GIS technology

A brief discussion ensued, regarding how the EIP will be structured and funded.

Supervisor Smyth asked unanimous consent that the Board direct staff to email the phone numbers listed in the report to be posted on the websites and communicated to the public. Without objection, it was so ordered.

Supervisor Gross moved approval and adoption of the EQAC report and refer to appropriate staff to promulgate and respond to recommendations. Supervisor Hyland seconded the motion and it carried by unanimous vote.

14. **11:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:44 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard December 6, 2011,” as distributed around the dais. Supervisor Hyland seconded the motion.

Supervisor Foust asked to amend the motion to include the reappointment of Mr. Koorosh C. Sobhani as the Dranesville District Representative to the Small Business Commission, and this was accepted.

Supervisor McKay asked to amend the motion to reappoint the following:

- Mr. Joseph Blackwell as the At-Large #2 Representative to the Board of Equalization of Real Estate Assessments
- Mr. Thomas Garnett, Jr. as the At-Large #6 Representative to the Civil Service Commission
- Ms. Suzette Kern as the Lee District Representative to the Economic Advisory Commission
- Mr. Steve Sherman as the Citizen #9 Representative to the History Commission
- Mr. Edward Batten as the Lee District Representative to the Park Authority
- Mr. James Migliaccio as the Lee District Representative to the Planning Commission
- Mr. Marcus Wadsworth as the At-Large #3 Representative to the Road Viewers Board

This was accepted.

Supervisor Cook asked to amend the motion to reappoint Ms. Irene Farquhar as the At-Large #8 Representative to the Civil Service Commission, and this was also accepted.

Discussion ensued about the composition and appointment process of the History Commission, with input from Nancy Vehrs, Clerk to the Board.

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

Supervisor Hyland asked unanimous consent that the Board direct staff to add to the agenda of the Board's upcoming retreat the issue of the appointment process.

Supervisor Gross asked to amend the request to review the issue of county residency for BAC Members also, and this was accepted. Without objection, the request, as amended, was so ordered.

Appointments are as follows:

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Eric T. Sohn as the Diversity At-Large Alternate Representative

The Board deferred the appointments of the Diversity At-Large Principal and the Dranesville District Principal Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Design Professional #6 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Reappointment of:

- Mr. Joseph Blackwell as the At-Large #2 Representative
- Dr. Robert Mansker as the At-Large #3 Representative
- Mr. John Yeatman as the Professional #1 Representative
- Mr. Ryan Davis as the Professional #3 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the At-Large #2, Providence, and Sully District Representatives.

CHILD CARE ADVISORY COUNCIL

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

CIVIL SERVICE COMMISSION

Reappointments of:

- Ms. Audrey Morton as the At-Large #1 Representative
- Mr. Robert E. Frye, Sr. as the At-Large #5 Representative
- Mr. Thomas Garnett, Jr. as the At-Large #6 Representative
- Mr. Patrick Morrison as the At-Large #7 Representative
- Ms. Irene Farquhar as the At-Large #8 Representative
- Mr. D. Patrick Lewis as the At-Large #9 Representative
- Mr. John C. Harris as the At-Large #10 Representative
- Mr. John Townes as the At-Large #12 Representative

The Board deferred the appointments of the At-Large #3, #4, and #11 Representatives.

ECONOMIC ADVISORY COMMISSION

Reappointments of:

- Mr. Frank McDermott as the At-Large #4 Chairman's Land Use Representative
- Mr. Peter Hartmann as the At-Large Chairman's #1 Representative
- Mr. Mohammad Sheikh as the At-Large Chairman's #3 Representative

- Mr. Mark Silverwood as the Hunter Mill District Representative
- Ms. Suzette Kern as the Lee District Representative
- Mr. Alfred Thieme, Jr. as the Mason District Representative
- Mr. John Byers as the Mount Vernon District Representative
- Mr. John Harrison as the Providence District Representative
- Mr. John Thillmann as the Sully District Representative

Appointment of:

- Mr. Brian Schoeneman as the Springfield District Representative

The Board deferred the appointments of the At-Large Chairman's #2 Representative, and the Braddock and Dranesville District Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointments of:

- Ms. Rhoda Baker as the At-Large Chairman's Representative
- Ms. Linda Collins as the Braddock District Representative
- Ms. Jacqueline Browne as the Mason District Representative

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Rikki S. Epstein as a Long Term Care Provider Representative

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #6 and Provider #3 Representatives.

HISTORY COMMISSION

Reappointments of:

- Ms. Gretchen Bulova as the At-Large #4 Representative
- Mr. Steve Sherman as the Citizen #9 Representative
- Ms. Page Shelp as the Historian #3 Representative

The Board deferred the appointment of the Citizen #10 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #11 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the At-Large #1 Chairman's Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Reappointments of:

- Mr. Steven Lam as the Braddock District Representative
- Ms. Susan Hoffman as the Mason District Representative
- Mr. Edward Blum as the Providence District Representative

The Board deferred the appointment of the Springfield District Representative.

PARK AUTHORITY

Reappointments of:

- Ms. Marie Reinsdorf as the At-Large #1 Representative
- Mr. Edward Batten as the Lee District Representative
- Mr. Harold Strickland as the Sully District Representative

PLANNING COMMISSION

Reappointments of:

- Mr. James Hart as the At-Large #3 Representative
- Mr. James Migliaccio as the Lee District Representative
- Mr. John Litzenberger as the Sully District Representative

Appointment of:

- Ms. Ellen J. “Nell” Hurley as the Braddock District Representative

ROAD VIEWERS BOARD

Reappointments of:

- Mr. John Ewing as the At-Large #2 Representative
- Mr. Marcus Wadsworth as the At-Large #3 Representative
- Mr. Stephen E. Still as the At-Large #4 Representative

Appointment of:

- Mr. Micah Himmel as the At-Large #5 Representative

The Board deferred the appointment At-Large #1 Representative.

SMALL BUSINESS COMMISSION

Reappointments of:

- Dr. Suchada Langley as the At-Large #1 Representative
- Mr. Koorosh C. Sobhani as the Dranesville District Representative
- Ms. Beatrice Malone as the Hunter Mill District Representative
- Ms. Katy Fike as the Mount Vernon District Representative

Appointment of:

- Mr. Michael Doherty as the Braddock District Representative

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Appointment of:

- Mr. Cleveland William, Jr. as the Fairfax County #7 Representative

The Board deferred the appointment of the Fairfax County #2 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Tenant Member #1 Representative.

TRAILS AND SIDEWALKS COMMITTEE

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

WATER AUTHORITY

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

WETLANDS BOARD

Reappointment of:

- Mr. David Geneson as the Mount Vernon District Representative

DET:det

15. **ADMINISTRATIVE ITEMS** (11:56 a.m.)

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

Supervisor Hudgins called the Board's attention to Admin 19 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Appendix G, to Establish the Polo Fields Residential Permit Parking District (RPPD), District 43. Discussion ensued concerning the number of resident permits issued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), and Hamid Majdi, Transportation Planner II, DOT.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide additional information concerning permits. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide additional information concerning non-resident owner passes. Without objection, it was so ordered.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7138 BEULAH STREET, ALEXANDRIA, VA 22315 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 7138 Beulah Street, Alexandria, VA 22315, Tax Map Number 091-3-((03))-0007.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7209 NEUMAN STREET, SPRINGFIELD, VA 22150 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 7209 Neuman Street, Springfield, VA 22150, Tax Map Number 090-3-((04))-0006.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6321 STEINWAY STREET, ALEXANDRIA, VA 22315 (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 6321 Steinway Street, Alexandria, VA 22315, Tax Map Number 091-3-((01))-0054A.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7130 LITTLE RIVER TURNPIKE, ANNANDALE, VA 22003 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 7130 Little River Turnpike, Annandale, VA 22003, Tax Map Number 071-1-((01))-0112.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7010 OLD DOMINION DRIVE, McLEAN, VA 22101 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2012, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 7010 Old Dominion Drive, McLean, VA 22101, Tax Map Number 030-2-((01))-0004.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7101 VELLEX LANE, ANNANDALE, VA 22003 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2012, at 4:30 p.m.** to consider a Spot Blight Abatement Ordinance for 7101 Vellex Lane, Annandale, VA 22003, Tax Map Number 071-3-((09))-0038.

ADMIN 7 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS FOR THE BENEFIT OF THE LANGLEY SCHOOL

- (R) Adopted a Resolution authorizing the EDA to issue up to \$7.4 million revenue bonds to assist the Langley School in:
- Acquiring, constructing, furnishing, and equipping a new campus middle school on the existing campus in the County.
 - Certain other costs associated with the foregoing plan of financing which may include, but may not be limited to, costs of issuance and credit enhancement costs and other eligible expenditures.

ADMIN 8 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Garfield Park Section 3	Dranesville	Centrillion Drive
		Canal Drive (Route 3631) Re-Alignment
		Crownpointe Ridge Court
		Loughran Road (Route 3633)
		Westmont Lane
		Crownhurst Court

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Garfield Park Section 3	Dranesville	Georgetown Pike (Route 193) [Additional Right-of-Way (ROW) Only]
Kentland Pond	Dranesville	Kentland Drive (Route 751)
Cameron at Woodland Park	Hunter Mill	Centreville Road (Route 657) (Additional ROW Only)
		Sunrise Valley Drive (Route 5320) (Additional ROW Only)
		Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Dulles Tech LC (Coppermine Crossing Condominiums)	Hunter Mill	Coppermine Road (Route 665) (Additional ROW Only)
Church of Jesus Christ of Latter-Day Saints	Lee	South Van Dorn Street (Route 613) (Additional ROW Only)
		Villa Street (Route 7637) (Additional ROW Only)
First Addition to State Hill	Mason	Hill Drive (Route 10462)
Seville Estates	Mas	Rodeo Court
		Annandale Road (Route 650) (Additional ROW Only)
The Townes at Madison Lane	Mason	Madison Lane (Route 913) (Additional ROW Only)
3501 Lofty Oak Place	Mount Vernon	Mount Vernon Highway (Route 235) (Additional ROW Only)
Meeker Subdivision	Mount Vernon	Bakers Drive
		Pohick Road (Route 638) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
MI Schottenstein Homes, Incorporated (Lorton Valley North)	Mount Vernon	Windermere Hill Drive Lorton Road (Route 642) (Additional ROW Only)
Rite Aid of Virginia Incorporated	Mount Vernon	Richmond Highway (Route 1) (Additional ROW Only) Beacon Hill Road (Route 1510) (Additional ROW Only)
Stenwood Property	Providence	Walter's Glen Way Gallows Road (Route 650) (Additional ROW Only)
Buckley's Reserve and Willowmeade Lots 11 and 12	Springfield	Buckleys Gate Drive Mayde Court Muddler Way Finchem Court Cahoon Court Cerromar Place Sebastian Drive (Route 5408) (Additional ROW Only)
Parvis Estates	Springfield	Travilah Court Chapel Road (Route 641) (Additional ROW Only) Chapel Road (Route 641) (Additional ROW Only)
Stoney Creek	Springfield	Ox Croft Court Little Ox Road (Route 8475) (Additional ROW Only)
Colonels Ridge	Sully	Walney Road (Route 657) (Additional ROW Only)

ADMIN 9 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with their registration number, as Plans Examiners:

- Elizabeth A. Forbes (292)
- Travis William D’Amico (293)

ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), CHAPTER 7 (STREETS, PARKING, AND DRIVEWAYS), REGARDING STREET LIGHTS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on January 18, 2012, and before the Board on **February 28, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, PFM, Chapter 7 (Streets, Parking, and Driveways), regarding street lights.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5, SECTIONS 32 THROUGH 32.2

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2012**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5, Sections 32 through 32.2, regarding removal and disposition of vehicles unlawfully parked on private or County property.

ADMIN 12 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, AND SPRINGFIELD)

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

<u>Application</u>	<u>Description</u>	<u>New Date</u>
456A-S96-6-2	AT&T Mobility Corporation Antenna collocation on existing monopole 5755 Revercomb Court Springfield District	February 17, 2012

<u>Application</u>	<u>Description</u>	<u>New Date</u>
FSA-S01-63-1	Sprint Antenna collocation on existing monopole 4201 Stringfellow Road Springfield District	February 17, 2012
FSA-H97-35-2	AT&T Mobility Corporation Antenna collocation on existing monopole 11400 South Lakes Drive Hunter Mill District	February 19, 2012
FSA-D97-41-3	Sprint Antenna collocation on building rooftop 1350 Beverly Road Dranesville District	February 27, 2012
FSA-D01-7-1	Sprint Antenna collocation on building rooftop 7700 Leesburg Pike Dranesville District	February 27, 2012
FS-L11-36	Sprint PCS Antenna collocation on existing tower 3701 Lockheed Boulevard Lee District	March 2, 2012
456A-V96-17-2	AT&T Mobility Corporation Antenna collocation on existing monopole 8210 Terminal Road Mount Vernon District	March 3, 2012
FSA-S00-62-1	AT&T Mobility Corporation Antenna collocation on existing monopole 12111 Braddock Road Springfield District	March 5, 2012

<u>Application</u>	<u>Description</u>	<u>New Date</u>
2232-L11-19	Fairfax County Park Authority Neighborhood park master plan 7400 Old Telegraph Road Lee District	June 19, 2012
2232-M07-12	Columbia Crossroads LP East county human service center 5837 Columbia PI Baileys Crossroads Mason District	June 31, 2012

ADMIN 13 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-012, QUAN Q. NGUYEN AND NGAN T. NGUYEN (MASON DISTRICT)

- (AT) Approved the request for 18 months of additional time to establish the use for Special Exception Amendment Application SEA 84-M-012 to May 18, 2013, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 14 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2009-SU-002, CENTREVILLE DAY SCHOOL/CENTREVILLE UNITED METHODIST CHURCH (SULLY DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 2009-SU-002 to June 1, 2014, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 15 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2008-MA-020, WOODLAKE TOWERS CONDOMINIUM UNIT OWNERS (MASON DISTRICT)

- (AT) Approved the request for six months of additional time to commence construction for Special Exception Application SE 2008-MA-020 to February 23, 2012, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE PROTECTION)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 10, 2012, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection).

ADMIN 17 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING INDEPENDENT LIVING FACILITIES FOR LOW INCOME RESIDENTS AND MODIFICATIONS OF THE ADMINISTRATIVE PROVISIONS OF THE AFFORDABLE DWELLING UNIT (ADU) PROGRAM AND TO THE DEFINITIONS OF “DWELLING UNIT” AND “INDEPENDENT LIVING FACILITY”

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 26, 2012, at 8:15 p.m., and before the Board on **February 28, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding independent living facilities for low income residents and modifications of the administrative provisions of the ADU Program and to the definitions of “dwelling unit” and “independent living facility.”

ADMIN 18 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE, SPRINGFIELD, AND MASON DISTRICTS)

- (R)
- Endorsed the following traffic calming measures as part of RTAP:
 - Multi-way stop on Lisle Avenue at Griffith Road (Dranesville District)
 - Multi-way stop on Lisle Avenue at Fisher Drive (Dranesville District)
 - Multi-way stop on Pimmit Drive at Griffith Road (Dranesville District)
 - Multi-way stop on Griffith Road at Leonard Road (Dranesville District)
 - Multi-way stop on Houndmaster Road at Powder Horn Road (Springfield District)
 - Adopted a Resolution authorizing installation of a “Watch for Children” sign on Blair Road (Mason District).
 - Directed the Department of Transportation to install the approved measures as soon as possible.

ADMIN 19 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE POLO FIELDS RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 43 (HUNTER MILL DISTRICT)

(A) (NOTE: Earlier in the meeting, this item was discussed. See page 14.)

Authorized the advertisement of a public hearing to be held before the Board on **January 10, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Polo Field RPPD, District 43 (Hunter Mill District). The proposed district includes the following streets:

- Cross Country Lane (Route 6374), the entire length
- Hitchcock Court (Route 8709), from Hitchcock Drive east and west to the cul-de-sacs inclusive
- Hitchcock Drive (Route 8708), from Sunrise Valley Drive to Hitchcock Court
- Milburn Lane (Route 7842), from Sunrise Valley Drive to the cul-de-sac inclusive
- Roark Court (Route 7859), From Roark Drive east and west to the cul-de-sacs inclusive
- Roark Drive (Route 7858), from Sunrise Valley Drive to Roark Court
- Thunder Chase Drive (Route 6373), from Sunrise Valley Drive to Bayard Drive

ADMIN 20 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE ZION COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **January 10, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Zion CPD, in accordance with current CPD restrictions. The proposed district expansion includes Glen Chase Court (Route 10259), from Zion Drive to the cul-de-sac inclusive.

ADMIN 21 – DISCONTINUANCE OF ROUTE 7485 FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)

(R) Adopted the Resolution discontinuing Route 7485 from the Secondary System of State Highways.

ADMIN 22 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12069 FOR VARIOUS COUNTY AGENCIES TO ACCEPT DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA (DC) HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (HSEMA)

- (SAR) Approved SAR AS 12069 in the amount of \$13,132,418 for the County to accept DHS FY 2009 UASI subgrant awards from the State Administration Agency (SAA). These funds are made available by DHS through DC, which is serving as the SAA. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1 of the Board Agenda Item dated December 6, 2011. All projects will be implemented in accordance with the program guidance documents.

ADMIN 23 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 10, 2012, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to:
- Temporarily move the polling place for Chesterbrook precinct.
 - Move the polling place for Kingstowne precinct.
 - Move the polling place for Mantua precinct.

ADMIN 24 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT FUNDING FROM THE 2010 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) THROUGH THE US DEPARTMENT OF HOMELAND SECURITY (DHS)

Authorized FRD to apply for and accept funding, if received, in the amount of \$100,000 from the Virginia Department of Emergency Management Fiscal Year 2010 SHSGP. No local cash match is required.

16. **A-1 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD AND CLEAN FAIRFAX COUNCIL, INCORPORATED** (12:02 p.m.)

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

- Approved the MOU between the Board and Clean Fairfax Council, Incorporated.

- Authorized the transfer of the 2011 Litter Grant to Clean Fairfax Council, Incorporated.

17. **A-2 – AUTHORIZATION TO EXECUTE AN AGREEMENT FOR THE SALE, DELIVERY, AND USE OF RECLAIMED WATER BETWEEN THE COUNTY AND THE PARK AUTHORITY** (12:02 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize execution of a water reuse agreement between the County and the Park Authority for reclaimed water from the Noman M. Cole, Jr. Pollution Control Plant to be delivered and used at the Laurel Hill Golf Course. Supervisor Gross seconded the motion.

Discussion ensued concerning innovation and costs, with input from Michael McGrath, Director, Wastewater Treatment Division, Noman M. Cole, Jr. Pollution Control Plant, Department of Public Works and Environmental Services, concerning the pipeline that supplies water to the Interstate 95 (I-95) Resource Recovery facility and Lower Potomac Park.

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

18. **A-3 – AUTHORIZATION TO EXECUTE AN AGREEMENT FOR THE DELIVERY AND USE OF RECLAIMED WATER BETWEEN THE COUNTY AND THE SOUTH COUNTY LITTLE LEAGUE** (12:06 p.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 execution of a water reuse agreement between the County and the South County Little League for reclaimed water from the Noman M. Cole, Jr. Pollution Control Plant to be delivered and used at the Lower Potomac Park.

19. **A-4 – APPROVAL OF TEMPORARY SUSPENSION OF THE APPLICATION OF SECTIONS OF CHAPTER 12 OF THE PERSONNEL REGULATIONS TO PERMIT A MORATORIUM ON EMPLOYEE PERFORMANCE APPRAISALS** (12:06 p.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Hyland and Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved temporary suspension of pertinent sections in Chapter 12 of the Personnel Regulations to facilitate the transition to the focal date evaluation process and introduction of the automated performance management module of the new FOCUS system.

Supervisor Gross noted that this issue was discussed in the Board's Personnel Committee meetings.

20. **A-5 – CONSUMER PROTECTION COMMISSION (CPC) RECOMMENDATION TO DENY REQUEST FOR A TAXICAB RATE INCREASE** (12:07 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the CPC recommendation denying the petition of the Taxi Driver Association to increase the per-mile taxicab rate from \$2.00 per mile to \$2.50 per mile. Supervisor Hyland seconded the motion.

Supervisor Hudgins noted a concern related to rates in certain areas because of the distance of defined service for the taxicab rate which reduces the viability of servicing the area. She asked unanimous consent that the Board direct staff to review this in the future. Without objection, it was so ordered.

Discussion ensued concerning a fuel surcharge, with input from Steve Sinclair, Chief, Utilities Branch, Department of Cable and Consumer Services, who noted that the surcharge was eliminated in 2008.

Discussion continued, concerning consideration of latitude in assessing the requested price increase, with additional input from Mr. Sinclair.

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

21. **A-6 – APPROVAL OF THE SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS** (12:11 p.m.)

(BONDS)
(R)

On motion of Supervisor Hyland, seconded by Supervisor Gross, 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 sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds to refund certain outstanding maturities of certain series of public improvement 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 \$48.745 million from the Series 2003B bonds.

22. **A-7 – ADJUSTMENT TO FAIRFAX CENTER ROAD FUND CONTRIBUTION RATE AND AUTHORIZATION OF CORRESPONDING RATE ADJUSTMENT IN THE CENTREVILLE AND TYSONS CORNER FUND AREAS** (12:11 p.m.)

On motion of Supervisor Herrity, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the revised Procedural Guidelines for the Annual Review Process, including a

3.89 percent adjustment of the existing contribution rates in the Fairfax Center, Centreville, and Tysons Corner areas with the new rate effective January 1, 2012.

23. **A-8 – APPROVAL OF THE THIRD AMENDMENT TO THE MASTER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) FOR FUNDING OF TRANSPORTATION DEMAND MANAGEMENT (TDM) OUTREACH IN THE DEPARTMENT OF TRANSPORTATION (DOT)** (12:12 p.m.)

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

- Approve the execution of the Third Amendment to the Master Agreement between VDRPT and the County to continue funding the County's TDM Outreach programs.
- Authorize the Director of DOT to execute the Master Agreement, including the Third Amendment.

Supervisor Herrity seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, concerning the:

- Receipt of the request
- Cause for the delay in signing the request

Discussion continued, with input from Ellen Posner, Assistant County Attorney, concerning the template of the agreement for cities versus counties.

Following additional discussion concerning regional transportation matters and the necessity of the amendment, the question was called on the motion and it carried by unanimous vote.

24. **A-9 – RESULTS OF TYSONS METRORAIL STATION ACCESS MANAGEMENT STUDY (TMSAMS) PUBLIC OUTREACH EFFORTS AND REFERRAL OF TMSAMS REPORT TO STAFF** (12:25 p.m.)

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

- Refer the TMSAMS Report to the Department of Transportation (DOT) to evaluate in detail the costs, feasibility, and right-of-way impacts of the access priorities from the public outreach efforts and report in spring 2012 with recommendations for implementation.

These recommendations should also address the additional suggestions from the TMSAMS Advisory Group.

- Direct staff to invite members of the TMSAMS Advisory Group to a future Board meeting to be recognized for their work and contributions to the community.
- Direct staff to include the cost estimates available to be incorporated in the Four-Year Transportation Plan for 2012.

Supervisor Smyth seconded the motion.

Discussion ensued concerning staffing the project, with input from Tom Biesiadny, Director, DOT, who noted that the department has access to consultant resources as needed.

Noting that staff would be preparing a list of priorities and recommendations, Supervisor Foust asked unanimous consent that the Board direct staff to provide timely communication on the preparation and progress of that list to those Supervisors who are directly impacted by the study. Without objection, it was so ordered.

Supervisor Herrity asked to amend the motion to include a measure of congestion mitigation for each of the projects in the TMSAMS Report, and this was accepted.

Supervisor Hudgins, referring to a Board Matter she had prepared on the TMSAMS, stated that the process has been exceptional with over 2000 people across the three districts and beyond participating in the study. She added that the kind of input received will reflect the desires and interests of the community and was built upon the Reston Access Management Study (RMAG).

Following further discussion concerning the need to review the functionality of the new Metro stations as well, the question was called on the motion, as amended, and it carried by unanimous vote.

25. **A-10 – APPROVAL OF MEMORANDUM OF AGREEMENT (MOA) CONCERNING PHASE 2 OF THE DULLES CORRIDOR METRORAIL PROJECT** (12:32 p.m.)

Chairman Bulova provided a brief synopsis of the work done to reach the agreement which brings down the cost of Phase 2 of the Dulles Corridor Metrorail Project to a degree that is affordable to County taxpayers, retains the ratio, and is sensitive to toll road users.

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

- Approve the MOA
- Authorize the Chairman to sign it on behalf of the County

Supervisor Smyth seconded the motion.

Discussion ensued concerning:

- Cost reductions/cost shifting
- Costs, including engineering estimates
- A public-private partnership of the Route 28 station

Chairman Bulova asked Anthony H. Griffin, County Executive, to present some of the components of the agreement starting with some of the savings which include:

- An above, rather than below, grade station
- Reduction of the size of the rail yard on airport property
- Changes in finishes of the stations
- Other more minor modifications

Mr. Griffin then discussed:

- The difficulty of having a public-private effort associated with the Route 28 station
- The accomplishments of the negotiation
- The County's concerns during negotiation
- Possible opportunities for further cost reduction

Discussion continued regarding third party funding of the Route 28 station, with input from Mr. Griffin, concerning other possible funding mechanisms and Board-imposed caveats on the negotiations.

Supervisor Frey called the Board's attention to the bottom of page 547 of the Board Agenda Item dated December 6, 2011, concerning the approximate total County contribution to both phases of the project and the amount to be funded by

the tax districts. Discussion ensued concerning the expected shortage for the cost of Phase 1 and Phase 2, with input from Mr. Griffin and Len Wales, Financing Advisor, concerning various options available to the Board to address that shortfall. Mr. Wales stated that he would provide those options to the Board.

Discussion continued concerning the benefits to the County from the Transportation Infrastructure Finance and Innovation Act (TIFIA) with input from Mr. Wales regarding multiple ways the County can employ the TIFIA loan with savings dependent on how it is applied.

Discussion continued, with input from Mr. Wales and Mr. Griffin, regarding:

- The State contribution to mitigate the impact on the toll road users
- Impact of the rail yard reduction on the West Falls Church rail yard

Supervisor Foust asked unanimous consent that the Board direct staff to obtain written confirmation from the Washington Metropolitan Area Transit Authority (WMATA) that the rail yard reduction will not impact the West Falls Church rail yard. Without objection, it was so ordered.

Discussion continued concerning tolling the access road as a funding mechanism for Phase 2 and the possible use of Public Private Partnerships in Transportation Act (PPTA) for the construction of a garage at Route 28, with input from Mr. Griffin, concerning the benefit to the station area. Supervisor Foust asked unanimous consent that the Board direct staff to apprise it of discussions concerning proposed proffers to the area. Without objection, it was so ordered.

Discussion ensued, with input from Mark Canale, Dulles Rail Project Coordinator, Department of Transportation, concerning:

- The MOA estimated cost of the project and the level of engineering
- Expected tolls at 2020 and 2040 under the MOA
- Tolerance of rates versus ridership

Discussion continued, with input from Mr. Griffin, regarding:

- Consequences of deferring action on the MOA
- Other cost reductions that were considered and rejected
- The process upon receipt of the 100 percent preliminary engineering report

- Public-private funding of the airport station
- Establishment and sale of air rights

Supervisor Herrity, noting that a delay would not impact the project, moved a substitute motion to:

- Defer action on the MOU [MOA] until such time as the Board has the results of the toll rate review and a better idea of the County's ability to fund the Route 28 station.
- Direct the County Executive to pursue other potential funding sources with the Metropolitan Washington Airports Authority (MWAA) and its funding partners to further decrease the impact of the tolls on the Dulles Corridor.

Supervisor Frey seconded the motion.

Following additional discussion, with clarification from Mr. Griffin that the MOA is not subject to negotiation, the question was called on the substitute motion and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "AYE."

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

26. **A-11 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE'S RECOMMENDATION REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2013 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (1:19 p.m.)

On motion of Supervisor Cook, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and endorsed the CAO Task Force's primary recommendation on the FY 2013 VRE budget

27. **I-1 – PLANNING COMMISSION ACTION ON APPLICATION 2232-M11-13, FAIRFAX COUNTY PARK AUTHORITY (MASON DISTRICT)** (1:20 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2011, announcing the PC's approval of Application 2232-M11-13. 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*. The application sought approval by the Fairfax County Park Authority to develop Boyd A. and Charlotte M. Hogge Park, located at 3139 Glen Carlyn Road, Falls Church, Tax Maps 51-4 ((1)) 16 and 61-2 ((1)) 14C.

28. **I-2 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (1:20 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2011, requesting authorization for County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts during the period between this meeting and the first meeting on January 10, 2012. Whenever a contract exceeds the estimate by ten 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.

29. **I-3 – CONTRACT AWARD – COUNTYWIDE TRANSIT NETWORK STUDY (COUNTYWIDE)** (1:20 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2011, requesting authorization for staff to award a contract to Renaissance Planning Group in the amount of \$1,198,322 for the Countywide transit network study.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide information about the study and action. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

30. **I-4 – CONTRACT AWARD – FINANCIAL ADVISORY SERVICES** (1:21 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2011, requesting authorization for staff to award a contract to Public Financial Management in the amount of \$500,000 for financial advisory services for the Department of Finance. The period of this contract will be five years, with the option to renew for five additional one-year terms.

The staff was directed administratively to proceed as proposed.

31. **I-5 – PRESENTATION OF THE FISCAL YEAR (FY) 2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (1:21 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2011, regarding the FY 2011 CAFR.

32. **I-6 – MINOR SERVICE ADJUSTMENTS FOR FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED IN JANUARY 2012** (1:21 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2011, requesting authorization for staff to implement minor service adjustments for Fairfax Connector routes in January 2012.

The staff was directed administratively to proceed as proposed.

33. **I-7 – MAKE IT WORK PROGRAM FOR STUDENTS WITH DISABILITIES** (1:21 p.m.)

(NOTE: Earlier in the meeting, this program was recognized. See Clerk's Summary Item #5.)

The Board next considered an item contained in the Board Agenda dated December 6, 2011, announcing that the Make it Work Program received a 2011 CPS-HR/IPMA Innovation grant in the amount of \$25,000. The program, which will be a partnership with the Fairfax County Public Schools, will provide job opportunities to high school and recent graduates with disabilities. Participants will work part-time in County agencies and gain valuable work experience and training, which will in turn increase their competitiveness in the job market.

34. **ORDERS OF THE DAY** (1:21 p.m.)

After consulting with David P. Bobzien, County Attorney, concerning the length of time needed for closed session, Chairman Bulova announced that Board Matters would occur later in the afternoon and she directed the Board to get lunch and proceed to closed session.

ADDITIONAL BOARD MATTERS

35. **INTRODUCTION OF ZACHARY JARREL BAILEY (HUNTER MILL DISTRICT)** (1:22 p.m.)

Supervisor Hudgins introduced Zachary Jarrel Bailey, with Northern Virginia Training Futures, who is working in her office. On behalf of the Board, Chairman Bulova warmly welcomed him to the Board Auditorium.

36. **CLARIFICATION OF MOTIONS MADE AND ACTIONS TAKEN TO ADOPT THE BOARD'S LEGISLATIVE PROGRAM** (1:23 p.m.)

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

Chairman Bulova announced a handout had been distributed clarifying the motions made and actions taken to adopt the Board's Legislative Program. She added that it was also available to review on tape.

AGENDA ITEM

37. **RECESS/CLOSED SESSION** (1:23 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. *Mary Getts Bland v. Fairfax County, Virginia*, Case No.1:10cv01030 (E.D. Va.)
 2. *Tori Lakshia Day v. Russell B. Milam, et al.*, Civil Action No. 1:11-CV-97 (E.D. Va.)
 3. *Fairfax County Redevelopment and Housing Authority v. Shadowood Condominium Association, et al.*, Case No. CL-2010-0013282 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 4. *Kaveh Sari v. Detective T.W. Bacigalupi, Officer L.A. Robinson, Ayah Wali, and Miriam B.*

- Alwarith*, Case No. CL-2010-9956 (Fx. Co. Cir. Ct.)
5. *Dean Marrison and Ashley Marrison v. Fairfax County Department of Family Services*, Case No. 0174-11-4 (Va. Ct. App.)
 6. *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case No. CL-2011-0012980 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 7. *Charles E. Harris, Jr. v. Dr. Michael J. Shuster, Robert Adeleke, and K. Comas*, Case No. CL 11001712, (Alex. City Cir. Ct.) (Mt. Vernon District)
 8. *Karen Rompalo v. Fairfax County Public Schools*, Case No. GV11020800-00 (Fx. Co. Gen. Dist. Ct.)
 9. *Khadija Ahmed v. Phimmery Mounghoth*, Case No. CL-2010-0013912 (Fx. Co. Cir. Ct.) (Providence District)
 10. Claim of Discrimination filed by Leslie Carper with the Virginia Department of Labor and Industry (Mount Vernon District)
 11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nina Catherine Ford and Aubrey L. Lane*, Record No. 111388 (Sup. Ct. Va.) (Mason District)
 12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lee Graham Shopping Center, Limited Partnership*, Case No. CL-2011-0011630 (Fx. Co. Cir. Ct.) (Providence District)
 13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teodoro Claure and Epifanio Argote*, Case No. CL-2011-0011747 (Fx. Co. Cir. Ct.) (Mason District)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelo Y. Peredo*, Case No. CL-2011-0011181 (Fx. Co. Cir. Ct.) (Dranesville District)

15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Farid Azimi, Trustee Under Title Holding Trust Agreement Dated October 4, 2010*, Case No. CL-2011-0014230 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donna K. Stone and Loudean Chrisman*, Case No. CL-2011-0002381 (Fx. Co. Cir. Ct.) (Mason District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alex P. Yadao and Nilda A. Yadao*, Case No. CL-2010-0014237 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cornerstone Church of Christ Bibleway World Wide, Arthur Cotton, Al M. Stith, James Sanders, and Morris A. Mills, Trustees*, Case No. CL-2011-0004999 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fairfax Petroleum Realty, LLC*, Case No. CL-2011-0012048 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raheen Properties, LLC*, Case No. CL-2010-0015946 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emad M. Elseiedy*, Case No. CL-2011-0004075 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Margaretha Carroll McGrail, Trustee under the Margaretha Carroll McGrail Revocable Trust*, Case No. CL-2011-0013323 (Fx. Co. Cir. Ct.) (Dranesville District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose B. Ramirez*, Case No. CL-2011-0012447 (Fx. Co. Cir. Ct.) (Lee District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. James J. Hodges*, Case No. CL-2011-0009176 (Providence District)
25. *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)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Toetie Jones*, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)
27. *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)
28. *Kenneth R. Andersen v. Eileen McLane, Zoning Administrator of Fairfax County*, Case No. CL-2011-0014776 (Fx. Co. Cir. Ct.) (Hunter Mill District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Maria Alvarez*, Case No. CL-2011-0114733 (Fx. Co. Cir. Ct.) (Mason District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Reyna Alvarez*, Case No. CL-2011-0014908 (Fx. Co. Cir. Ct.) (Providence District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tai Lai and Kent Lai*, Case No. CL-2011-0014968 (Fx. Co. Cir. Ct.) (Lee District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Le, Hien Thi Nguyen, and Johnny Le*, Case No. CL-2011-0015039 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo M. Chalhub and Betriani Chalhub*, Case No. CL-2011-0014970 (Fx. Co. Cir. Ct.) (Mason District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Siham K. Yaktine and Nawa Yaktine*, Case No. CL-2011-0015201 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kristine N. Trinh and Ngochanh T. Trinh*, Case No. CL-2011-0015202 (Fx. Co. Cir. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Daamash and Zabia J. Daamash*, Case No. CL-2011-0015255 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. AM of Northern Virginia, LLC*, Case No. CL-2011-0015325 (Fx. Co. Cir. Ct.) (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad Younus*, Case No. CL-2011-0015324 (Fx. Co. Cir. Ct.) (Lee District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio C. Ramos and Georgianna W. Ramos*, Case No. CL-2011-0015479 (Fx. Co. Cir. Ct.) (Dranesville District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Marks*, Case No. CL-2011-0015540 (Fx. Co. Cir. Ct.) (Mason District)

41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kim-Anh Thi Nguyen and Lynda M. Phan*, Case No. CL-2011-0013323 (Fx. Co. Cir. Ct.) (Braddock District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gonzalo M. Camberos and Yolanda Camberos*, Case No. CL-2011-0013323 (Fx. Co. Cir. Ct.) (Mason District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androula Demetriou*, Case No. CL-2011-0015709 (Fx. Co. Cir. Ct.) (Mount Vernon District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Associated Acquisitions, LLC*, Case No. CL-2011-0015689 (Fx. Co. Cir. Ct.) (Dranesville District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phu Ngo*, Case No. CL-2011-0015840 (Fx. Co. Cir. Ct.) (Mason District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kent F. Sullivan and Virginia Sullivan*, Case No. CL-2011-0015884 (Fx. Co. Cir. Ct.) (Dranesville District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raheen Properties, LLC*, Case No. CL-2011-0015887 (Fx. Co. Cir. Ct.) (Mason District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert D. Muegge and Gladys L. Muegge*, Case No. CL-2011-0015885 (Fx. Co. Cir. Ct.) (Springfield District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thanh M. Tran, Hanh D. Nguyen, Cuong M. Tran, and My Lien Thi Cao*, Case Nos. 11-0024608 and 11-0024609 (Fx. Co. Gen. Dist. Ct.) (Lee District)

50. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Sama Group, LLC*, Case Nos. 11-0029427 and 11-0029428 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
51. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Sama Group, LLC*, Case No. 11-0029426 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
52. *Board of Supervisors v. Myra D. Miller and Western Surety Company*, Case No. CL-2011-0015901 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- SNSA, Incorporated, d/b/a/ Fast Eddie's Billiard Café, Appeal Application A 2011-MV-033
- *Johnie R. Muncy, Trustee, and F&M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Virginia, Albert A. Owusu, and Grace A. Owusu*, Case Number CL-2011-0001751
- Proposed Chapter 65 County Code Amendment for the Establishment of Exclusive Service Area and Maximum Allowable Rates, Fees, and Charges for Water
- Discussions Under Virginia Code Section 2.2-3711(6).

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

DAL:dal

At 3:58 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

38. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:59 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 Hudgins seconded the motion.

Chairman Bulova noted that Supervisor Hyland was not present for closed session because he was attending a funeral and would be returning later in the meeting.

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

39. **ASSISTANT COUNTY EXECUTIVE CATHERINE A. CHIANESE APPOINTED CLERK TO THE BOARD** (4 p.m.)

Supervisor Gross moved that the Board appoint Assistant County Executive Catherine A. Chianese as the Clerk to the Board, to serve on an interim basis, effective December 30, 2011. Ms. Chianese's interim service as Clerk to the Board will be in addition to her continued service as Assistant County Executive. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

40. **AUTHORIZATION OF AN APPEAL TO THE US COURT OF APPEALS FOR THE FOURTH CIRCUIT FROM THE JUDGMENT IN *BLAND V. FAIRFAX COUNTY, VIRGINIA*** (4:01 p.m.)

Supervisor Gross moved that the Board authorize an appeal to the US Court of Appeals for the Fourth Circuit from the judgment in *Bland v. Fairfax County, Virginia*, Civil Action Number 1:10-cv-1030, according to the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook abstaining, Supervisor Hyland being out of the room.

41. **FINANCIAL CONTRIBUTION TO THE INOVA TRANSITIONAL MEDICINE INSTITUTE (ITMI)** (4:01 p.m.)

Supervisor Gross moved that the Board direct the County Executive to account for a financial contribution to the ITMI as part of his proposed budget for Fiscal Year 2013. Supervisor Herrity, Supervisor McKay, and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

42. **AUTHORIZATION OF SETTLEMENT IN JOHNIE R. MUNCY, TRUSTEE, AND F&M SERVICES, LC, TRUSTEE V. THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY** (4:02 p.m.)

Supervisor McKay moved that the Board authorize the settlement in *Johnie R. Muncy, Trustee, and F&M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Virginia, Albert A. Owusu, and Grace A. Owusu*, Case Number CL-2011-0001751, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

43. **AUTHORIZATION TO TAKE LEGAL ACTION IN SNSA, INCORPORATED, D/B/A FAST EDDIE'S BILLIARD CAFÉ** (4:03 p.m.)

Supervisor McKay moved that the Board authorize and direct the County Attorney to take legal action on its behalf in connection with the Board of Zoning Appeals' recent decision in SNSA, Incorporated, d/b/a Fast Eddie's Billiard Café, Appeal Application A 2011-MV-033, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

AGENDA ITEMS

44. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-L-074 (FOURTH HOTEL ASSOCIATES LIMITED PARTNERSHIP (LEE DISTRICT))**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-L-083-02 (FOURTH HOTEL ASSOCIATES LIMITED PARTNERSHIP (LEE DISTRICT))

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-L-093-03 (FOURTH HOTEL ASSOCIATES LIMITED PARTNERSHIP (LEE DISTRICT))

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2011-LE-005 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY) (LEE DISTRICT) (4:04 p.m.)

- (O) The Proffered Condition Amendment Application PCA 83-L-074 property is located in the Southwest quadrant of the intersection of South Van Dorn Street and the Capital Beltway, Tax Map 81-2 ((1)) 12B.

The Proffered Condition Amendment Application PCA 82-L-083-02 property is located in the Southwest quadrant of the intersection of South Van Dorn Street and the Capital Beltway, Tax Map 81-2 ((3)) 1.

The Proffered Condition Amendment Application PCA 81-L-093-03 property is located in the Southwest quadrant of the intersection of South Van Dorn Street and the Capital Beltway, Tax Map 81-2 ((3)) 2.

The Special Exception Application SE 2011-LE-005 property is located at 5716 South Van Dorn Street, Alexandria, 22310, Tax Map 81-2 ((1)) 12B; 81-2 ((3)) 1 and 2.

Mr. Frank W. Stearns reaffirmed the validity of the affidavits for the record.

In regards to all the applications, Supervisor Cook disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Frank W. Stearns, Esquire, a partner in the law firm of Donohue and Stearns, PLC

With regard to all the applications, Supervisor Herrity disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Frank W. Stearns, Esquire, a partner in the law firm of Donohue and Stearns, PLC

With regard to all the applications, Supervisor McKay disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Frank W. Stearns, Esquire, a partner in the law firm of Donohue and Stearns, PLC

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

Mr. Stearns 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, Mr. Mayland presented the staff and Planning Commission recommendations.

Supervisor McKay moved approval of:

- Proffered Condition Amendment Applications PCA 81-L-093-03, PCA 82-L-083-02, and PCA 83-L-074, subject to the proffers dated September 28, 2011.

- Special Exception Application SE 2011-LE-005, subject to the development conditions dated September 21, 2011.

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

45. **4 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY TO EASTWOOD PROPERTIES, INCORPORATED (MOUNT VERNON DISTRICT)** (4:11 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, 2011.

Michael P. Lambert, Property Manager, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, on behalf of Supervisor Hyland, Supervisor McKay moved adoption of the Resolution authorizing the conveyance of Board-owned property to Eastwood Properties, Incorporated. Supervisor Smyth seconded the motion and it carried a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook and Supervisor Hyland being out of the room.

46. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON CLIFTON STREET AND MONROE DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON DISTRICT)** (4:14 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, 2011.

Steven K. Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by six speakers, Chairman Bulova and Supervisor Gross submitted items for the record.

A brief discussion ensued, with input from Mr. Knudsen, regarding the proposal.

Supervisor Gross moved adoption of the Resolution endorsing the following roads to be included in the R-TAP for a through truck traffic restriction:

- Clifton Street between Braddock Road and Edsall Road
- Monroe Drive between Braddock Road and Edsall Road

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

47. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS), REGARDING ESTABLISHMENT OF EXCLUSIVE SERVICE AREA AND MAXIMUM ALLOWABLE RATES, FEES, AND CHARGES FOR WATER SERVICE** (4:26 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 November 18 and November 25, 2011.

James W. Patteson, Director, Department of Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Mr. Patteson and Cynthia Tianti, Deputy County Attorney, regarding:

- Utility based reasoning
- Appeal procedures
- Fair and reasonable rate differentials
- Fiscal impact
- Outreach efforts

Following the testimony of Jim Policaro (Speaker 10), discussion ensued, with input from Mr. Patteson, regarding concerns raised by the speaker about the Fairfax Water infrastructure.

Following the public hearing, which included testimony by 10 speakers, Chairman Bulova stated that she had items for the record.

Supervisor Smyth stated that she had previously submitted items to the Clerk to the Board.

Supervisor Foust stated that he had the resolution of the McLean Citizens Association.

Supervisor Smyth moved that the Board adopt the proposed amendment, to be added as Section 65-6-13 to the Fairfax County Code, for the following reasons:

1. The Board of Supervisors created Fairfax Water in 1957 to provide a comprehensive, integrated water system to supply and distribute water in the County. Over the past 54 years Fairfax Water has succeeded in its mission to provide the best quality water at the lowest responsible price to residents and businesses in the County. It has become one of the nation's leading public water suppliers. Its two state-of-the-art water treatment plants produce drinking water that not only meets but surpasses all State and federal water quality standards. Fairfax Water has a fully integrated transmission network that allows water to be routed from either of its independent raw water sources on the Potomac River and the Occoquan Reservoir, providing essential redundancy and system reliability. It has the necessary system capacity and proven reliability to ensure an ample water supply for high-growth areas in the County.
2. Fairfax Water appropriately follows a policy that growth-pays-for-growth, so that its existing Fairfax County water customers do not have to pay for the capital investment needed to supply water to new development. It is a single-purpose, not-for-profit, governmental entity whose sole function is to provide excellent water service, without building in any unnecessary costs or hidden profits.
3. Although most County citizens and businesses receive their water from Fairfax Water, there are tens of thousands who are customers of localities that provide water service outside of their municipal boundaries within the County. These "outside" customers have no political representation on the municipal councils that determine their water rates. By contrast, this Board appoints the members of Fairfax Water's Board, thereby providing a mechanism to make Fairfax Water accountable to the County's elected representatives.
4. In response to a request by this Board, the Consumer Protection Commission (CPC) prepared a report, dated April 20, 2010, on the various water systems serving the County. The CPC recommended that such water systems abide by seven principles reflecting best-practices for water utilities, particularly with regard to rate-making. On May 25, 2010, this Board unanimously accepted the CPC's recommendations and findings, adopted the

seven-principles, and asked the water suppliers to comply with those principles – principles that Fairfax Water was already following. Although the City of Fairfax agreed to follow the seven principles, no response to the Board's request was ever received from the Town of Vienna or the City of Falls Church.

5. On January 6, 2010, the Circuit Court of Fairfax County determined that the City of Falls Church had been illegally taxing its Fairfax County customers by including profits in the water rates, profits that the City then transferred to its general fund to reduce the local property tax rate to Falls Church citizens. Between 1981 and 2008, the City of Falls Church transferred nearly \$59 million in water profits to its general fund. Its Fairfax County customers did not benefit from any of those profit-transfers. The Circuit Court ordered Falls Church to discontinue its unconstitutional practices, to stop transferring profits from the water fund to the general fund, and to set water rates so that receipts are equal to expense. And the Supreme Court of Virginia refused the City's appeal, finding no reversible error.
6. Despite that the existing rates had been generating millions of dollars a year in surplus revenues, the City of Falls Church, on September 12, 2011, increased its water rates by eight percent, and announced that additional significant rate increases are likely in the future. The Board of Supervisors directed the CPC to conduct a comprehensive review of Falls Church's proposal to raise its water rates. The CPC issued its report on September 20, 2011, concluding that the City of Falls Church had failed to provide adequate information to justify the water rate increase. The CPC also noted that the City of Falls Church had failed to cooperate with the CPC's investigation. The CPC recommended that the Board of Supervisors use its existing statutory powers to require that the City of Falls Church justify the water rates to be charged to Fairfax County residents if those rates exceed the rates charged by Fairfax Water. The CPC also recommended that new development in Fairfax County connect, if feasible, to Fairfax Water's system. The CPC advised that both recommendations were necessary to protect the interests of Fairfax County residents and businesses.
7. The Board of Supervisors, on September 27, 2011, accepted the CPC's report and its findings, and directed staff to make recommendations to implement the CPC's recommendations. The County Executive subsequently recommended the text of an Ordinance, to be added as Section 65-6-13 to the Code of the County of Fairfax, that would carry out the recommendations of the CPC and apply those recommendations equitably to all

municipalities providing water service outside of their boundaries to customers in the County.

8. The Board has conducted a duly-noticed and advertised public hearing on this proposed ordinance today, December 6, 2011. After considering the public comments, Supervisor Smyth stated her belief that the proposed ordinance is necessary to protect the interests of the citizens and businesses of Fairfax County and that it will ensure that the rates charged for water service are fair and reasonable. The ordinance also provides for a fair mechanism to enable a municipality to submit its rates, fees, and charges, for review so that it may recover all reasonable costs necessary to provide water service to Fairfax County customers. The ordinance simply requires that such municipalities justify those charges.
9. It is also appropriate for the Board to exercise its statutory powers to establish exclusive water service areas in Fairfax County and to require that new development and redevelopment, occurring entirely outside of the boundaries of any city or town in Fairfax County, connect to Fairfax Water's system unless a valid, utility-related reason prevents Fairfax Water from providing service. The CPC emphasized that this is a "key and essential safeguard." It will ensure that high-growth areas are served by the best and most robust water system available, which supplies superior water quality at the lowest responsible price, governed by a board appointed by this Board. It will also help ensure that existing Fairfax County residents and business are not required by other municipal water suppliers to subsidize the cost of new growth and development in the Fairfax County through higher water rates.
10. This amendment to the Code of the County of Fairfax, Chapter 65, Article 6, to add Section 65-6-13, shall become effective as stated in the ordinance.
11. The following shall be grandfathered:

Site plans, public improvement plans, grading plans, and subdivision plans (excluding preliminary plats), submitted prior to 12:01 a.m. on December 7, 2011, provided that any such plan obtains final approval no later than close of business on June 8, 2012.
12. The following shall also be grandfathered:

As to properties located within the geographical boundaries of the Tyson's Corner Urban Center, as defined in the adopted Comprehensive Plan, this ordinance shall not apply to existing or

future buildings that, as of December 6, 2011, are or will be located within a development or redevelopment that is on the northeast or southwest corner of the intersection of Interstate 495 and Route 123, and that contains at least 26 acres if north of Route 123, and at least 50 acres, if south of Route 123, irrespective of any further subdivision, provided that public water mains already exist within or are approved to serve such development or redevelopment as of December 6, 2011, and total no (*sic*) more than 1,500 linear feet.

For all of the above reasons, Supervisor Smyth moved that the Board approve the amendment to the Code of the County of Fairfax, Chapter 65, Article 6, to add Section 65-6-13 to establish an exclusive service area and maximum allowable rates, fees, and charges for service in Fairfax County.

Supervisor Foust, Supervisor Gross, and Supervisor Hudgins jointly seconded the motion.

Supervisor Herrity raised a question regarding whether the motion includes the grandfathered language and whether it needs to be added to the Ordinance, with input from Ms. Tianti.

Supervisor Smyth clarified that the motion includes all of the numbered items, including items 11 and 12, which specifically relates to the grandfathering.

Supervisor Smyth amended her motion, as follows:

- Item 12, the end of the sentence, should read as follows: "...and total more than 1,500 linear feet."

This was accepted.

Supervisor Herrity called the Board's attention to the comparison chart, distributed around the dais, regarding the water and sewer rates of the other jurisdictions, and discussion ensued, with input from Mr. Patteson.

With reference to the proposed amendments to the Code of the County of Fairfax, Chapter 65, Section 65-6-13, Supervisor Herrity said that subsection (a) already excludes cities and towns within the territorial limits in Fairfax County, therefore he moved that the following language be inserted at the end of the second to the last sentence in subsection (b), as follows:

"...or to the residents of Fairfax County to whom it provides public water service, as long as such residents of Fairfax County who cannot..."

Chairman Bulova asked Supervisor Herrity to distribute his proposed motion around the dais to allow Board Members to review the proposed text.

(NOTE: Later in the meeting, the Board revisited this motion.)

Discussion ensued, with input from Mr. Patteson, regarding the grandfathering provisions.

Supervisor Herrity moved to amend the motion to revise second to the last sentence in subsection (b), to read as follows:

“This subsection does not apply to any rate, fee, or charge by any city or town for public water service within its territorial limits in Fairfax County, Virginia, or to the residents of Fairfax County to whom it provides public water service, as long as such residents of Fairfax County who cannot participate in the electoral process of such city or town compromise less than 50 percent of the households to which such city or town provides public water service.”

Supervisor Cook seconded the motion.

Following discussion regarding the amendment to the motion, the question was called on the amendment to the motion and it **FAILED** by a recorded vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “NAY,” Supervisor Cook and Supervisor Herrity voting “AYE.”

Discussion ensued, with input from Ms. Tianti and Mr. Patteson, regarding the grandfather provisions date for site plan completion.

With reference to Item Number 11 of the main motion, Supervisor McKay asked to amend the motion to change the date for final approval of plans to close of business on **December 7, 2012**. This was accepted.

Following further discussion regarding the water rates, the question was called on the main motion, as amended, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

48. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:03 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, 2011.

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

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

- Ms. Elissa Myers regarding deer culling in County parks
- Mr. Murry Cohen regarding the County's Deer Management Plan
- Mr. John Hadidian regarding wildlife
- Ms. Kimberley Sisco regarding County deer hunts
- Ms. Vicky Kirby regarding deer management in public parks
- Ms. Gina Lynch regarding opposition to bow hunting
- Mr. Craig Burns regarding archery
- Ms. Michelle Raiszadeh regarding bow hunting in the County
- Ms. Melissa Klein regarding the County's Deer Management Program

Chairman Bulova recognized the presence of Victoria Monroe, Wildlife Biologist, Animal Control, Police Department, in the auditorium.

Supervisor Hyland said that several years ago there was deer overpopulation on Mason Neck in the Mount Vernon District, and there was a rather aggressive program of reducing it.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide information regarding:

- The results of the Mason Neck deer overpopulation program
- Fort Belvoir's Hunting Program, its deer population, and whether the program has been successful

Without objection, it was so ordered.

A brief discussion ensued, with input from Ms. Monroe, regarding the 4-Poster Deer Treatment Station Pilot Study.

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

- Commend today's testimony to staff.
- Continue to search for optional ways of controlling the County's deer population in ways that are humane and effective and keep the Board apprised of things that can be done differently, or in addition to the current program.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

NV:nv

ADDITIONAL BOARD MATTERS

49. **ORDERS OF THE DAY** (6:44 p.m.)

In view of the time, Chairman Bulova urged Board Members to be brief in their presentation of Board Matters.

50. **BOARD RETREAT** (6:45 p.m.)

(NOTE: Earlier in the meeting, the Board noted agenda items for the Board's Retreat. See page 9.)

Chairman Bulova said that she recently met with staff on some preliminary plans for a Board Retreat to kick off the new four year term. Dates that appear to work are Monday, February 6, and Tuesday February 7, 2012 (in lieu of a regularly scheduled Board meeting), from 10 a.m. to 5 p.m.

Tentatively, plans would be for the retreat to take place at the Lorton Arts Workhouse on Route 123. As the Board did in June of 2009, Chairman Bulova said that she would like to have time for each Member of the Board to spend about ten minutes talking about their own Districts regarding issues, opportunities, and challenges, and things that they would like to focus on during this term.

Chairman Bulova said that she welcomed suggestions for other agenda items. She is still working toward arranging for one of these dates to be devoted to a joint meeting with members of the School Board.

Supervisor Hyland volunteered to join with Chairman Bulova in planning participatory activities.

(NOTE: Later in the meeting, the Board added agenda items for the retreat. See Clerk's Summary Item #61.)

51. **PRESCRIPTION DRUG DISCOUNT CARDS AVAILABLE TO ALL RESIDENTS** (6:48 p.m.)

Chairman Bulova explained that over the last year, staff has been working to initiate a no cost prescription drug discount card program for all County residents. The County can offer this card at no cost to taxpayers or card users because the discounts are provided through a partnership with ProAct, Incorporated, a pharmacy benefits management company and participating pharmacies across the County.

Drug Discount Card cards will be mailed to households in areas that have the highest concentration of residents without health insurance. A limited supply of cards will be stationed at pharmacies across the County, and all residents can learn more information or download the cards at www.FairfaxRxDiscountCard.com or by calling 1-877-766-2285.

Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to work with the Department of Neighborhood and Community Services to publicize this information to encourage participation in this opportunity. Without objection, it was so ordered.

52. **PARK AUTHORITY AUTHORIZATION FOR COMPREHENSIVE PLAN AMENDMENT UPDATE** (6:49 p.m.)

With reference to her written Board Matter on the subject, Chairman Bulova noted that the Fairfax County Park Authority has requested authorization of a Comprehensive Plan Amendment to update the Parks and Recreation text, tables, and maps in the Policy Plan and Area Plan volumes.

Accordingly, Chairman Bulova moved that the Board authorize a Comprehensive Plan Amendment for the Park Authority, in collaboration with the Department of Planning and Zoning, Park Authority Board, and the Planning Commission, to update the Parks and Recreation text, tables, and maps in the Policy Plan and Area Plan volumes. This item would come before the Board through the regular public hearing process. Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

53. **COUNTY INVENTORY OF HISTORIC SITES** (6:51 p.m.)

Chairman Bulova stated that during its March 9, 2009, meeting, the Board endorsed the establishment of an annual process to update the Fairfax County

Inventory of Historic Sites in the Comprehensive Plan, as recommended by the History Commission.

Therefore, Chairman Bulova moved that the Board authorize consideration of a Plan amendment for the 2011 Historic Inventory Update as recommended by the History Commission. This update will address the following:

- Update the Inventory tables and maps that appear in Area Plans to include the new sites listed by the History Commission in 2011.
- Make revisions to inventory tables in the Area Plans to reflect changes that have taken place and where more accurate information is now available, such as tax map number changes and collections to dates of building construction.
- Make editorial changes to correct factual information in the Heritage Resources sections of the Area plans, such as removing language directing the study of areas where studies have now been completed.

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

54. **PARTIAL FEE WAIVER AND EXPEDITED PROCESSING FOR TAX MAP NUMBER 40-3 ((1)) PARCEL 82 (DRANESVILLE DISTRICT)**
(6:52 p.m.)

Supervisor Foust said that in 1948, the Burroughs subdivision containing 20 single-family detached homes, all with lot sizes of approximately 20,000 square feet, was created. Tax Map Number 40-3 ((1)) parcel 82, a 40,500 square foot corner lot (the corner lot) that abuts the subdivision was not included in the 1948 subdivision. In 1978, when the current Zoning Ordinance was established, it reclassified the lots of the Burroughs subdivision and much of the surrounding area, including the corner lot, into the R-2 Zoning District.

Supervisor Foust noted that before they purchased, the current owners investigated the zoning and were led to believe that the corner lot could be subdivided through the simple subdivision process. However, under current zoning, a simple subdivision or lot split variance of the corner lot to allow for parcels of similar size to that of its neighbors is not possible. The density would slightly exceed the maximum density allowed in an R-2 District. All other R-2 District requirements can be met. The only recourse for the owners of the corner lot to create lots of similar size as their neighbors is to rezone the property to the R-3 District in accordance with the Comprehensive Plan.

Staff has determined that the rezoning filing fee for this case would be \$27,850. When this fee is compared with the cost to file similar applications that allow for the same result, a simple lot split, the cost is significantly less. For example, a special exception for a lot width waiver and a variance for a lot split each have a filing fee of \$8,180. Given the simplicity of this rezoning effort and the misinformation relied on by the owners, he said that there is good cause to waive a portion of the filing fee.

Therefore, Supervisor Foust moved that the Board waive the portion of the zoning application filing fee that exceeds \$8,180 and expedite the processing of the rezoning application for Tax Map Number 40-3 ((1)) parcel 82 once it has been accepted. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

55. **QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDIT** (6:55 p.m.)

(BACs) Supervisor Foust announced that the Board has received the Office of Financial and Program Audit's (OFPA) Quarterly Report as of November 2011. He highlighted the following study areas addressed in the Auditor's report:

- **Dulles Metrorail Project:** The Auditor continues to monitor the cost and schedule for the Dulles Metrorail Project. The project schedule as presented by Dulles Transit Partners to the Metropolitan Washington Airports Authority (MWAA) has changed from a 188-day lag in July to a 160-day lag in September. The Auditor notes that MWAA continues to disagree with the projected schedule as presented by Dulles Transit Partners, and the official start date for revenue operations has not changed. Regarding the project budget, the Auditor notes that through September the project is considered 53 percent complete with 50 percent of the budget expended. The Auditor continues to closely monitor the contingency and allowance budgets as they encounter significant demands. Overall, Phase I funding obligations for the County have not changed.
- **Sidewalks and Trails Maintenance - Funding Review:** The report offers best practices for sidewalk and trail infrastructure maintenance, including cost estimation and budgeting strategies, community partnerships to provide additional resources, and internal coordination opportunities to increase efficiencies and cost savings. The Auditor will continue working with the Department of Public Works and Environmental Services (DPWES), the Park

Authority, and the Department of Transportation (DOT) to improve and consider these strategies.

- **Telecommunications - Budget Review:** In Fiscal Year (FY) 2011, the telecommunications budget was \$15.7 million, while actual expenditures were \$11.2 million, a positive difference of \$4.5 million. OFPA recommended that the Department of Management and Budget (DMB) review the General Fund budget allocations for operating expenditures during the FY 2013 budget process to ensure that budgeted expenditures are more accurately aligned with actual expenditures. As part of this process, the County should consider reallocating at least \$1.5 million of the telecommunications expenditure budget to support other needed General Fund expenditures.
- **Internal Service Fund Review - Technology Infrastructure:** In FY 2010, the Technology Infrastructure Fund provided a \$4.6 million transfer back to the General Fund. OFPA recommends that the County review the status of the reserves in the Technology Infrastructure Fund to identify additional opportunities to support the General Fund. If the FY 2012 actual ending balance for the Technology Infrastructure Fund is higher than currently projected, the Auditor recommends that the County should consider transferring at least \$1 million back to the General Fund in accordance with financial accounting and reporting standards.
- **Seniors-On-The-Go and Taxi Access Review:** The Seniors On-The-Go and Taxi Access programs were transferred from the DOT to the Department of Neighborhood and Community Services (NCS) in FY 2012. OFPA and NCS have examined the possibility of reducing or eliminating the FY 2010 price increase for Seniors On-The-Go, while remaining within the FY 2012 funding level. At this time NCS has been responsible for the program for less than six months and would like to gain additional program experience and consider options to increase usage of the Seniors On-the-Go program, while reducing usage of the more expensive Dial-A-Ride program. The goal of any price adjustment would be to align the service utilization with the current level of funding provided by the Board. Any price adjustments recommended by NCS will be brought forward as part of the next budget carryover.
- **Fraud Hotline - History and Status:** The Internal Audit Office is currently developing plans, in conjunction with the Office of Public Affairs, to increase the public's awareness of the hotline. These plans will include a strategy for maintaining the public's awareness on a long term basis.

- **Prior Studies Follow-up:** The Audit Report also includes follow-up information on several areas previously reviewed by the Auditor. The Auditor's follow up on prior studies is significant in ensuring that the recommendations approved by the Audit Committee and actions expected by the Board are implemented.
- **Future Study Areas:** For the Board's information, Supervisor Foust provided a listing of the study areas assigned to OFPA from the last Audit Committee meeting

Therefore, Supervisor Foust moved adoption of the November 2011 Quarterly Report of OFPA, including the recommendations set forth therein. Supervisor Smyth seconded the motion and it carried by unanimous vote.

56. **DISCOVERY WOODS LEARNING COMMUNITY (DRANESVILLE DISTRICT)** (7:01 p.m.)

Supervisor Foust's written Board matter indicated that on March 29, 2011, the Board approved Special Exception Application SE 2010-DR-024 in the name of Discovery Woods Learning Community, LLC. The Board's action permits a child care center and private school of general education for 26 students. Since the approval, the applicant has actively pursued obtaining necessary approvals and permits. Because of unforeseen delays, Discovery Woods is requesting that staff simultaneously process its site plan and building permit application so that the facility may open by early next year to accommodate newly-enrolled children.

Therefore, Supervisor Foust moved approval of the concurrent processing for the site plan and building permit application for the Discovery Woods Learning Community which is located at 9224 and 9232 Leesburg Pike and on Tax Map Number 19-4 ((1)) parcels 6 and 11. This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. This action in no way prejudices the substantive review of the application. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

57. **DULLES CENTER LLC PROFFERED CONDITION AMENDMENTS, FINAL DEVELOPMENT PLAN AMENDMENT, AND REZONING APPLICATIONS (DRANESVILLE DISTRICT)** (7:02 p.m.)

Supervisor Foust said that the Dulles Center, LLC is in the process of filing a set of applications proposing to allow the development of Tax Map Parcel 16-3 ((1)) 7A, which is currently owned by the Beacon Hill Missionary Baptist Church. The proposed development would include a new place of worship and retail uses, and would be integrated with the existing Dulles Center commercial development located on Centreville Road at its intersection with Coppermine Road.

The applications include:

- A partial Proffered Condition Amendment Application PCA 2002-HM-035-2 to delete approximately one-half acre of land (currently part of Parcel 7A) from the existing Coppermine Crossing PDH-12 residential development.
- A partial Proffered Condition Amendment and Final Development Plan Amendment Applications PCA/FDPA 2003-HM-004-2 on Tax Map Parcel 16-3 ((1)) 6A to integrate the proposed uses with the existing Dulles Center PDC commercial development.
- A rezoning application (number not yet assigned) of approximately 1.3 acres from the PDH-12 and R-1 Zoning Districts to PDC Zoning District.

Supervisor Foust explained that the definition and structuring of these applications has been the subject of several discussions between the applicant and staff over the course of the last year. The progression of the applications at this time is important to maintaining the construction financing for the project.

Therefore, Supervisor Foust moved that the Board direct staff to expedite the processing of this set of proffered condition amendments, final development plan amendment, and rezoning applications and concurrently process the site plans and building plans for the proposed new development with the processing of the zoning applications. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards, nor does it prejudice in any way the Board's consideration of the proposed applications. Supervisor McKay seconded the motion and it carried by unanimous vote.

58. **CREATION OF "RESPECT THE SPACE" PROGRAM** (7:05 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor Foust pointed out that vehicles are often parked illegally in handicapped spaces. This problem is particularly severe during the holiday season when busy and stressed shoppers are tempted to occupy a reserved accessible space, thereby denying the space to someone who legally has a right to it. Parking in a handicapped space is not a victimless crime. It is the responsibility of all to keep these spaces open for the disabled members of the community.

Supervisor Foust noted that Montgomery County, Maryland recently launched *Respect the Space*, an education and enforcement initiative that is a cooperative effort among the Police Department, the Departments of Transportation and

Permitting Services, the Commission on People with Disabilities, and the Maryland Motor Vehicle Administration (MMVA).

The campaign's five-point program includes:

1. An educational campaign to inform the public about the serious problem of disabled parking space violations and abuse.
2. A comprehensive survey, conducted by volunteers, of parking lots and garages in the County, including County-owned and operated parking lots, to confirm their compliance with the ADA-mandated space and signage standards.
3. Notification to parking lot owners who are not in compliance with those standards.
4. More aggressive enforcement of those space and signage requirements by the County's Office of Permitting Services.
5. Increased enforcement by County police in partnership with MMVA of the proper and legal use of parking placards, disabled license plates, and accessible spaces.

Supervisor Foust distributed two related campaign fliers to the Board.

Therefore, Supervisor Foust and Supervisor Hudgins jointly moved that the Board:

- Direct staff to report on how the County can implement its own program that will help keep reserved accessible spaces available for those people who have a legal right to them.
- Direct the Office of Public Affairs to immediately disseminate information on the importance of keeping handicapped parking spaces open for those who need them and the penalties for not doing so.

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

59. **REQUEST FOR RECOGNITION OF PHYLLIS PEARCE, RETIRING FIELD HOCKEY COACH AT HERNDON HIGH SCHOOL (DRANESVILLE DISTRICT)** (7:07 p.m.)

Supervisor Foust recognized Phyllis Pearce, who has announced her retirement after 21 years as the Herndon High School field hockey coach. He referred to his written Board Matter, which outlined Ms. Pearce's many accomplishments.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Ms. Pearce and representatives from Herndon High School to appear before the Board on January 10, 2012, to be recognized for her gifts of time, talent, and knowledge to hundreds of girls for more than two decades. Without objection, it was so ordered.

60. **HIGH SCHOOL FOOTBALL CHAMPIONSHIPS (MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)** (7:08 p.m.)

Supervisor Herrity asked that the Board join with Supervisor Frey and Supervisor Hyland in wishing the South County Secondary School and Centreville High School football teams good luck in the State Football Championships this Saturday.

61. **I-95/395 HIGH OCCUPANCY TOLL (HOT) LANES AGREEMENT ANNOUNCED** (7:08 p.m.)

Supervisor Herrity said that today Governor McDonnell announced that the Virginia Department of Transportation and Fluor-Transurban have reached an agreement on the I-95/395 HOT lanes project. He outlined some specifics of the project. Following a brief discussion, he noted that the public portion of the funding is \$97 million in a project of nearly \$1 billion.

62. **DISCUSSION ON WAYS TO ACCELERATE SCHOOL RENOVATIONS AT THE JOINT BOARD OF SUPERVISORS AND SCHOOL BOARD RETREAT** (7:10 p.m.)

(NOTE: Earlier in the meeting, the Board scheduled a retreat. See Clerk's Summary Item #50.)

Supervisor Herrity reported that on Thursday, December 1, he and Supervisor Cook, as well as some School Board Members-elect, met with members of the West Springfield High School community and the new principal to discuss ways to accelerate school renovation and construction.

Therefore, Supervisor Herrity asked unanimous consent that the Board add to the agenda ideas and opportunities to accelerate the pace of school construction and renovation for the joint Board of Supervisors and School Board retreat. Without objection, it was so ordered.

63. **THE REMOVAL OF SIGNS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHTS-OF-WAY** (7:11 p.m.)

In a joint Board Matter with Supervisor Smyth, Supervisor Herrity said that the recently completed election cycle saw 99 candidates run for office in the County, and with them many thousands of campaign signs joined the bright yellow "Junk B Gone" and other advertising signs that litter County median strips and

roadways. With reference to his written Board Matter, he noted four compelling reasons for the Board to take action:

- Placing signs in VDOT rights-of-way is an illegal activity.
- Fairfax County is the only county in the state that has an onerous restriction placed upon it.
- Signs in the median can be dangerous, obstruct sight distance, and distract drivers. It is also dangerous for the campaign workers who erect the signs in the middle of the road.
- Cost to VDOT and the County.

Supervisor Herrity said that County residents deserve an end to the popsicle sign blight. He stated his belief that with a two or three year focused effort and minimal investment, the Board can rid County communities of illegal road signs for good.

Therefore, jointly with Supervisor Smyth, Supervisor Herrity moved that the Board:

- Support legislation that would remove from the Virginia Code all restrictions that apply only to Fairfax County with respect to the removal of signs from VDOT rights-of-way.
- Direct the County Executive to develop and present to the Board options for the removal of signs from the right-of-way including leveraging the use existing staff, part time resources, VDOT and organizations or groups that currently remove signs - the Town of Herndon, Reston, Fair Lakes League, Burke Center Conservancy and Adopt a Highway groups, to name a few. Each option should contain an estimate of cost and the potential reduction in cost over a three-year period.
- Direct the County Attorney to draft an agreement between the Board and the Commonwealth Transportation Commissioner for consideration and approval by the Board at a public hearing that would authorize the Board to remove all signs from VDOT rights-of-way.

Supervisor Smyth seconded the motion.

Supervisor Gross asked to amend the motion to add a fourth bullet to direct staff to research the opportunities for the sign bond, currently \$100 for campaign signs, to be increased to \$1000, and this was accepted.

Discussion ensued about the restriction that applies to the County regarding a three-day rule for the removal of political signs after an election, with input from David P. Bobzien, County Attorney.

Discussion ensued regarding realtor signs, community event signs, and other restrictions applying only to the County, with input from R. Scott Wynn, Deputy County Attorney.

Further discussion ensued regarding limitations on the size of signs and the length of time that signs are posted, signs in the median as a State responsibility, and County limitations on the removal of illegal signs in the medians, with input from Mr. Bobzien.

Supervisor Smyth asked to amend the motion to insert the word “political” before the word “signs” in the first bullet, and this was accepted.

Additional discussion ensued regarding the Zoning Ordinance and the size of signs, enforcement, and fines, with input from Mr. Wynn.

Supervisor Herrity asked to amend the motion to:

- Keep the first bullet as amended for political signs.
- With reference to the second and third bullets, to direct the County Executive to provide options at a meeting of the Board’s Development Process Committee for further discussion.
- Retain the fourth bullet.

This was accepted.

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

64.

PRESERVED PARKING SPACES AT LIBRARIES AND OTHER COUNTY FACILITIES FOR FUEL EFFICIENT AND CARPOOL VEHICLES (7:32 p.m.)

In a joint written Board Matter with Supervisor Gross, Supervisor Smyth said that in 2008, the Board adopted a Policy requiring that all new construction, additions, and renovations of County facilities with an occupied area exceeding 10,000 square feet achieve the Leadership in Energy and Environmental Design (LEED®) certification at the Silver level and that all new construction, additions, and renovations with an occupied area between 2,500 and 10,000 square feet meet Silver level standards, if practicable. That Board Policy included a provision allowing for exemptions for projects that cannot practically meet LEED achievement goals due to extenuating circumstances.

To meet LEED certification standards at the Silver level, the developer of a project must choose to meet several of the options delineated by the US Green Building Council, with each option being accorded a specific number of points. One way to obtain LEED points on County projects is to erect signs designating a certain number of preferred parking spaces in County parking lots for fuel efficient and/or carpool vehicles. More specifically, under the LEED standards, a project can receive points for providing reserved parking for “low-emitting and fuel-efficient vehicles,” which are defined as vehicles that are either classified as Zero Emission Vehicles (ZEV) by the California Air Resources Board or have achieved a minimum green score of 40 on the American Council for an Energy Efficient Economy (ACEEE) annual vehicle rating guide.

There are no fixed statutory definitions for the number of vehicle passengers necessary to constitute a carpool, and LEED does not define a carpool. Also, there are a great many vehicles now included on the annual list of vehicles that meet the ACEEE minimum green score of 40. That list of vehicles grows each year. Meanwhile, LEED now does not require any formal enforcement of these parking restrictions once these signs have been erected. In short, some County projects are meeting the LEED Silver standard by erecting reserved parking for carpools and fuel efficient vehicles, and those spaces are enforced, if at all, only by the honor system. Unfortunately, that ambiguity and lack of enforcement are causing confusion and complaints from some citizens who seek to park at County facilities, notably the Thomas Jefferson Library.

Accordingly, Supervisor Gross and Supervisor Smyth jointly moved that the Board direct the County Executive to determine if there are options available that would permit the County to maintain the LEED certifications at existing facilities if the County were to remove the confusing signage and if there are other options that can be used in the future for the initial design and construction of County facilities. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Gross noted that she had photos of the library parking lot signage that she could share.

65. **REQUEST FOR THE PLANNING COMMISSION (PC) TO EVALUATE DISTRIBUTED ANTENNA SYSTEM APPLICATIONS AS A FEATURE SHOWN** (7:33 p.m.)

As described in his written Board Matter, Supervisor Hyland noted that sometimes when telecommunication companies file applications to build facilities near residential communities, the issue divides the neighborhood between those who want improved reception and those who oppose the towers. The Mount Vernon Council, recognizing the disharmony inherent in these applications, formed a new committee to find new ways to improve wireless service without dividing neighborhoods. Recently the Council endorsed a resolution encouraging

the implementation of Distributed Antenna Systems (DAS), or similar technologies, which can increase coverage and improve reception through the installation of antennas on top of existing vertical structures, like utility poles.

Therefore, Supervisor Hyland moved that the Board:

- Authorize an Out-of-Turn Plan Amendment to the County's Policy Plan to make DAS a feature shown if it meets certain design and location criteria.
- Direct the PC to evaluate and recommend various standards for DAS in the County.

Chairman Bulova seconded the motion.

Supervisor Smyth asked to amend the motion to direct the PC to evaluate and recommend various standards for DAS before being presented as a feature shown, and this was accepted.

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

66. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING OF MANSION HOUSE YACHT CLUB'S SPECIAL PERMIT APPLICATION (MOUNT VERNON DISTRICT)** (7:35 p.m.)

With reference to his written Board Matter on the subject, Supervisor Hyland moved that the Board grant expedited and concurrent processing for the Mansion House Yacht Club's Special Permit application. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

67. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING OF LITTLE HUNTING PARK'S SPECIAL PERMIT APPLICATION (MOUNT VERNON DISTRICT)** (7:36 p.m.)

With reference to his written Board Matter, Supervisor Hyland moved that the Board grant expedited and concurrent processing for the Little Hunting Park Pool and Tennis Club's special permit application to replace its bathhouse. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

68. **LORTON-LAUREL CREST CONNECTOR ROAD (MOUNT VERNON DISTRICT)** (7:36 p.m.)

Supervisor Hyland said that good planning sense to include a planned connection road between Lorton Road and Laurel Crest Drive. It was envisioned that redevelopment in the area would constitute justification to build the roadway. However, with the construction of Laurel Hill, Spring Hill, and the adjacent Park Authority properties; the need and therefore funding of the proposed connector never materialized. Staff, as part of an upcoming bond initiative, included funding for the roadway knowing that funding mechanisms for transportation improvements only come around once a year.

However, after some consideration, neither the Park Authority, South County Federation, Spring Hill Association, nor staff in the Department of Planning and Zoning, believe the road is necessary. The Park Authority would rather fund park and recreational field improvements.

Since the roadway is not necessary for capacity or supported by the community, Supervisor Hyland moved that the Board authorize an Out-of-Turn Plan Amendment to remove the language in the Comprehensive Plan referencing a connector road in Area IV, LP-1 Laurel Hill on Figure 13, page 32 and the second bullet point on page 34.

Supervisor McKay seconded the motion.

Chairman Bulova noted that this item will proceed through the regular process before returning to the Board.

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

69. **REQUEST FOR AN OUT-OF-TURN PLAN AMENDMENT FOR RESIDENTIAL PROPERTIES ALONG CEDAR ROAD (MOUNT VERNON DISTRICT)** (7:38 p.m.)

Supervisor Hyland said that last week, a constituent called him to seek help with her nonconforming use problem. Her family lives in a 1,200 square foot home, originally built in 1952. Since the adoption of the current Zoning Ordinance, it appears that her home, as well as three others at the intersection of Cooper Road and Cedar Road have been zoned C-8, highway commercial, while adjacent properties are zoned R-2 to the southwest and R-3 cluster to the northeast. The Comprehensive Plan calls for commercial development on these properties as part of the Woodlawn Community Business Center (CBC).

Therefore, Supervisor Hyland moved that the Board authorize an Out-of-Turn Plan Amendment for the properties located at 5202 and 5108 Cedar Road as well as 8804, 8805, and 8809 Cooper Road to permit the rezoning from

commercial to residential. Supervisor McKay seconded the motion, and it carried by a vote of nine, Supervisor Frey being out of the room.

PMH:pmh

70. **EXEMPLARY STAFF RECOGNITION** (7:39 p.m.)

Supervisor Hudgins said that she and Chairman Bulova had received notice from a constituent regarding services the family received from several County employees in facilitating a family member who had died.

Supervisor Hudgins asked unanimous consent that recognition of the efforts of the following individuals be noted in their personnel records:

- Matthew G. Barkley, Director of the Disability Planning and Development Unit
- Barbara Antley, Director, Aging and Disability Services
- Mr. Carl Varner, Department of Family Services (DFS)
- Ms. Jill Clark, DFS

Without objection, it was so ordered.

Supervisor Hudgins expressed her appreciation to those employees for their exemplary service.

71. **TWENTY-FIFTH ANNIVERSARY FOR REVEREND DR. KENNY SMITH (HUNTER MILL DISTRICT)** (7:40 p.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a resolution to include her signature with the Chairman's to be presented to Dr. Kenny Smith at his twenty-fifth anniversary banquet on Sunday, December 11. Without objection, it was so ordered.

72. **CELEBRATION OF THE HOLIDAYS IN HUNTER MILL DISTRICT** (7:40 p.m.)

Supervisor Hudgins invited everyone to join her for a celebration of the holidays in her office in the Hunter Mill District on December 14 from 4:30 p.m. until 6:30 p.m.

73. **REVITALIZATION DISTRICTS (MASON DISTRICT)** (7:40 p.m.)

Supervisor Gross said that Mason District has three revitalization areas: Annandale, Bailey's Crossroads, and Seven Corners. The improving economic

environment has recently led to an increase of interest of private investment in commercial properties in these districts. As staff continues to receive development inquiries and proposals for properties within the designated revitalization areas, greater coordination and communication must occur between County agencies to evaluate such proposals. For instance, a series of zoning interpretations and confirmations had exchanged between staff and the applicant regarding a property in the core business area of Annandale without collaboration with other agencies, notably the Office of Community Revitalization and Reinvestment. Identifying potential development opportunities early through the acceptance of zoning confirmation and interpretation requests, and building permit applications is vital for information sharing that is helpful for both staff and the applicants in approaching development that is harmonious with the goals of the revitalization area.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to explore solutions to increase coordination in responding to any inquiry in the County designated revitalization districts. Without objection, it was so ordered.

74. **BUS SHELTER ADVERTISING AND MAINTENANCE PROGRAM**
(7:42 p.m.)

Supervisor Gross said that it has come to her attention that through the Board's efforts to improve public transportation facilities throughout the County, it has overlooked and failed to improve on the facilities that are currently in existence, and is reducing the level of service at many bus shelters. The recently implemented Bus Shelter Advertising and Maintenance Program has the goal of providing the County with expanded and improved bus shelters through the implementation of advertisements on the side wall of the shelter. The funding captured through this program expands the maintenance program and provides for new shelters; however, the shelters must meet the design standards of the vendor. Signal Outdoor Advertising One design requirement of the shelters is that the advertisement must be visible to traffic traveling in both directions. The ads are located on one side panel, and to achieve this line of sight requirement, the front panel of the shelter that serves as a windbreak must be removed. With the cold, winter months approaching, the loss of the front panel protection is unacceptable to many Mason District constituents.

Therefore, Supervisor Gross moved that the Board direct the Department of Transportation to re-evaluate the shelter designs to be used for advertising shelters, and reinstate the front panels of existing shelters. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

75. **AUTHORIZATION OF COMPREHENSIVE PLAN AMENDMENT, FILING OF REZONING AND CONCURRENT PROCESSING AND WAIVING OF THE APPLICATION FEE FOR THE LAUREL HILL ADAPTIVE REUSE AREA (MOUNT VERNON DISTRICT)** (7:44 p.m.)

Supervisor Hyland referred to his written Board Matter regarding the Laurel Hill Adaptive Reuse Area and moved that the Board:

- Authorize a Comprehensive Plan Amendment for the Laurel Hill Adaptive Reuse Area, identified as Tax Map Number 107-1 ((1)) 9, to generally incorporate the Board-adopted Master Plan for the site.
- Concur in the concurrent filing of the necessary land development applications on the Laurel Hill Adaptive Reuse Area property in the name of The Alexander Company, Elm Street Development, or their affiliates.
- Authorize the County Executive to execute any necessary proffers on behalf of the Board.
- Direct the Director of the Department of Public Works and Environmental Services to concurrently process the site plan and other engineering applications associated with this application.
- Authorize expedited processing of each land development application.
- Authorize the waiving of the rezoning application fee.

This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

76. **REZONING APPLICATION RZ 2011-SU-024/SPECIAL EXCEPTION APPLICATION SE 2011-SU-009 - POHANKA STONECROFT LLC PUBLIC HEARING AND CONCURRENT PROCESSING (SULLY DISTRICT)** (7:46 p.m.)

On behalf of Supervisor Frey, Supervisor Cook moved that the Board direct staff to schedule a public hearing on Rezoning Application for RZ 2011-SU-024 and Special Exception Application SE 2011-SU-009 to be held before the Board following the January 26, 2012, Planning Commission meeting and that the corresponding site plan be reviewed concurrently with the zoning applications.

The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

77. **CHIEF OF STAFF FOR BRADDOCK DISTRICT** (7:47 p.m.)

Supervisor Cook recognized his Chief of Staff, Ryan Kelly, and noted that this is his last Board meeting. He added that he is relocating to Richmond, VA, and wished him well.

Supervisor Cook introduced his new Chief of Staff, Kiel Stone who will begin in January.

78. **MAINTENANCE OF COUNTY INFRASTRUCTURE** (7:49 p.m.)

In a joint Board Matter with Supervisor Smyth, Supervisor Cook said that the Board will consider possible new initiatives under the Capital Improvement Program (CIP). However, there is a need to consider maintenance needs as part of the evaluation of proposals to build new infrastructure.

The Maintenance and Stormwater Management Division (MSMD) of the Department of Public Works and Environmental Services (DPWES) has a number of business areas for which it is responsible. MSMD maintains over 640 miles of trails and sidewalks, 50 road segments, 17 miles of service drives, 400 segments of stub streets, and a stormwater conveyance system worth over a billion dollars. MSMD also maintains a number of park-and-ride lots and is responsible for enhanced maintenance in Community Revitalization Districts. The Park Authority is responsible for another 310 miles of trails, many of which suffered catastrophic damage during Tropical Storm Lee. New requirements, with which the County has agreed to comply under the Americans with Disabilities Act, will further impact the maintenance budgets for both these Agencies

Similarly, the Facilities Management Department (FMD) has increased the square footage for which it is responsible to over 9 million square feet today. Of that, 40 percent is over 30 years old. Based on the age of County facilities, the Board has been told that an estimated \$22-25 million would be required annually for capital renewal or reinvestment in building subsystems. In recent years, the Board has been able to fund only Category "F" work, that which is considered urgent/safety related or endangering life and or property.

Although Capital Funding continues to be used to add miles of new trails, sidewalks and bike lanes, bus stops, and stormwater management facilities and buildings, Supervisor Cook expressed concern that the County may not be fully prepared to address adequate maintenance needs of what it already owns. He noted that deferred maintenance only increases the ultimate cost of a repair.

Therefore, Supervisor Cook and Supervisor Smyth asked unanimous consent that the Board direct the County Executive:

- Provide a detailed report on the current needs of both MSMD and FMD.
- Provide an assessment or outline of how the County is prepared to meet those needs.
- Schedule these matters for discussion at an upcoming meeting of the Board's Budget Committee along with the review of the CIP.

Supervisor Gross asked to amend the request to include presenting the issue to the Environment Committee, and this was accepted.

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

79. **ANNOUNCING A TOWN HALL MEETING TO SOLICIT PUBLIC INPUT ON THE HIRING OF A NEW COUNTY EXECUTIVE (BRADDOCK DISTRICT)** (7:52 p.m.)

Supervisor Cook announced that he would be holding a Town Hall meeting on Monday, January 9, 2012, from 7:30 p.m. until 9 p.m. in the Kings Park Library meeting room to solicit input for the hiring of a new County Executive.

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

80. **HONORING MS. SUZANNE HARSEL FOR HER CONTRIBUTIONS TO THE COUNTY (BRADDOCK DISTRICT)** (7:53 p.m.)

(BACs) In a joint Board Matter with Chairman Bulova, Supervisor Cook referred to his written Board Matter outlining Ms. Suzanne Harsel's many accomplishments and contributions to the County, including her years as the Braddock District Planning Commissioner.

Therefore, Supervisor Cook moved that the Board:

- Designate January 10, 2012, as "*Suzanne Harsel Day*" in Braddock District.
- Direct staff to invite Ms. Harsel to appear before the Board on that day to be recognized and thanked for her years of service to the County and Braddock District.

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

81. **HONORING MR. ROBERT REXRODE FOR HIS CONTRIBUTIONS TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM** (7:54 p.m.)

(BACs) Supervisor Cook referred to his written Board Matter outlining Mr. Robert Rexrode's contributions to the Fairfax-Falls Church Community Policy and Management Team.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to prepare a certificate to be presented to Mr. Rexrode to recognize him for his years of service to the Fairfax-Falls Church Community Policy and Management Team. Without objection, it was so ordered.

82. **PUBLIC SAFETY HEADQUARTERS - AUTHORIZATION FOR CONCURRENT AND EXPEDITED PROCESSING (BRADDOCK DISTRICT)** (7:55 p.m.)

Supervisor Cook said that the new Public Safety Headquarters project is proposed to be located on the B1 site at the Government Center Campus, Tax Map Number 56-1((15))6.

Therefore, Supervisor Cook moved that the Board:

- Authorize and concur in the filings of all necessary Board's own motion zoning applications, including the determination under Section 15.2-2232 of the Code of Virginia.
- Designate staff from the Department of Public Works and Environmental Services (DPWES) to act on behalf of the Board as its representative agent to file and process these applications with the Department of Planning and Zoning (DPZ) as soon as possible.
- Authorize the County Executive to execute any proffers that may be required with such applications.
- Direct the Director of the Zoning Evaluation Division to expedite processing of these applications and schedule public hearings to be held before the Planning Commission and the Board.
- Direct the Director of DPWES to concurrently process any related site plans.

This motion should not be construed as a favorable recommendation on the applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications.

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

83. **ELEVEN OAKS OUT-OF-TURN PLAN AMENDMENT (BRADDOCK DISTRICT)** (7:57 p.m.)

Supervisor Cook said on June 21 the Board authorized his request for an Out-of-Turn Plan Amendment for the Eleven Oaks School site located at 10515 School Street and in doing so the Board directed staff to initiate the re-planning process for this parcel. Staff has determined that it will also be necessary to update other language to reflect the construction of the Fairfax Gateway Townhouse Community immediately to the west. Staff also believes it would be appropriate to update the transportation recommendations for the area.

Therefore, Supervisor Cook moved that the Board direct staff, as part of the Eleven Oaks Out-of-Turn Plan Amendment, to also modify the Comprehensive Plan text to reflect previous land use recommendations for Fairfax Gateway and its parcel identification and update the transportation Plan text for this Planning Sector. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

84. **MIDLAND ROAD, LLC AND THE RIDGEWOOD COMMERCIAL PROPERTIES OWNERS ASSOCIATION (BRADDOCK DISTRICT)** (7:58 p.m.)

Supervisor Cook said that Midland Road, LLC and the Ridgewood Commercial Properties Owners Association have been working for three years on a Comprehensive Plan Amendment and rezoning for two parcels of land at the intersection of Government Center Parkway and Ridge Stop Road. Rezoning Application/Final Development Plan Applications RZ/FDP 2011-BR-014 and Proffered Condition Amendment Application PCA 2005-SP-019 have been redesigned to address concerns previously raised by staff.

Therefore, Supervisor Cook moved that the Board direct staff to schedule a public hearing to be held before the Board on Rezoning Application/Final Development Plan Applications RZ/FDP 2011-BR-014 and Proffered Condition Amendment Application PCA 2005-SP-019 for February 2012. This motion should not be construed as a favorable recommendation on the applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

85. **WAIVER OF FEES FOR PERMITS ASSOCIATED WITH FLEA MARKETS BY THE SPRINGFIELD-FRANCONIA HOST LIONS CLUB CHARITIES, INCORPORATED (MASON DISTRICT)** (7:59 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor McKay said 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. He said that the Springfield-Franconia Host Lions Club Charities, Incorporated recently contacted him to express appreciation for the Board's help in the past and to ask that it support a waiver again this year.

Therefore, Supervisor McKay moved that the Board waive the application fees for 21-day permits associated with the Springfield Host Lions Club Charities 2012 flea markets. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

86. **COMMUTER TAX BENEFIT** (8 p.m.)

Supervisor McKay said that the American Recovery and Reinvestment Act of 2009 included a provision that temporarily increased the monthly tax exclusion amount for employer-provided commuter transit benefits from \$120 to \$230 per month, which was equal to tax-free parking benefits already available to commuters who drive. Both employees and their employers see a reduction in their tax liability because of this provision.

The transit benefit increase is set to expire on December 31, 2011. At that time, the transit benefit will drop to \$125. At the same time, the parking benefit will increase to \$240 due to inflation.

Supervisor McKay noted that legislation that would require parity between transit and parking benefits, entitled the Commuter Benefits Equity Act, has been introduced in both the Senate and House of Representatives and Congressmen Gerald Connolly and James Moran are both co-sponsors of the legislation. However, neither bill has been considered by their respective chambers.

Therefore, Supervisor McKay moved that the Board approve sending the letter as attached to his written Board Matter to the County's Federal delegation requesting that it work to pass legislation to extend the higher commuter tax benefit and to support the legislation creating permanent parity. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Herrity being out of the room.

87. **REQUEST FOR RECOGNITION FOR THE OWNERS OF STONEY BROOK APARTMENTS (LEE DISTRICT)** (8:01 p.m.)

Supervisor McKay said that the Stoney Brook Apartments have recently been totally renovated.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite the owners of the Stoney Brook Apartments to appear before the Board at its January 10, 2012, meeting to be recognized for all the green improvements and other community upgrades they made to the Buckman Road neighborhood. Without objection, it was so ordered.

88. **BOARD ADJOURNMENT** (8:03 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	3-6
Board Adoption of the 2102 Legislative Program for the Virginia General Assembly	6-7
Presentation of the Environmental Quality Advisory Council Annual Report	7
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	8-14
Items Presented by the County Executive	
Administrative Items	14-24
Action Items	24-31
Information Items	31-33
Board Matters	
Chairman Bulova	52-54, 70
Supervisor Cook	69-72
Supervisor Foust	54-60
Supervisor Frey	68-69
Supervisor Gross	2, 62-63, 66-67, 73
Supervisor Herrity	60-62
Supervisor Hudgins	2, 33, 58-59, 66
Supervisor Hyland	2, 63-66, 68
Supervisor McKay	73-74
Supervisor Smyth	60-63, 69-70
Actions from Closed Session	40-42
Public Hearings	43-52