



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 1, 2012**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, May 1, 2012, at 9:36 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 Edward L. Long, Jr., County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTER

1. **MOMENT OF SILENCE AND WELCOMING OF THE NEW COUNTY EXECUTIVE** (9:36 a.m.)

Chairman Bulova welcomed Edward L. Long, Jr., to his first meeting as County Executive.

AGENDA ITEMS

2. **RESOLUTION OF RECOGNITION PRESENTED TO MR. DAVID MADDEN** (9:38 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to David Madden, founder of the National History Bee and the National History Bowl, for initiating these national academic competitions for high school students in grades 9-12. Supervisor Cook and Supervisor Foust jointly seconded the motion and it carried by unanimous vote.

Chairman Bulova recognized the presence of Barry Biggar, Chief Executive Office, Visit Fairfax.

Mr. Madden informed the Board that the number of participants in the Bee and the Bowl had doubled from last year and noted that Jeffrey Leidenheimer, a student at George Marshall High School in Providence District, is the national runner-up in the junior varsity National History Bee. Supervisor Hyland added that Mr. Madden is a former 19-day "Jeopardy" champion who has used part of his winnings to support this project.

Following a discussion on the appreciation of history, Chairman Bulova noted the presence in the auditorium of Cora Foley, Representative, Fairfax County History Museum Subcommittees, and reminded the Board of its joint work on a history book of Asian-Americans who came to the United States and made the County their home.

3. **RESOLUTION OF RECOGNITION PRESENTED TO THE ENGINEERS AND SURVEYORS INSTITUTE** (9:49 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to the Engineers and Surveyors Institute for its twenty-fifth anniversary of serving the community through its partnership with the County. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

4. **PROCLAMATION DESIGNATING MAY 13-19, 2012, AS "POLICE WEEK" AND MAY 15, 2012, AS "PEACE OFFICERS MEMORIAL DAY" IN FAIRFAX COUNTY** (10 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate May 13-19, 2012, as "*Police Week*" and May 15, 2012, as "*Peace Officers Memorial Day*" in Fairfax County. The motion was seconded unanimously.

Supervisor Frey, noting the County memorial to its fallen officers at the public safety complex at the Old Massey Building and that a new complex is scheduled to be built across the street, asked unanimous consent that the Board direct the County Executive to provide information concerning:

- The steps being taken to incorporate the memorial into the new building
- The design concepts being considered
- How the design process is being undertaken

Without objection, it was so ordered.

Chairman Bulova, noting the beautiful location of the current memorial, replete with roses and other vegetation, recognized Mrs. Tommy Bernal, a former County employee and widow of a fallen officer, and thanked her for her presence today and the sacrifice she has made to the County.

Supervisor Gross asked unanimous consent that the Board direct staff to relocate the rose bushes to the new memorial. Without objection, it was so ordered.

Supervisor Gross thanked David Rohrer, Chief, Police Department, for his leadership and trust in the Board for budget actions it will take concerning Department longevity and merit.

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

Chief Rohr announced that the Board is invited to the memorial ceremony on May 15 at 1:30 p.m. in the rose garden, and that on May 13 there will also be a gathering in Washington, DC, for the candlelight vigil that will mark the ceremony to commemorate names on the walls of the National Law Enforcement Officers Memorial.

Chief Rohr noted the police officers and sheriff's deputies whose memories will be honored:

- Deputy Sheriff George A. Malcolm who was killed in 1905
- Police Officer Karen Bassford

- Captain Tommy Bernal
- Master Police Officer Michael E. Garbarino
- Detective Vicky O. Armel
- Second Lieutenant Francis “Frank” J. Stecco
- Special Police Officer Hendrik “Sandy” Gideonse

Supervisor Frey requested information concerning the Unity Tour and asked unanimous consent that the Board direct staff to publicize the tour route. Without objection, it was so ordered.

Chief Rohr announced that the tour will ride through the County on Saturday, May 12, and will be at the Public Safety and Transportation Operations Center (PSTOC) at approximately 10:15 a.m. In addition, another chapter of the tour will arrive at the Mount Vernon station sometime that morning as well.

5. **PROCLAMATION DESIGNATING MAY 2012 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2012 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY 2012 AS "PARENTS WHO HOST, LOSE THE MOST MONTH" IN FAIRFAX COUNTY** (10:26 a.m.)

Supervisor McKay moved approval of the Proclamation to designate May 2012 as "*Parents Who Host, Lose the Most Month*" in Fairfax County. This is a campaign run by the Unified Prevention Coalition of the County, an independent nonprofit organization with more than 50 collaborative partners, including schools, County agencies, community groups and residents which is in its sixth year. Supervisor Foust seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 2012 AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (10:38 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2012 as "*Older Americans Month*" in Fairfax County. Supervisor Gross and Supervisor McKay jointly seconded the motion.

Supervisor McKay noted that because of the hard work of former Lee District Supervisor Dana Kauffman and the County's 50+ Plan, the County has been able to keep ahead of the coming age wave. He added that the Board is in the process of redesigning that plan based on assessments of the County's capabilities and needs.

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

8. **PROCLAMATION DESIGNATING MAY 2012 AS "ASIAN PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:53 a.m.)

Supervisor Cook moved approval of the Proclamation to designate May 2012 as "*Asian Pacific American Heritage Month*" in Fairfax County. Supervisor Foust, Supervisor Gross, and Supervisor Hyland jointly seconded the motion.

Chairman Bulova recognized Ms. Terry Sam and Ms. Cora Foley for their participation in the Asian-American History project. She also announced that there will be more celebrations of the Korean Bell Garden at Meadowlark Gardens, which is the only one of its kind on the eastern coast.

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

9. **PROCLAMATION DESIGNATING MAY 2012 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (11:05 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2012 as "*Lyme Disease Awareness Month*" in Fairfax County. The motion was multiply seconded.

Supervisor Herrity asked unanimous consent that the Board direct staff to educate the County's medical and health care professionals because the test is only 50 percent accurate and a rash only appears at the same percentage. Without objection, it was so ordered.

Supervisor Herrity noted that the County has been able to fund a pilot for the 4-Poster Deer Bait Station study and added that he will be asking the Board to take the next step and roll the program out Countywide.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **PROCLAMATION DESIGNATING MAY 6-12, 2012, AS "NURSES WEEK" IN FAIRFAX COUNTY** (11:19 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 6-12, 2012, as "*Nurses Week*" in Fairfax County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Following remarks by Ms. Kay Larmer, a retired long-term care nurse and former County employee, she introduced Gail Zukosky, Public Health Nurse II, Health Department, who has been named:

- The County's Nurse-of-the-Year
- Northern Region Nurse-of-the-Year (Virginia Department of Health)

Ms. Larmer noted that Ms. Zukosky is also being considered for the Virginia Nurse-of-the-Year honor.

11. **PROCLAMATION DESIGNATING MAY 15–21, 2012, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (11:32 a.m.)

Supervisor McKay moved approval of the Proclamation to designate May 15-21, 2012, as "*Public Works Week*" in Fairfax County. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

PMH:pmh

12. **10:30 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2013 BUDGET PLAN** (11:43 a.m.)

(Rs)(FPR) **Real Property Tax Rate**

Having provided public notice and a public hearing in accordance with Virginia Code §58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code §58.1-3321 to support the FY 2013 Adopted Budget, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board set the real property tax rate at **\$1.075** per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2012 will be increased by \$0.005 from the present rate of \$1.07 per \$100 of assessed value.

In addition, the Board approves the advertised changes to Sewer service and base charges and the Stormwater Services District rate of \$0.02 per \$100 of assessed value.

Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "**AYE**," Supervisor Cook and Supervisor Herrity voting "**NAY**."

Approval of the FY 2013 Tax Rate Resolution

Having established the real property tax rate at \$1.075 per \$100 of assessed value, Chairman Bulova moved that the Board approve the FY 2013 Tax Rate Resolution adopting tax rates for Fairfax County, as detailed in Attachment II of the Board Agenda dated April 30, 2012. Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook and Supervisor Herrity voting “NAY.”

Approval of the FY 2013 Appropriation Resolutions for County Agencies/Funds and School Board Funds and the FY 2013 Fiscal Planning Resolution

Chairman Bulova moved adoption of the FY 2013 Appropriation Resolution for County Agencies/Funds, the FY 2013 Appropriation Resolution for School Board Funds, and the FY 2013 Fiscal Planning Resolution as set forth in Attachments III, IV, and V of the Memorandum to the Board dated April 30, 2012. Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook and Supervisor Herrity voting “NAY.”

Inova Translational Medicine Institute (ITMI)

Included in Budget Guidance at Budget Mark-up last week, the following language was approved by the Board:

- *“The Board intends to partner with Inova by investing in the Translational Medicine Institute. The Board directs the County Executive to come back to the Board this fall with options for funding the County’s contribution toward Inova’s Translational Medicine Institute.”*

To facilitate planning for ITMI and for clarity as options are developed, Chairman Bulova asked unanimous consent that the the record reflect that the estimated County share of this partnership is \$11 million, spread over multiple years, and with no budget implications until FY 2015. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Additional Budget Actions

As part of the FY 2013 Budget, one of the four Heritage Specialist III positions in the Cultural Resources Branch was included for elimination. This is one of four positions that oversee archaeological projects Countywide and conduct legally mandated archaeological requirements within the County as well as oversees

consultants and volunteers in the field, and provide regulatory review of the archaeological reports. He expressed concern that the elimination of this position could limit the County's ability to perform oversight and regulatory review, limit quality control and inventory oversight of the County's collected artifacts and associated documentation, as well as compromise the County's ability to work with public programs.

To ensure that the County is able to continue to serve as a steward of cultural resources, Supervisor Hyland moved that the Board direct staff to report with detailed information on how the work of the cultural resources branch would be maintained through the reorganization in FY 2013 and beyond. This information should be provided to the Board prior to the FY 2012 Carryover review. Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor Hyland asked unanimous consent that the Board amend the FY 2013-2017 Capital Improvement Program (CIP) to include a \$50 million flood control bond on the proposed fall 2012 Bond Referendum. This bond is intended to address the significant flooding that occurs in vulnerable areas of the County and the resulting property damage inflicted upon County residents. This request is distinct from, and is not meant to replace, the County's annual obligations to traditional stormwater management projects associated with federal and State regulatory requirements such as the municipal separate stormwater sewer system and the State and federal mandates associated with the Chesapeake Bay. Staff will prepare a list of specific flood control projects to be considered as part of the Board's review of the Fall 2012 Bond Referendum Board Item at the May 22 meeting and this issue will be referred to the May 15 Environmental Committee for discussion.

Supervisor Herrity noted that a private solution had been put forward and he asked unanimous consent that this solution be considered. Without objection, it was so ordered.

Without objection, Supervisor Hyland's request was so ordered.

DAL:dal

13. **ADMINISTRATIVE ITEMS** (11:53 a.m.)

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

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (LEE 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>
Wilton Hill	Lee	Telegraph Road (Route 611) [Additional Right-of-Way (ROW) Only]
		Sharon Chapel Road (Route 1629) (Additional ROW Only)
Fairlakes Crossing Section 1 and Marshall Crown Road	Sully	Marshall Crown Road Scotch Run Court (Route 10086) Veronica Road (Route 1022) Emeric Court Interstate 66 (Westbound) (Additional ROW Only)
Fairlakes Crossing Section Two	Sully	Bebe Court Veronica Road (Route 1022) (Additional ROW Only) Interstate 66 (Westbound) (Additional ROW Only)
Poplar Tree Lewis Property	Sully	Autumn Glory Way (Route 8932) Mixed Willow Place Gilead Court Necklace Court

**ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AND
INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS
AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION
PROGRAM (DRANESVILLE AND SPRINGFIELD DISTRICTS)**

- (R)
- Endorsed a traffic calming plan for Highland Avenue consisting of a multi-way stop at the intersection of Highland Avenue and Sycamore Street.

- Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Yates Ford Road from Clifton Road to its point of termination at the access to Hemlock Overlook Regional Park.
- Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (PROVIDENCE AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-Y11-21-1	Sprint Antenna collocation on existing tower 14708 Mount Olive Road, Centreville Sully District	July 8, 2012
2232-P12-1	NewPath Networks, LLC/New Cingular Wireless PCS, LLC One Distributed Antenna System Node 2700 Block of Hunter Mill Road, Oakton Providence District	July 14, 2012
FSA-P00-87-1	Sprint Antenna collocation on existing tower 7405-A Tower Street, Falls Church Providence District	July 16, 2012

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6 (ADOPTION OF STATE LAW) AND SECTION 82-4-10 (SPEED LIMITS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 22, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6 (Adoption of State Law), and Section 82-4-10 (Speed Limits).

ADMIN 5 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE CONTRACT MODIFICATION NUMBER 1 TO THE VIRGINIA WATER QUALITY IMPROVEMENT FUND (WQIF) POINT SOURCE GRANT AND OPERATION AND MAINTENANCE AGREEMENT CONTRACT NUMBER 440-S-09-08 BETWEEN THE COUNTY OF FAIRFAX AND THE COMMONWEALTH OF VIRGINIA

Authorized the County Executive, on behalf of the County, to execute Contract Modification Number 1 to the WQIF Point Source Grant and Operation and Maintenance Agreement Contract Number 440-S-09-08 between the County and the Commonwealth of Virginia.

ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12117 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR EARLY HEAD START

(SAR) Approved SAR AS 12117 for DFS to accept grant funding from DHHS in the amount of \$232,037, which includes \$16,667 in local cash match, to continue providing Early Head Start services to an additional 40 children that were originally funded through the American Reinvestment and Recovery Act of 2009.

14. **A-1 – APPROVAL OF A STANDARD PROJECT ADMINISTRATION (SPA) AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO FUND THE ROUTE 29 SIDEWALK PROJECT (PROVIDENCE DISTRICT)** (11:53 a.m.)

(R) On motion of Supervisor Smyth, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution authorizing the County to enter into a SPA Agreement, in substantial form, to provide funding to VDOT to construct the Route 29 Sidewalk.

15. **A-2 – APPROVAL OF THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2013 AND APPROVAL TO AMEND THE FY 2012 CONSOLIDATED PLAN ONE-YEAR ACTION PLAN TO INCORPORATE FUNDING AND ACTIVITIES UNDER THE SECOND ALLOCATION OF FY 2012 EMERGENCY SHELTER GRANTS/EMERGENCY SOLUTIONS GRANTS FUNDING** (11:54 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and:

- Adopted the Proposed Consolidated Plan One-Year Action Plan for FY 2013, as issued by the Consolidated Community Funding

Advisory Committee, with funding allocations outlined in the Board Agenda Item dated May 1, 2012.

- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms (SF-424s) required by the US Department of Housing and Urban Development (HUD) by May 15, 2012.
- Adopted the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2012 to incorporate funding and activities under the second allocation of FY 2012 ESG funding.
- Authorized signature of the Consolidated Plan Certifications and the SF-424 for the FY 2012 Emergency Shelter Grants/Emergency Solutions Grants funding required by HUD by May 15, 2012.

16. **A-3 – BOARD ACTION ON CONSOLIDATED COMMUNITY FUNDING POOL (CCFP) RECOMMENDATIONS FOR FISCAL YEARS (FY) 2013 AND 2014** (11:55 a.m.)

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

- Approve the contract list and associated award of CCFP funds as recommended in Table A of the Board Agenda Item by the Selection Advisory Committee (SAC) for FY 2013.
- In accordance with the CCFP multi-year contract award process, accept the committee's recommendations for FY 2014 funding, contingent upon the availability of future federal and State funding as part of the FY 2014 budget process.
- Approve the recommendation of the Selection Advisory Committee for the reallocation of new federal, State, or local funds, and any lapsing project funds that may be necessary during the course of this and future funding cycles.

Supervisor Foust seconded the motion.

Supervisor Gross raised a question regarding the additional funds for the Community Funding Pool and asked unanimous consent that the Board direct staff to, when the additional funds are allocated to those already approved, provide the Board with a list of the programs and the amounts that they were increased. Without objection, it was so ordered.

Discussion ensued, with input from Patricia D. Harrison, Deputy County Executive for Human Services, and Gail Ledford, Director, Department of Administration for Human Services, regarding the funding pool process.

Discussion continued, with input from Ms. Harrison, who noted that programs that were not recommended are not eligible for the additional funding.

Following additional discussion regarding the funding process, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

17. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232A-L00-17-1, MID-ATLANTIC TELECOM TOWER, LLC (MOUNT VERNON DISTRICT)** (12:03 p.m.)

The Board next considered an item contained in the Board Agenda dated May 1, 2012, announcing the PC's approval of Public Facilities Application 2232A-L00-17-1. The PC noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to extend the height of the existing 104 foot monopole to 149 feet and install four 3-foot diameter dish antennas at 7956 Twist Lane in Springfield, Tax Map 98-2 ((9)) 3. It was noted that the increased height was necessary to meet broadcast requirements for the International Broadcast Bureau facility currently located on the pole used in conjunction with operational facilities at Fort Belvoir.

ADDITIONAL BOARD MATTERS

18. **REQUESTS FOR RECOGNITIONS** (12:04 p.m.)

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

- Prepare and send a resolution to the James Madison High School Band Program of Vienna and its director, Michael Hackbarth, recognizing their award of the 2012 Sudler Flag of Honor.*
- Prepare and send a resolution to the Department of Family Services' Office for Children recognizing this week as "*Child Care Professionals Week*," and:
 - Direct the Office of Public Affairs to publicize their efforts.
 - Direct staff to invite representatives, determined by the Department of Family Services, to appear before the Board to be recognized for the important work child care professionals provide.

Without objection, it was so ordered.

(*NOTE: Later in the meeting, additional action was taken regarding the recognition for James Madison High Schools' Band Program. See Clerk's Summary Items #24 and #28.)

19. **TESTIMONY FOR THE DRAFT FISCAL YEARS (FYS) 2013–2018 SIX-YEAR IMPROVEMENT PROGRAM (SYIP) PUBLIC HEARING**
(12:05 p.m.)

Chairman Bulova said that on April 18, 2012, the Virginia Department of Transportation (VDOT) released its Draft Six-Year Interstate, Urban, Primary, and Transit Improvement Program for FYs 2013–2018. By law, the Commonwealth Transportation Board (CTB) has the responsibility to hold public hearings this spring and adopt a final program based on the official revenue forecast by July 1, 2012. For Northern Virginia, the public hearing will be Thursday, May 3, 2012, beginning at 6 p.m., at VDOT's Northern Virginia District Office.

Chairman Bulova noted that staff has prepared draft testimony based on review of the Adopted FYs 2012–2017 SYIP and Draft FYs 2013–2018 SYIP for presentation at the public hearing, a copy of which she included with to her written Board Matter.

Therefore, Chairman Bulova moved that the Board:

- Approve the testimony to the CTB to be presented at its May 3, 2012, public hearing.
- Authorize Supervisor McKay to present the Board's comments to the CTB at the SYIP public hearing.

Supervisor Foust seconded the motion.

Supervisor Hyland raised a question regarding concerns raised by Delegate Scott A. Surovell regarding the future of transit and rail along Route One to serve the southeastern part of the County, and particularly Fort Belvoir. Discussion ensued, with input Tom Biesiadny, Director, Department of Transportation, who noted that his concerns are being addressed.

Following further discussion, with input from Mr. Biesiadny, regarding the Jones Branch Connector Drive project, the question was called on the motion and it carried by unanimous vote.

20. **CHILDREN'S SCIENCE CENTER** (12:11 p.m.)

- (R) Chairman Bulova said that in 2010 Leadership Fairfax brought an innovative project to her attention – The Children's Science Center. Currently operating

without walls, the center is actively seeking a permanent home in Northern Virginia. Once completed, the museum will be the first of its kind in the region. In addition to the educational benefits provided to younger residents, the Children's Science Center offers value in terms of economic and tourism opportunities. Museum leaders have expressed interest in building their center in the County. The County is an attractive location due to its commitment to education and business.

The museum promotes "Science Technology Engineering and Math (STEM) literacy in all children through meaningful creation, exploration, and discovery." Northern Virginia currently benefits from the County's educated workforce and the demand for men and women educated in STEM subjects is likely to rise. Museum staff expects that "80 percent of the jobs that will be created in the next decade will require science and math literacy."

Therefore, Chairman Bulova asked unanimous consent that the Board adopt a Resolution supporting the work of the Children's Science Center, and welcoming its efforts to locate a permanent site in the County.

Supervisor Hudgins said the resolution did not indicate whether space would be needed for the center. Chairman Bulova noted that a location has not been identified.

Supervisor Cook asked to amend the request, that the Board direct staff to request Leadership Fairfax to provide the Board with the center's criteria, including the square footage and transportation requirements, and this was accepted.

Following further discussion regarding the proposed center, without object, the request, as amended, was so ordered.

21.
(BACs)
(APPT)

APPOINTMENT TO THE WATER AUTHORITY BOARD (12:16 p.m.)

Chairman Bulova said that on April 24, 2012, Anthony "Tony" Griffin retired from his position as the County Executive. His departure was bittersweet. She said that while she was sorry to see Mr. Griffin retire, she is also confident that he will remain involved in the community.

Therefore, Chairman Bulova moved:

- The appointment of Mr. Anthony "Tony" Griffin as the At-Large Chairman's Representative to the Water Authority Board, which fills the term of Mr. Richard Terwilliger, who resigned in 2011.
- That the Board direct staff to invite Mr. Terwilliger to appear before the Board to be honored for his many years of service to the Water Authority and the County.

Chairman Bulova stated that this appointment will allow the County to continue to benefit from Tony's vast experience in regional matters.

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

22. **REQUEST FOR RECOGNITION OF SCHOOL PRINCIPALS (HUNTER MILL DISTRICT)** (12:17 p.m.)

Supervisor Hudgins said that with the end of the school year, the Hunter Mill District will be saying goodbye to three outstanding educators as they head to the greener pastures of retirement. Together, these three principals have over 100 years of service to the youth of the County.

- Terraset Elementary principal, Ellen Cury, will say goodbye after 10 years as principal.
- Hunter Woods Elementary School for the Arts and Sciences principal, Olivia Toatley, steps down after serving as principal for the last 14 years.
- Bruce Butler also announced his retirement after 14 years at South Lakes High School, 7 of those years as principal.

The County has been fortunate to have these three special people to guide the youth and their dedication to their communities and students have been exhibited time after time.

Supervisor Hudgins stated it is with a heavy heart that she ask unanimous consent that the Board direct staff to invite Ms. Cury, Ms. Toatley, and Mr. Butler to appear before the Board to be recognized for their years of service to the County. Without objection, it was so ordered.

23. **REQUEST FOR CONCURRENT PROCESSING AND EXPEDITED BOARD DATE – CORESITE (HUNTER MILL DISTRICT)** (12:19 p.m.)

Supervisor Hudgins said Coresite Real Estate 12100 Sunrise Valley Drive LLC, Tax Map 17-3 ((8)) (3A) (1A) has submitted Special Exception Application SE 2011-HM-019 to revitalize and expand the existing data center development on the property. The second building in the northern portion of the property will be joined to the existing facility via a skywalk. The special exception is requesting an increase in floor area ratio (FAR) from 0.5 to 0.7 as allowed under the regulations of the I-4 District. The Planning Commission public hearing is scheduled for June 14, 2012. The applicant is continuing to work with County staff to address needed transportation improvements in the area. To not negatively impact its critical construction schedule, the applicant is requesting an expedited Board date and concurrent processing of the site plan and other associated plans concurrently with the special exception.

Therefore, Supervisor Hudgins moved that the Board direct:

- Staff of the Department of Planning and Zoning to schedule an expedited public hearing before the Board.
- The Director of the Department of Public Works and Environmental Services to process the site plan and other associated plans concurrently with Special Exception Application SE 2011-HM-019.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards, in anyway. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

24. **REQUEST FOR RECOGNITION OF JAMES MADISON AND SOUTH LAKES HIGH SCHOOL BANDS (HUNTER MILL DISTRICT)**
(12:21 p.m.)

(NOTE: Earlier in the meeting, additional action was taken regarding recognition of James Madison High Schools' Band. See Clerk's Summary Item #18.)

Supervisor Hudgins said that two of Hunter Mill District's high school bands and ensembles have received honors for outstanding performances this school year.

South Lakes High School Wind ensemble was invited to perform at the Music for All National Festival, in Indianapolis, in March. The Festival is recognized as the epitome of scholastic instrumental music festivals in America. South Lakes' ensemble was one of 26 high school ensembles selected from across the country to perform and be evaluated by master music educators.

The James Madison High School Band program has been awarded the 2012 Sudler Flag of Honor, the most prestigious international award for high school bands. Over the 30 year history of this honor, only 70 high school bands have been chosen for this award. This selection represents the highest levels of student performance and achievement.

Therefore, Supervisor Hudgins moved that the Board direct the Office of Public Affairs to prepare a resolution for each of these programs that includes her signature, with Chairman Bulova, to be presented at their school ceremonies. Chairman Bulova seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, there was discussion regarding the Sudler Flag of Honor. See Clerk's Summary Item #28.)

DET:det

25. **USE OF FLYERS IN COUNTY REAL ESTATE ASSESSMENT NOTICES**
(12:21 p.m.)

Supervisor Gross said that the annual County real estate assessment notices are accompanied with flyers requesting charitable contributions: libraries, parks, animals, and the like. One constituent recommends the addition of a fifth flyer that does not request funds, but recommends residents stop or reduce the application of chemicals and fertilizers to their lawns.

Supervisor Gross noted that carefully manicured lawns can be expensive and include hidden risks. By encouraging more natural yards with trees, mulch, and native plants, residents can save time, effort, and money. The trees are especially beneficial, since they shade houses and reduce the need for air-conditioning, reduce water runoff, and increase air quality.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to review this suggestion and report with recommendations prior to the Fiscal Year 2014 budget discussions. Without objection, it is so ordered.

Supervisor Smyth stated that her office has received complaints about flyers that are already contained in the notices and questioned whether criteria exists for determining what flyers were included with the assessment notices.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to review this and report whether there is a policy, and if so what it is, regarding the inclusion of flyers with notices of real estate assessments. Without objection, it was so ordered.

26. **WESTMINSTER SCHOOL - CELEBRATING 50 YEARS (MASON DISTRICT)**
(12:24 p.m.)

Supervisor Gross said that 2012 marks the fiftieth anniversary of Westminster School, a non-profit independent school located in Annandale. She noted that what began as a kindergarten class in rented facilities is today a pre-school to eighth-grade program with its own campus and a capacity of 360 students. Westminster School continues to provide students with an accelerated curriculum, high academic standards, and an atmosphere promoting kindness, respect, personal responsibility, and the pursuit of excellence.

Referring to her written Board Matter, Supervisor Gross asked unanimous consent that the Board direct staff to:

- Prepare a proclamation commemorating Westminster School for all its achievements, as the school celebrates 50 years of excellence in education.

- Have the proclamation prepared in time to be presented on May 19, 2012, as part of Westminster School's Golden Jubilee Celebration and signed by the Chairman and the Mason District Supervisor.

Without objection, it was so ordered.

27. **DECLARING NOVEMBER 1, 2012 “GOVERNMENT CONTRACTING DAY” IN FAIRFAX COUNTY** (12:25 p.m.)

Supervisor Herrity stated that the County has one of the most dynamic and vibrant local economies in the world and that the main driver of this economic success is the presence of a large number of successful government contracting firms which are either headquartered or have a large presence in the County. According to the US Census Bureau, the County was first among all US counties in the value of federal contracts performed locally, and since it is the economic engine of Virginia, these companies are essential to the economic vitality of the Commonwealth as a whole as well.

Supervisor Herrity noted that some of the larger contracting firms with headquarters in the County are: Booz Allen Hamilton; Computer Sciences Corporation (CSC); General Dynamics; ManTech International Corporation; Bearing Point; SRA International; Northrop Grumman; and Science Applications International Corporation (SAIC). Adding that Lockheed Martin, and Raytheon also have large presences in the County, and, in addition to these larger companies there are numerous small and mid-size firms that provide essential services to the federal government while also providing jobs to its citizens and the tax base, Supervisor Herrity said that the County needs to fund the services provided to its citizens.

Supervisor Herrity announced that to honor these companies, the Tenth Annual Government Contractor Awards will be held on November 1, 2012; it is the region's premier event honoring the best of the government contracting industry and is presented by the County's Chamber of Commerce, the Professional Services Council, and *Washington Technology* magazine.

Noting that all of these government contracting firms are a key part of the current and future success in the County, Supervisor Herrity said he is proud that they have chosen to make the County community their home.

Supervisor Herrity asked unanimous consent that:

- November 1, 2012, be declared “*Government Contracting Day*” in Fairfax County.
- The Board direct staff to prepare a proclamation to be presented at the awards dinner.

- The Board direct the Office of Public Affairs to issue a press release regarding “Government Contracting Day.”

Without objection, it was so ordered.

PMH:pmh

28. **SUDLER FLAG OF HONOR (BRADDOCK DISTRICT)** (12:27 p.m.)

(NOTE: Earlier in the meeting, additional action was taken regarding the Sudler Flag of Honor. See Clerk’s Summary Items #18 and #24.)

Following a brief discussion and a question from Supervisor Smyth regarding the Sudler Flag of Honor award, Supervisor Cook asked unanimous consent that the Board direct staff to determine if Woodson High School should be included in the list of awardees. Without objection, it was so ordered.

29. **ANNUAL McLEAN DAY EVENT (DRANESVILLE DISTRICT)** (12:28 p.m.)

Supervisor Foust said that on Saturday, May 19, from 11 a.m. until 5 p.m., the McLean Community Center (MCC) will hold its thirty-sixth annual McLean Day event. McLean Day is a festival where residents and neighbors come together at Lewinsville Park on Chain Bridge Road to celebrate the community.

Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event including County offices, libraries, public schools, and community groups. Without objection, it was so ordered.

30. **REQUEST TO RECOGNIZE BILL AND FAITH KIM FOR THEIR ACT OF HEROISM (MOUNT VERNON DISTRICT)** (12:29 p.m.)

Supervisor Hyland said on Saturday, April 7, the Fire and Rescue Department was dispatched to a house fire in Lorton. The fire originated on the front deck of the dispatched address and extended up the exterior of the structure to the second floor and the attic, consuming the majority of the entire home and its contents. The cause was determined to be accidental and the result of an unattended candle. There were no reported injuries thanks to the valiant efforts of Faith Kim and her father, Bill Kim.

While Faith (age 11) was playing outside, she noticed smoke coming from a home down the street; she ran into her house to tell her father, who immediately got in his car and drove down to the burning house. Putting his own safety aside, Mr. Kim forged ahead through the smoke to enter through the front door to round up and rescue two adults, one child, and their dog. Mr. Kim guided them safely out of the burning house and a picture was taken shortly after Mr. Kim had assisted the occupants out (a copy of which was distributed to Board Members).

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite Bill Kim, his daughter, Faith, and his family, as well as Chief Mastin and Assistant Chief Caussin to appear before the Board to recognize the Kim's for saving the lives of their neighbors. Without objection, it was so ordered.

31. **REQUEST TO AMEND OUT-OF-TURN PLAN AMENDMENT FOR THE PENN DAW COMMUNITY BUSINESS CENTER (CBC) (MOUNT VERNON DISTRICT)** (12:31 p.m.)

Supervisor Hyland said that on January 10 the Board directed Planning staff to consider a Plan amendment for Land Units D and F-1 of the Penn Daw CBC. The Plan amendment requested consideration of residential use with ground floor retail at an intensity up to a 1.8 floor area ratio (FAR). Staff has encouraged additional consolidation to facilitate the development. Pursuant to the suggestion, Capital Investment Advisors, LLC, the developer of the adjacent property, is pursuing a contract that would allow for consolidation. If feasible, consolidation would result in a better development plan and unified development of all properties located between Jamaica Drive and Richmond Highway.

Therefore, Supervisor Hyland moved that the Board authorize staff to modify the boundaries of the pending Plan amendment for Land Units D and F-1 of the Penn Daw CBC to include a portion of Land Unit P located in the Huntington Community Planning Sector (MVI). The specific parcels for inclusion in the pending Plan amendment are identified among the Tax Map 83-3 ((9)) (1) A, 1, 2, 3, 4, 4A, B1, and B2. Chairman Bulova seconded the motion and it carried by unanimous vote.

32. **RECOGNIZING GAIL KINSEY, VIRGINIA'S 2012 NATIONAL DISTINGUISHED PRINCIPAL (BRADDOCK DISTRICT)** (12:34 p.m.)

Supervisor Cook congratulated Gail Kinsey for being named Virginia's 2012 National Distinguished Principal by the National Association of Elementary School Principals (NAESP).

Supervisor Cook referred to his written Board Matter outlining Ms. Kinsey's accomplishments and asked unanimous consent that the Board:

- Congratulate Ms. Kinsey for being named Virginia's 2012 National Distinguished Principal.
- Direct staff to invite Ms. Kinsey to appear before the Board at a date to be determined so that she may be formally recognized.

Without objection, it was so ordered.

33. **CELEBRATE COMMUNICATION EXPO HOSTED BY THE NORTHERN VIRGINIA RESOURCE CENTER FOR DEAF AND HARD OF HEARING PERSONS** (12:35 p.m.)

Supervisor Cook said that the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons will be celebrating its tenth Annual Celebrate Communication Expo. The Expo will be held on Saturday, June 12, from 10 a.m. until 3 p.m. at the George Mason University Center for the Arts. This is an important event that attracts those suffering from hearing loss and their families from all over the County.

Through this Expo, participants and their families will have the opportunity to visit over 50 exhibitor booths that will be offering information on the latest technologies, government services, and support groups for individuals who have suffered from some form of hearing loss. Participants will also have the opportunity to test equipment, speak with professionals and learn strategies that help improve communication. This event will be a family friendly day that will offer activities for not only adults but children as well.

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

34. **BURGUNDY FARM COUNTRY DAY SCHOOL, INCORPORATED (LEE DISTRICT)** (12:36 p.m.)

Supervisor McKay said that Burgundy Farm Country Day School, Incorporated is the owner of property identified as Tax Map 82-2 ((1)) 5, 6, and 8 and 82-2 ((11)) 1 that is zoned to the R-4 District. By way of background, on November 24, 1997, the Board approved Special Exception Amendment Application SEA 93-L-014, concurrent with Special Permit Amendment Application SPA 93-L-015, for a nursery school, child care, and a private school of general education to permit building additions, an increase in parking, and site modifications on the subject property.

Supervisor McKay noted that Burgundy Farm Country Day School is situated in an unspoiled environment and wishes to create a “wild zone” bordering a pond and diminish storm water impacts through the use of rain gardens and cisterns. The school would also like to build a safer, covered carpool drop-off shelter and improved ADA-accessible paths throughout the campus. Today, the campus is in disrepair with health and safety issues such as leaking, sagging roofs, walls, and floors in the main community and arts building, and failing heating and plumbing systems. Water and mold issues have pushed the lower school science department from its basement home to a trailer. Burgundy Farm also has an old and crumbling retaining wall and needs new retaining walls, terracing, and effective stormwater management.

Supervisor McKay said that on April 23, the applicant filed special exception amendment and special permit amendment applications to permit several upgrades and improvements to the campus' existing facilities and buildings. The applicant proposes no increase in enrollment or faculty size. The applicant's proposal will significantly improve the school's campus for both students and the surrounding community.

Therefore, Supervisor McKay moved that the Board:

- Direct the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously process the special exception amendment and special permit amendment applications filed on behalf of the applicant.
- Additionally, should a site plan or minor site plan be required in conjunction with these applications, direct the Director of the Department of Public Works and Environmental Services to concurrently and simultaneously process a site plan or minor site plan.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion and it carried by unanimous vote.

35. **BIKEARLINGTON PROGRAM AND BIKE TO WORK DAY IN FAIRFAX COUNTY** (12:39 p.m.)

Supervisor McKay said that bicycle use as a mode of transportation in the County has grown in recent years. The reasons are many: high gas prices, environmental and health concerns, and the desire for transportation choices.

Supervisor McKay noted that Arlington County has done much to encourage this simple and efficient mode of transportation. BikeArlington, a program of Arlington County Commuter Services, builds on existing partnerships between Arlington citizens and businesses to encourage more people to bike more often and to obtain private sector buy-in.

Supervisor McKay said that it makes sense to look at the Arlington approach and investigate if this model would work for Fairfax County and help it achieve some of the goals of the Fairfax County Bicycle Plan.

Therefore, Supervisor McKay moved that the Board direct staff to prepare an analysis of the BikeArlington program and that the analysis be added to a future Transportation Committee's agenda. Supervisor Hyland seconded the motion.

Supervisor Smyth referred to “*Bike to Work Day*,” in Fairfax County and asked to amend the motion that the Board recognize and direct staff to publicize May 18 as “*Bike to Work Day*,” and this was accepted.

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

36. **AMERICAN LEGION POST 176 FLEA MARKET (LEE DISTRICT)**
(12:41 p.m.)

Supervisor McKay said he is requesting a waiver of the application fees for permits associated with the flea markets that American Legion Post 176 will be holding in its parking lot.

Supervisor McKay noted that the flea markets will be held twice a month on Saturdays from June through November in the American Legion’s parking lot at 6520 Amherst Avenue. The American Legion has coordinated with the Springfield-Franconia Host Lions Club so that both organizations’ flea markets will be held on alternate weeks. He added that proceeds from the American Legion flea markets will be returned to the community through the numerous organizations and activities that the Post supports.

Therefore, Supervisor McKay moved waiver of the application and escrow fees/permits associated with the American Legion Post 176 - 2012 Flea Markets. Supervisor Hyland seconded the motion and it carried by unanimous vote.

37. **HILLTOP VILLAGE, LLC (LEE DISTRICT)** (12:41 p.m.)

Supervisor McKay said WRI Hilltop Village, LLC is the owner of approximately 32 acres located in the northeastern quadrant of the intersection of Beulah Street (Route 613) and Telegraph Road (Route 611) and identified as Tax Map 100-1 ((1)) 9A, 11A, 11A1, 14, and 15. The property is also within the Natural Resources Overlay District. On March 9, 2009, the Board approved Rezoning Application RZ 2008-MD-003 to rezone the subject property to the PDC District to allow development of a mixed-use center of up to 367,000 square feet comprised of up to 113,000 square feet of office use and 254,000 square feet of retail use – including a retail sales establishment of 150,000 square feet and two drive-in financial institutions.

Supervisor McKay said that the approved mixed-use center, known as Hilltop Village Center (the "Center"), permits development of a high-quality activity center that features urban streetscape features such as a central main street, attractively landscaped sidewalks, and strategically placed open areas. Site Plan 3365-SP-008 has been approved for the subject property and site development has begun.

Supervisor McKay stated that to ensure a quality mix of tenants and allow for future flexibility, the applicant has filed a proffered condition amendment and final development plan amendment/conceptual development plan amendment to

modify the previously approved proffers and development plan. The proposed modifications will allow the addition of a mezzanine to one of the previously approved buildings which will not increase the mass, height, or footprint of the building. The applicant further proposes a modification to the permitted and secondary uses to accommodate greater tenant flexibility thereby ensuring a quality mix of community-serving uses in the future.

The applicant also proposes modifications to the landscape buffer at the rear of the grocery store that reflects Fort Belvoir's and the Virginia Department of Transportation's (VDOT) requirement that the applicant locate utilities on the subject property and accommodate easements to allow the widening of Telegraph Road. In sum, the applicant proposes minor modifications that do not change the overall quality of an attractive, convenient, community-serving development.

The application, identified as Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2008-MD-003, is scheduled for a public hearing to be held before the Planning Commission on July 26.

Therefore, Supervisor McKay moved that the Board direct:

- The Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously process the Proffered Condition Amendment and Conceptual Development Plan Amendment/Final Development Plan Amendment on behalf of WRI Hilltop Village, LLC on the subject property.
- Staff to schedule a public hearing to be held before the Board regarding the PCA and CDPA/FDPA on July 31, 2012.
- The Director of the Department of Public Works and Environmental Services to concurrently and simultaneously process a site plan, minor site plan, building plan, and/or site plan revision, as may be necessary.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

38. **FIRST EVER CHANTILLY DAY (SULLY DISTRICT)** (12:45 p.m.)

Supervisor Frey announced that on May 12 the Chantilly community is celebrating the first ever Chantilly Day. It is being sponsored by the Herndon/Dulles Chamber of Commerce and will take place at the shopping center on Metro Tech Drive. He noted that the Park Authority is cooperating with Sully

Plantation and it will start at 9 a.m. with a parade with events and activities throughout the day.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to help publicize the event. Without objection, it was so ordered.

39. **WESTFIELD HIGH SCHOOL BOYS' 4x800 RELAY TEAM (SULLY DISTRICT)** (12:46 p.m.)

Supervisor Frey referred to an article in the *Washington Post* regarding the Westfield Boys' 4x800 Relay Team that won the title "Running Fastest Time in the Country."

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the team to appear before the Board to be recognized for its accomplishment. Without objection, it was so ordered.

40. **INTENT TO DEFER A PUBLIC HEARING (LEE DISTRICT)** (12:48 p.m.)

Supervisor McKay announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 91-L-053-06 to May 22.

41. **RECESS/CLOSED SESSION** (12:49 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. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2011-0006322 (Fx. Co. Cir. Ct.) (Providence District)

2. *Franconia Two, LP v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0003798 (Fx. Co. Cir. Ct.) (Lee District)
3. *Ulliman Schutte Construction, LLC, v. County of Fairfax*, Case No. CL-2011-0008422 (Fx. Co. Cir. Ct.) (Mt. Vernon District)
4. *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case No. CL-2011-0012980 (Fx. Co. Cir. Ct.) (Mount Vernon District)
5. *Xuli Zhang v. Police S. Regan and Police PEC [sic] M. Green*, Case No. 11-2013 (U. S. Ct. of App. for the Fourth Cir.)
6. *Alvin Mosier v. Commonwealth of Virginia, et al.*, Case No. 12-1397 (U.S. Ct. of App. for the Fourth Cir.)
7. *Louise Root v. County of Fairfax*, Case No. CL-2012-05097 (Fx. Co. Cir. Ct.)
8. *David A. Cohen, by GEICO, Subrogee v. Andrew Missler*, Case No. GV-12004024-00 (Fx. Co. Gen. Dist. Ct.)
9. *Linda A. Eberhardt v. Fairfax County, et al.*, Case No. 1:10cv00771-LO/TCB (E.D. Va.) (Eberhardt II); *Linda A. Eberhardt v. County of Fairfax, Virginia, Board of Supervisors*, Case No. 2012-5354 (Fx. Cir. Ct.) (Eberhardt III)
10. *Paul A. Moreno and Asha D. Bhandari v. William L. Hampton, Barbara A. Hampton, and Fairfax County*, Case No. CL-2011-0006678 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chau Quynh Nguyen and Sarah K. Nguyen*, Case No. CL-2009-0016344 (Fx. Co. Cir. Ct.) (Mason District)

13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel J. Gueugneau*, Case No. CL-2011-0006975 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aminullah A. Arsala*, Case No. CL-2011-0014040 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kristine N. Trinh and Ngochan T. Trinh*, Case No. CL-2011-0015202 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmelo Gomez*, Case No. CL-2011-0017309 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rekha V. Panjeti and Krishna Panjeti*, Case No. CL-2011-0017312 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harold J. Douglas and Mary K. Douglas*, Case No. CL-2012-0002526 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jan Forbes and Virginia Forbes*, Case No. CL-2012-0000223 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter H. Young*, Case No. CL-2012-0000077 (Fx. Co. Cir. Ct.) (Providence District)

22. *Eileen M. McLane, Fairfax County Zoning Administrator v. William E. Hughes and Margaret Hughes*, Case No. CL-2012-0000159 (Fx. Co. Cir. Ct.) (Sully District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nahid Amiri*, Case No. CL-2011-0009631 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Morato and Elizabeth G. Weber*, Case No. CL-2012-0001974 (Fx. Co. Cir. Ct.) (Providence District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven G. Hamburger*, Case No. CL-2012-0000758 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Rodriguez Ortega*, Case No. CL-2012-0000470 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Jose Valle and Angelica Maria Valle*, Case No. CL-2012-0000224 (Fx. Co. Cir. Ct.) (Dranesville District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ever A. Sanchez and Ana E. Cruz*, Case No. CL-2012-0000759 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Garcia and Norka Garcia*, Case No. CL-2012-0000578 (Fx. Co. Cir. Ct.) (Mason District)

31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Washington Gastroenterology, PLLC*, CL-2012-0001759 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio G. Flores-Chavarria and Blanca F. Flores*, Case No. CL-2011-0016188 (Fx. Co. Cir. Ct.) (Sully District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary A. Salinas*, Case No. CL-2012-0002585 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. David L. Coy and Christy L. Coy*, Case No. CL-2012-0002584 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clarence N. Cichy, II*, Case No. CL-2012-0004312 (Fx. Co. Cir. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sangthong Sisoutham, Phimonphanh Sisoutham and Viengsamay Sisoutham*, Case No. CL-2012-0004443 (Fx. Co. Cir. Ct.) (Hunter Mill District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lawrence J. Quinn and Cynthia M. Quinn*, Case No. CL-2012-0004843 (Fx. Co. Cir. Ct.) (Dranesville District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ali Abd-Allah Darab and Samila E. Darab*, Case No. CL-2012-0005050 (Fx. Co. Cir. Ct.) (Providence District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ronald C. Hutchison and Cherie A. Hutchison*, Case No. CL-2012-0005048 (Fx. Co. Cir. Ct.) (Hunter Mill District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank L. Stevens and Mary E. T. Stevens*, Case No. CL-2012-0005051 (Fx. Co. Cir. Ct.) (Providence District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Sadeghian and Shahrzad Marzban*, Case No. CL-2012-0005049 (Fx. Co. Cir. Ct.) (Dranesville District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghafoor Ghamary and Laleh Niknami*, Case No. CL-2012-0005327 (Fx. Co. Cir. Ct.) (Dranesville District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ngoc Bich Thi Phung*, Case No. CL-2012-0005499 (Fx. Co. Cir. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Anette M. Emery*, Case No. CL-2012-0005409 (Fx. Co. Cir. Ct.) (Mount Vernon District)
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clyde E. Nishimura*, Case No. CL-2012-0005565 (Fx. Co. Cir. Ct.) (Lee District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bradley C. Johnson*, Case No. CL-2012-0005673 (Fx. Co. Cir. Ct.) (Dranesville District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Martha Rios*, Case No. CL-2012-0005777 (Fx. Co. Cir. Ct.) (Mason District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kris V. Bonomi and Sandra R. Bonomi*, Case No. GV12-009168 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angelica M. Rodriguez*, Case No. GV12-009167 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- *Board of Supervisors v. Myra D. Miller*, Case Number CL-2011-0015901
- Total Maximum Daily Load for Benthic Impairments in the Accotink Creek Watershed
- *Bruce Shuttleworth v. Brian Moran, et al.*, Civil Action Number 3:12-cv-00257
- *City of Falls Church, et al. v. Board of Supervisors, et al.*, Case Number CL-2012-03411
- Fairfax County Redevelopment and Housing Authority/Community Services Board Collaboration on Availability of Affordable Housing for At Risk Populations

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

EBE:ebe

At 3:41 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

42. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:41 p.m.)

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

43. **AUTHORIZATION TO INITIATE LEGAL ACTION** (3:42 p.m.)

Supervisor McKay moved that the Board authorize and direct the initiation of legal action in matters discussed in closed session under the terms and conditions that were outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

44. **AUTHORIZATION OF SETTLEMENT IN THE MATTER OF BOARD OF SUPERVISORS V. MYRA D. MILER** (3:42 p.m.)

Supervisor Herrity moved that the Board authorize the County Attorney to enter into a settlement in the matter of *Board of Supervisors v. Myra D. Miller, et al.*, Case Number CL-2011-0015901, which is pending in the Fairfax County Circuit Court, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust and Supervisor Frey jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS45. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-D-019, CAPITAL ONE, NATIONAL ASSOCIATION (DRANESVILLE DISTRICT)****AND****PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2008-DR-003, CAPITAL ONE, NATIONAL ASSOCIATION (DRANESVILLE DISTRICT)** (3:43 p.m.)

(*NOTE: Later in the meeting, it was clarified that Special Exception Amendment Applications SEA 94-D-019 and SEA 2008-DR-003 are **not** concurrent applications.)

The Special Exception Amendment Application SEA 94-D-019 property is located at 1439 Chain Bridge Road, McLean, 22180, Tax Map 30-2 ((9)) 67.

The Special Exception Amendment Application SEA 2008-DR-003 property is located at 6890 Elm Street, McLean, 22101, Tax Map 30-2 ((5)) 6A.

Ms. Lisa M. Chiblow reaffirmed the validity of the affidavit for the record for Special Exception Amendment Application SEA 94-D-019.

Nicholas Rogers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location for Special Exception Amendment Application SEA 94-D-019.

Ms. Chiblow 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 for Special Exception Amendment Application SEA 94-D-019 and she proceeded to present her case.

Following the public hearing, Mr. Rogers presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 94-D-019, subject to the development conditions dated April 20, 2012.
- Approval of the following waivers and modifications in favor of that shown on the SE Plat:
 - Modification of the minimum lot size requirement to permit a lot of 18,275 square feet.
 - Modification of the minimum lot width requirement to permit a width of 160 feet.
 - A waiver of the loading space requirement.
- Reaffirmation of approval of the following waivers and modifications associated with the previously approved Special Exception in favor of that shown of the SE Plat:
 - Modification of the front yard requirement to permit a front yard of 19 feet along Chain Bridge Road.
 - Modification of the transitional screening requirement and a waiver of the barrier requirement to the south.

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

*Mr. Rogers clarified that Special Exception Amendment Application SEA 94-D-019 and Special Exception Amendment Application SEA 2008-DR-003 were not concurrent applications and, therefore, should have been considered separately.

Ms. Chiblow reaffirmed the validity of the affidavit for the record for Special Exception Amendment Application SEA 2008-DR-003.

Mr. Rogers gave a brief description of the application and site location for Special Exception Amendment Application SEA 2008-DR-003.

Following the public hearing, Mr. Rogers presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 2008-DR-003, subject to the development conditions dated April 12, 2012.
- Modification of the minimum lot width requirement.
- Reaffirm the approval of the following waivers and modifications associated with the previously approved Special Exception (SE) in favor of that shown on the SE Plat:
 - Waiver of the service drive requirement along Dolley Madison Boulevard.
 - Waiver of the on-road bike lane requirement along Dolley Madison Boulevard.
 - Waiver of the loading space requirement.
 - Modification of the minimum front yard requirement along Dolley Madison Boulevard.
 - Modification of the transitional screening requirement and a waiver of the barrier requirement to the north.
 - Modification of the peripheral parking lot landscaping requirement.

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

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-C-024, CHIPOTLE MEXICAN GRILL OF COLORADO LLC D/B/A CHIPOTLE MEXICAN GRILL (HUNTER MILL DISTRICT)** (3:58 p.m.)

The application property is located at 11160 South Lakes Drive, #G2, Reston, 20191, Tax Map 27-1 ((9)) 2A and 4A.

Mr. Jonathan D. Bondi reaffirmed the validity of the affidavit for the record.

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

Mr. Bondi 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.

Supervisor Hudgins submitted an item for the record.

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

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 84 C-024, subject to the development conditions dated April 25, 2012.
- Reaffirmation of the following waivers and modifications associated with the most recently approved site plan for the shopping center:
 - Modification of the transitional screening and barrier requirements.
 - Modification of the required sight distance requirements.
 - Waiver of the trail for the South Lakes Drive frontage.
 - Modification of the interparcel connection requirements.

Supervisor Foust and Supervisor Frey jointly seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Herrity being out of the room.

47.

3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-L-053-06, WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (LEE DISTRICT) (4:03 p.m.)

Supervisor McKay moved to defer the public hearing on Special Exception Amendment Application SEA 91-L-053-06 until **May 22, 2012, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Herrity being out of the room.

48. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-LE-022, SPRINGFIELD METRO CENTER II, LLC AND SPRINGFIELD 6601 LLC (LEE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 1998-LE-064-02 AND PCA 2008-LE-015, SPRINGFIELD METRO CENTER II, LLC AND SPRINGFIELD PARCEL C LLC (LEE DISTRICT)

(4:04 p.m.)

(Os) The Rezoning Application RZ 2011-LE-022 property is located on the West side of Springfield Center Drive and South of the Joe Alexander Transportation Center, Tax Map 90-2 ((1)) 56C pt. and 58D; 90-4 ((1)) 11B pt.

The Proffered Condition Amendment Applications PCA 1998-LE-064-02/PCA 2008-LE-015 property is located on the West side of Springfield Center Drive and South West of the Joe Alexander Transportation Center, Tax Map 90-2 ((1)) 56C pt. and 90-4 ((1)) 11B pt.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, Mr. Mayland presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Proffered Condition Amendment Applications PCA 2008-LE-015 and PCA 1998-LE-064-02, subject to the proffers dated April 6, 2012.
- Waiver of the minimum district size of 40,000 square feet for Tax Map 90-4 ((1)) 11B.
- Waiver of the rear yard requirement and reaffirmation of the waiver of the barrier requirement and modification of the transitional screening to permit the landscaping depicted on the GDP to the adjacent multi-family dwellings to the west.

Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hyland,

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

Supervisor McKay further moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2011-LE-022, from the C-4 and I-4 Districts to the PDC District, subject to the proffers dated March 28, 2012.
- Modification of the loading space requirement to allow four spaces instead of the required five spaces by Section 11.202 (15) of the Zoning Ordinance.
- Increase in the maximum floor area ratio from 1.5 to 1.89 in accordance with Section 6-208 of the Zoning Ordinance.
- Waiver of the barrier requirement and modification of the transitional screening to permit the landscaping depicted on the CDP/FDP to the east.

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

(NOTE: On March 8, 2012, the Planning Commission approved FDP 2011-LE-022, subject to the development conditions dated February 23, 2012.)

49. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-MV-012, REDPATH DEVELOPMENT, LLC (MOUNT VERNON DISTRICT)**
(4:14 p.m.)

The application property is located at 6415 13th Street, Alexandria, 22307, Tax Map 93-2 ((8)) (27) 13.

Mr. Robert Weiniq reaffirmed the validity of the affidavit for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Weiniq 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. Williams presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of Special Exception Application SE 2011-MV-012, subject to the development conditions dated March 5, 2012. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Herrity, and Supervisor Hudgins being out of the room.

50. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-IV-MV1, LOCATED ALONG RICHMOND HIGHWAY BETWEEN BUCKMAN ROAD AND JANNA LEE AVENUE (LEE DISTRICT) (4:18 p.m.)**

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

Following the public hearing, which included testimony by one speaker, Ms. Rybold presented the staff and Planning Commission recommendations.

Supervisor McKay moved approval of the Planning Commission recommendation for Plan Amendment S11-IV-MV1, as modified in his handout. The amendment would add an option for redevelopment with residential use at a density of 20-30 dwelling units per acre (du/ac) to Suburban Neighborhood Area 4, consisting of multifamily units and townhouse units. Accessory office use and/or retail use may be appropriate on the ground floor of the multifamily buildings. This option would replace existing Options 2 and 3 for Suburban Neighborhood Area 4. He said that his modifications add a range in the number of units for each unit type, not to exceed an overall density of 30 du/ac, to allow for additional flexibility at the time of redevelopment. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Herrity being out of the room.

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT) (4:25 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 13 and April 20, 2012.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Culmore RPPD, District 9. The proposed district expansion includes Washington Drive (Route 794), from Tyler Street to the northern boundaries of 3407 and 3408 Washington Drive. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor

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

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON OLD FRANCONIA ROAD (LEE DISTRICT)**
(4:28 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 13 and April 20, 2012.

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

Chairman Bulova and Supervisor McKay submitted items for the record.

Following the public hearing, which included testimony by four speakers, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit the parking of commercial vehicles as defined in Section 82-5-7, recreational vehicles and that all trailers on the North side of Franconia Road from Franconia Road to Fleet Drive from 9:00 p.m. to 6:00 a.m. seven days per week. Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Following a brief discussion regarding parking prohibitions, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity being out of the room.

53. **4 P.M. – PH FOR THE DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)** (4:44 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 April 13 and April 20, 2012.

Jeffrey Hatterick, Sanitary Districts Administrator, Solid Waste Management Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the Resolutions approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board’s adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, to become effective on July 1, 2012, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1A1 Within Dranesville District (Ironwood Drive)	De-Create/ Re-Create	Refuse, Recycling, and Vacuum Leaf	Approve

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

54. **4:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON PART OF NEWCOMBS FARM ROAD (HUNTER MILL DISTRICT)** (4:46 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 13 and April 20, 2012.

Donald Stephens, Department of Transportation, presented the staff report, and noted that the boundary has moved and is now in the Hunter Mill District instead of the Dranesville District.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins moved adoption of the Order for abandonment and Ordinance for vacation of part of Newcombs Farm Road dated August 31, 2011. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity being out of the room.

55. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:51 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 13 and April 20, 2012.

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

There were no speakers.

56. **BOARD ADJOURNMENT** (4:51 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-6
Board Adoption of the FY 2013 Budget Plan	6-8
Items Presented by the County Executive	
Administrative Items	8-11
Action Items	11-13
Information Items	13
Board Matters	
Chairman Bulova	13-16
Supervisor Cook	20, 22
Supervisor Foust	20
Supervisor Frey	25-26
Supervisor Gross	18-19
Supervisor Herrity	19-20
Supervisor Hudgins	16-17
Supervisor Hyland	20-21
Supervisor McKay	22-26
Supervisor Smyth	n/a
Actions from Closed Session	32-33
Public Hearings	33-41