



# **CLERK'S BOARD SUMMARY**

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

**MONDAY  
December 7, 2009**

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**22-09**

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**DAL:dal**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, December 7, 2009, at 9:41 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; Regina Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

**BOARD MATTERS**1. **LAST BOARD MEETING HELD ON A MONDAY** (9:42 a.m.)

Chairman Bulova noted that this is the last Board meeting for calendar year 2009, and will also be the last official Board meeting that will be held on a Monday. Starting in January the regular scheduled meetings will be held on Tuesdays.

2. **HAPPY BIRTHDAY TO CHAIRMAN BULOVA** (9:42 a.m.)

On behalf of the Board, Supervisor Gross wished Chairman Bulova a happy birthday. Chairman Bulova noted that her birthday was on December 6, the day before Pearl Harbor Day.

3. **VIRGINIA WAR MEMORIAL** (9:42 a.m.)

On behalf of the Virginia War Memorial Educational Foundation, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that, in honor of Pearl Harbor Day, the following list of Fairfax County citizens, who served and gave their lives in World War II, Korea, and Vietnam, be honored by having their names placed in the record of today's meeting. Without objection, it was so ordered.

***Fairfax County, Virginia War Memorial*****World War II**

|                               |                                |                               |                               |
|-------------------------------|--------------------------------|-------------------------------|-------------------------------|
| <i>Flavious B. Alder</i>      | <i>Richard R. Arnold</i>       | <i>James V. Barron</i>        | <i>Harry L. Baughman</i>      |
| <i>Leland E. Belgard</i>      | <i>Edward Allen Belknap</i>    | <i>Charles E. Besley</i>      | <i>James H. Brett, Jr.</i>    |
| <i>Thomas W. Bridges</i>      | <i>Corbin B. Bryan, III</i>    | <i>Daniel C. Budd</i>         | <i>Alex Evans Campbell</i>    |
| <i>Richard B. Carmichael</i>  | <i>Stanley L. Carts</i>        | <i>David C. Cather</i>        | <i>William Ulysses Chinn</i>  |
| <i>Melvin S. Cobb</i>         | <i>Robert E. Cockerill</i>     | <i>Richard L. Coffeen</i>     | <i>John O.R. Coll</i>         |
| <i>Raymond L. Cooper</i>      | <i>Thomas J. Cunningham</i>    | <i>Garland W. Davidson</i>    | <i>Leonard R. Davis</i>       |
| <i>Joe de Ganahl</i>          | <i>Claude S. Deavers</i>       | <i>John T. DeBell, Jr.</i>    | <i>Gladstone W. Donovan</i>   |
| <i>Eugene G. Farr</i>         | <i>Robert A. Feltner</i>       | <i>John W. Ferguson, Jr.</i>  | <i>Ralph P. Ford</i>          |
| <i>Paul Herman Fraley</i>     | <i>George W. Frame</i>         | <i>Howard R. Garner</i>       | <i>Robert J. Girard</i>       |
| <i>Robert M. Graves</i>       | <i>Warren L. Hawley</i>        | <i>John W. Heath</i>          | <i>John Heitmann</i>          |
| <i>Randolph L. Hutchinson</i> | <i>Edwin B. Hutchison, Jr.</i> | <i>Miller O. Jackson</i>      | <i>Vincent Kane</i>           |
| <i>Harry H. Kanmermier</i>    | <i>John Mike Koutsos</i>       | <i>James Gerald LaMarre</i>   | <i>John R. Lane</i>           |
| <i>Richard Willard Leary</i>  | <i>Norman E. Lepper</i>        | <i>Charles E. Lewis</i>       | <i>Joseph K. Linkins, Jr.</i> |
| <i>Ralph T. Lynn</i>          | <i>Joseph W. Madden, Jr.</i>   | <i>Lindon R. Marshall</i>     | <i>Julian E. Martin</i>       |
| <i>Paul F. Martin</i>         | <i>Raymond J. Martin</i>       | <i>William M. McCarthy</i>    | <i>Alfred B. McClure</i>      |
| <i>Reuben C. Moffat</i>       | <i>Ira C. Morris</i>           | <i>Allen J. Murray</i>        | <i>Calvin G. Neish</i>        |
| <i>Carl E. Niswander</i>      | <i>Walter J. Norford</i>       | <i>Daniel F. Payne</i>        | <i>John E. Peabody</i>        |
| <i>Henry B. Pearson</i>       | <i>Philip E. Pergande</i>      | <i>Foster Perzel</i>          | <i>Ross R. Poole</i>          |
| <i>William C. Powers</i>      | <i>Charles D. Reeve</i>        | <i>Larry W. Roberts</i>       | <i>Clarence E. Shelhorse</i>  |
| <i>Sidney D. Spear</i>        | <i>John W. Stump</i>           | <i>Stephen C. Stuntz, Jr.</i> | <i>George T. Sutphin</i>      |
| <i>James W. Taylor</i>        | <i>Carrol M. Thomas</i>        | <i>Warren W. Thompson</i>     | <i>Victor T. Turrou</i>       |
| <i>Leonard C. Urquhart</i>    | <i>Robert Melvin Warren</i>    | <i>John W. Watkins</i>        | <i>Egbert T. Watt, Jr.</i>    |
| <i>Orland I. Webley</i>       | <i>James V. Whitmer</i>        | <i>Maurice M. Williams</i>    | <i>Randolph M. Wood</i>       |

Korea

William P. Brooks  
Knots Gilmore  
Charles L. Marr  
Benjamin F. Terrell

James H. Crutchfield  
Sylvester R. Hayes  
Thomas H. Messer  
Taylor H. Warren

Rank H. Forney  
Benjamin R. Hudson  
Irving Munroe

Alfred W. Fox  
Jefferson Johnson  
David D. Peppin, Jr.

Vietnam

Thomas G. Blair, Jr.  
Gerald Lewis Caton  
John W. Consolvo, Jr.  
Melvin Wayne Finch  
William R. Graham  
Guy Holdaway  
Wayne Minor Kidwell  
Sidney B. MacLeod, Jr.  
Gerald Crawford Mull  
Harry Quincy Rose  
R.H. Sigholtz  
Philip Jeffrey Taft

Charles E. Brown, Jr.  
Arthur Fletcher Chaney  
Frank Cross  
Peter Charles Forame  
Welby H. Grayson, III  
John Allen Jenkins, III  
Vyril E. Leichter, Jr.  
Robert F. McDonald, II  
Roland H. Nadeau  
Jon Mae G. Rumble  
Donald Robert Simon  
Robert R. Thurston, III

Paul Randolph Byrne  
Randall Earl Cole  
Frederick Cross  
Roy Gillman Fowler  
Martin L. Green, Jr.  
Lorenzo R. Johnson  
William M. Levendis  
Charles R. McNulty  
David D. Peppin, Jr.  
Joseph Bradley Rush  
Jerry Wayne Steward  
Daniel White Wesley

Harvey McKee Carkin  
Fred Vincent Cole  
Bruce Joel Dunham  
Ernest Richard Franks  
Theodore S. Heriot, Jr.  
Bernard L. Johnson, II  
Robert Raymond Lewis  
Donald R. Moore, Jr.  
Willard F. Prochaska  
Kenneth Martin Schlie  
Claude Carroll Supinger

Vice-Chairman Gross returned the gavel to Chairman Bulova.

AGENDA ITEMS

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE PRINCIPAL AND STAFF OF MOUNTAIN VIEW ALTERNATIVE HIGH SCHOOL (SULLY DISTRICT)** (9:44 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition to commend the principal and staff of Mountain View Alternative High School for their tradition of commitment, compassion, and excellence in teaching, guidance, and learning. Supervisor Cook, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Chairman Bulova recognized the presence of Dr. Jack Dale, Superintendent of Public Schools, and Kathy Smith, Chairman of the School Board and Sully District Representative, and invited them to join in for the photograph.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION** (9:54 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition to the Fairfax County Volunteer Fire and Rescue Association for its eightieth anniversary. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO THE LEADERSHIP OF ACCOTINK UNITARIAN UNIVERSALIST CHURCH, BURKE UNITED METHODIST CHURCH, AND DURGA TEMPLE** (10:02 a.m.)

Supervisor Herrity moved approval of the Certificates of Recognition to recognize the leadership of Accotink Unitarian Universalist Church, Burke United Methodist Church, and Durga Temple for being the first organizations to support the Senior Center Without Walls. Supervisor Cook seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WOMEN'S GROUP OF MOUNT VERNON** (10:17 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition to recognize the Women's Group of Mount Vernon for its work to keep victims of domestic violence safe and offenders accountable. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Herrity being out of the room.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. BOBBY DITTMANN** (10:27 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition to recognize Bobby Dittmann for his years of service to the County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO THE GREATER SPRINGFIELD CHAMBER OF COMMERCE, COMMERCIAL PROPERTY OWNERS, AND BUSINESSES** (10:33 a.m.)

Supervisor McKay moved approval of the Certificates of Recognition to recognize the Greater Springfield Chamber of Commerce, commercial property owners, and businesses for adopting a portion of the Virginia Department of Transportation right-of-way to mow during 2009. Supervisor Cook and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE NOMAN M. COLE, JR. POLLUTION CONTROL PLANT** (10:41 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition to recognize the Noman M. Cole, Jr. Pollution Control Plant for 100 percent compliance with the National Pollution Discharge Elimination System effluent quality standards, resulting in a National Association of Clean Waters Agencies Platinum Peak Award for the eleventh consecutive year. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

11. **10 A.M. – PRESENTATION OF THE LAWRENCE V. FOWLER AWARD**  
(10:53 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. Mr. Fowler passed away in April of this year. 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. Previous recipients have been Bob McLaren of Environmental Quality Advisory Committee, Pete Murphy of the Planning Commission, and Gil McCutcheon of the Park Authority Board.

Chairman Bulova presented the fourth annual Lawrence V. Fowler Award to **Bill G. Evans**, the Mount Vernon District Representative to the Fairfax Water Board for more than 39 years. Mr. Evans was recognized for his continued dedication to providing safe, consistent water service at the lowest commodity rate in the region. This has improved the quality of life for County residents and helped to protect the health and welfare of the 1.5 million friends, neighbors, and families served by Fairfax Water.

Chairman Bulova acknowledged the 2009 Fowler Award nominees, as follows:

- Ray Burmester of the Fairfax-Falls Church Community Services Board, Human Services Council, and other BACs
- Marvin D. Cantor, former chairman of the Board of Building and Fire Code Appeals
- Dr. Kristen J. Eisenhart, a parent representative on the Fairfax-Falls Church Community Policy and Management Team
- Bill G. Evans, the Mount Vernon District Representative to the Water Authority Board
- Robert Rexrode, a parent representative on the Fairfax-Falls Church Community Policy and Management Team
- Gerald B. Strider, a member of the Volunteer Fire Commission

12. **10 A.M. – BOARD ADOPTION OF THE 2010 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY'S 111<sup>TH</sup> CONGRESS FEDERAL APPROPRIATIONS REQUESTS FOR FISCAL YEAR (FY) 2011, AND ADOPTION OF PRINCIPLES FOR FEDERAL LEGISLATION FOR THE 111<sup>TH</sup> CONGRESS** (11:12 a.m.)

Chairman Bulova called the Board's attention to the red folders and noted that it contained an addendum with items that were not included in the draft 2010 program.

Supervisor McKay, Chairman of the Board's Legislative Committee, said that all of the items were vetted at the legislative meetings and thanked his colleagues for participating in the meetings. He noted that the additional items were referred by the Board to the Legislative Committee at the November 16 meeting, but based on staff recommendations no additional language has been added to the draft. With reference to the separate addendum, which was in the red folders, he noted that it contained information on these items, along with staff recommendations which were highlighted in yellow for convenience and reference. Supervisor McKay said that the legislative and budget amendments relating to the items will be considered by the Legislative Committee throughout the General Assembly session.

After an opening statement regarding the draft 2010 program, Supervisor McKay noted a change on the addendum which was handed out earlier. Under the global climate change, handwritten page six, paragraph number five, will be substituted with the highlighted language which was in the legislative program from last year, in light of some recent events that have occurred with the Governors Commission on Climate Change. The change reads as follows: "Support State legislative or executive action for Virginia to reduce GHG emissions, on a statewide or regional level, if a national system for GHG emissions reductions is not implemented."

Supervisor McKay moved adoption of the:

- 2010 Legislative Program and Human Services White Paper
- FY 2011 Federal Appropriations Request
- Principles for Federal Legislation in the 111<sup>th</sup> Congress

Supervisor Hyland seconded the motion.

Supervisor Frey raised a question regarding the motion and asked to consider each item separately. This was accepted.

Supervisor McKay moved adoption of the 2010 Legislative Program, with the one change made, and the Human Services White Paper. Supervisor Hyland seconded the motion.

Following a brief discussion regarding the draft legislative package, Supervisor Hudgins called the Board's attention to handwritten page eight, under Sexual Orientation, and stated her belief that this item should not be included as a position statement, but included as an initiative, as done previously.

Therefore, Supervisor Hudgins moved that this position statement be listed under initiative statements. Following a discussion regarding the issue, this motion died for lack of a second.

Following a lengthy discussion regarding the statement, Chairman Bulova noted, for individuals who are watching or listening, that on page eight, under the County's positions on general laws, under Sexual Orientation, there is a statement that reads as follows:

“Support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Fairfax County has already taken actions pursuant to existing State enabling legislation in the preceding areas on the basis of race, color, religion, sex, pregnancy, child birth, and disability.”

She stated that this was previously an initiative statement; however, the Board is not retreating from its commitment, and will be there when legislation is introduced. Discussion continued regarding the issue.

Further discussion ensued regarding the legislative program. Chairman Bulova noted that the program does not include language regarding a meals tax. She called the Board's attention to handwritten page three, under Taxation, which reads: “The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized.” Discussion ensued regarding this issue.

(NOTE: Later in the meeting, Supervisor Hyland presented a Board Matter regarding a restaurant meals tax. See Clerk's Summary Item #\_.)

Following a brief discussion regarding global climate change and the tax structure, the question was called on the motion, and it **CARRIED** by a recorded vote of eight, Supervisor Cook and Supervisor Herrity voting “NAY.”

Supervisor McKay moved adoption of the:

- FY 2011 Federal Appropriations Request

- Principles for Federal Legislation in the 111<sup>th</sup> Congress

Supervisor Hyland seconded the motion.

Following discussion regarding transportation and the base realignment and closure, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “NAY.”

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13. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:07 p.m.)

(APPTS)  
(BACs)

**ADVISORY SOCIAL SERVICES BOARD**

Supervisor Cook moved the appointment of Ms. Elizabeth d’Alelio as the Braddock District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD**

The Board deferred the appointment of the Farmer #3 Representative.

**ATHLETIC COUNCIL**

Chairman Bulova moved the appointment of Mr. Clement Chan as the Diversity At-Large Principal Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock District Alternate, Dranesville District Alternate, Diversity At-Large Alternate, and the Member At-Large Representatives.

**CONFIRMATIONS:**

Supervisor Foust moved confirmation of the following appointments:

- Mr. Gerald Carter as the Town of Herndon’s Principal Representative



- Mr. Dennis “Butch” Baughan as the Town of Herndon’s Alternate Representative

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

### **BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

The Board deferred the appointments of the Alternate #2, and the Design Professional #3 and #6 Representatives.

### **BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS**

Supervisor McKay moved the reappointment of Mr. Joseph Blackwell as the At-Large #2 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Robert Mansker as the At-Large #3 Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Ryan Davis as the Professional #3 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Professional #1 Representative.

### **CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

### **CHILD CARE ADVISORY COUNCIL**

Supervisor Herrity moved the appointment of Mr. Hugh “Mac” Cannon as the Springfield District Representative. Supervisor Cook seconded the motion, which carried by unanimous vote.

### **CIVIL SERVICE COMMISSION**

Supervisor Frey moved the reappointment of Ms. Audrey Morton as the At-Large #1 Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved the reappointment of the Honorable Rosemarie Annunziata as the At-Large #3

Representative. Vice-Chairman Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova moved the reappointment of Mr. Jason Fong as the At-Large #4 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. Robert E. Frye as the At-Large #5 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Thomas Garnett as the At-Large #6 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. Patrick Morrison as the At-Large #7 Representative. This motion was multiply seconded, and it carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. John Harris, Jr. as the At-Large #10 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Mr. Richard Stacy as the At-Large #11 Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. John Townes as the At-Large #12 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #8 and #9 Representatives.

#### **COMMISSION FOR WOMEN**

The Board deferred the appointment of the Mason District Representative.

#### **COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

The Board deferred the appointment of the Religious Community Representative.

Chairman Bulova asked unanimous consent that the Board direct the Clerk to notify the Faith Communities in Action Group of the need for someone to fill the

Religious Community Representative position. Without objection, it was so ordered.

### **COMMUNITY ACTION ADVISORY BOARD**

#### **CONFIRMATION:**

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Tania Hossain-Almaraz as the Federation of Citizens Associations Representative

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

### **CRIMINAL JUSTICE ADVISORY BOARD**

Chairman Bulova moved the appointment of Mr. Mark Cranfill as the At-Large Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Cook moved the appointment of Mr. Theo Vaughn as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Dranesville District Representative.

### **ECONOMIC DEVELOPMENT AUTHORITY**

Chairman Bulova moved the appointment of Mr. Mark Lowham as the At-Large #6 Representative. This motion was multiply seconded and it carried by unanimous vote.

### **ENGINEERING STANDARDS REVIEW COMMITTEE**

The Board deferred the appointment of the Citizen #2 Representative.

#### **CONFIRMATION:**

Supervisor Foust moved confirmation of the following appointment:

- Ms. Maya Huber as the Citizens' Committee on Land Use and Transportation Representative

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

#### **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Supervisor Herrity moved the reappointment of Mr. Edmund “Ned” Foster as the Springfield District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

#### **FAIRFAX AREA DISABILITY SERVICES BOARD**

Chairman Bulova moved the appointment of Ms. Rhoda Baker as the At-Large Chairman’s Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #1 Business Community Representative, and the Providence and Sully District Representatives.

#### **CONFIRMATION:**

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Clare Dunne as the City of Falls Church Representative

Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey asked unanimous consent that the Board direct staff to provide information regarding changing term limit requirements on the Disability Services Board. Without objection, it was so ordered.

#### **HEALTH SYSTEMS AGENCY BOARD**

Supervisor Gross moved the appointment of Dr. Samuel M. Jones as the Provider #1 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

#### **HISTORY COMMISSION**

Chairman Bulova moved the reappointment of Mr. Robert Beach as the Architect Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Jack Hiller as the Citizen #1 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Sallie Lyons as the Citizen #2 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Ms. Lynn Garvey Hodge as the Citizen #4 representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Deborah Robison as the Citizen #5 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Ms. Mary Lipsey as the Citizen #6 Representative. Supervisor Herrity seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Citizen #8 Representative and the Citizen/Minority Representative.

#### **HUMAN RIGHTS COMMISSION**

Chairman Bulova moved the appointment of Mr. Michael Kwon the At-Large #1 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

#### **HUMAN SERVICES COUNCIL**

The Board deferred the appointment of the Mason District #2 Representative.

#### **INDUSTRIAL DEVELOPMENT AUTHORITY**

Chairman Bulova moved the reappointment of Mr. Marcus Simon as the At-Large #5 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

#### **INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**

Chairman Bulova moved the reappointment Ms. Kathryn Walsh as the At-Large Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. William Young, III as the Hunter Mill District Representative. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Ms. Emily McCoy as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

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

#### **NORTHERN VIRGINIA REGIONAL PARK AUTHORITY**

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

#### **OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointments of the Braddock and Providence District Representatives.

#### **PARK AUTHORITY**

Chairman Bulova moved the reappointment of Mr. George Lovelace as the At-Large #2 Representative. Supervisor Herrity and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

#### **PLANNING COMMISSION**

Supervisor Hudgins moved the reappointment of Mr. Frank de la Fe as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

#### **POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES**

Supervisor Hyland moved the reappointment of the Citizen At-Large #1 Representative. Chairman Bulova and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

**ROAD VIEWERS BOARD**

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

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

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

Supervisor Smyth moved the reappointments of:

- Mr. Stephen Still as the At-Large #4 Representative.
- Mr. Richard Bochner as the At-Large #5 Representative.

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

**SMALL BUSINESS COMMISSION**

Chairman Bulova moved the reappointment of Mr. John Pellegrin as the At-Large #1 Representative. Supervisor Herrity and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Ms. Margaret Schottler as the At-Large #3 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

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

Supervisor Frey moved the reappointment of Mr. Marvin Powell as the Sully District Representative. Supervisor Herrity seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mason District Representative.

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

The Board deferred the appointment of the Fairfax County #4 Representative.

**TENANT LANDLORD COMMISSION**

Supervisor Herrity moved the reappointment of Mr. Michael Kiffney as the Citizen Member #1 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Ms. Karen Geier-Smith as the Landlord Member #1 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. Christopher Kocsis as the Landlord Member #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Citizen Member #1 and Tenant Member #3 Representatives.

**TREE COMMISSION**

Supervisor Smyth moved the appointment of Ms. Marie Flanigan as the Providence District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the appointment of Mr. Nicholas Kokales as the Springfield District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Lee, and Sully District Representatives.

**CONFIRMATION:**

Supervisor Hyland moved confirmation of the following appointment:

- Mr. Robert Breazeale as the Virginia Department of Extension and Continuing Education Representative

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

**WETLANDS BOARD**

The Board deferred the appointment of the Alternate #1 Representative.



14. **ADMINISTRATIVE ITEMS** (12:27 p.m.)

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

Supervisor Smyth called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing to Lease County-Owned Property to Clear Wireless, LLC and inquired whether the maximum height limitation had been reached for the Massey Building, with input from Marguerite Verville Guarino, Assistant Director, Real Estate Division, Facilities Management Department.

Supervisor Herrity called the Board's attention to Admin 10 – Authorization for the County to Accept Grant Funding from the US Department of Energy for the Energy Efficiency and Conservation Block Grant Program with input from Susan Datta, Director, Department of Management and Budget, who clarified that there will be no ongoing cost incurred after the grant is accepted.

Discussion continued concerning indirect cost recovery as a means of addressing the budget, with additional input from Ms. Datta.

Supervisor Hyland called the Board's attention to Admin 12 – Approval of Criteria for Disbursement of Reserve Funds for Emergency Support for Community Organizations and requested clarification on the additional contract requirements that could be imposed for the granting of any funds, with input from Verdiana Haywood, Deputy County Executive.

Discussion continued with input from Mr. Haywood, concerning the organizations that are eligible for the funding.

The question was called on the motion to approve the Administrative Items 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 (PROVIDENCE DISTRICT)**

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

| <u>Subdivision</u>      | <u>District</u> | <u>Street</u>  |
|-------------------------|-----------------|--|
| Hunting Ridge Section 2 | Providence      | Chain Bridge Road<br>(Route 3547)<br>Additional ROW Only |

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY TO CLEAR WIRELESS, LLC (PROVIDENCE DISTRICT)**

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 17.)

Authorized the advertisement of a public hearing to be held before the Board on **January 12, 2010, at 4 p.m.** to consider leasing County-owned property to Clear Wireless, LLC, for the installation of a high speed internet hub station.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY TO WASHINGTON, DC SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 12, 2010, at 4 p.m.** to consider leasing County-owned property to Washington, DC SMSA Limited Partnership d/b/a Verizon Wireless for the purpose of installing a telecommunications base station.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7900 ROLLING ROAD (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2010, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 7900 Rolling Road, Springfield, Virginia, Tax Map Number 098-2-((04))-0002.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 5120 VERONICA ROAD (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2010, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 5120 Veronica Road, Centreville, Virginia, Tax Map Number 055-1-((02))-0032.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS**

- (A) (R) Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 21, 2010, at 8:15 p.m., and before the Board on **February 23, 2010, at 4 p.m.** to consider proposed amendments to the

Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding limitations on yards that abut outlots that are contiguous to streets.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE TIMBER RIDGE COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 12, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Timber Ridge CPD.

**ADMIN 8 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE, SULLY, AND BRADDOCK DISTRICTS)**

- (R)
- Endorsed the following traffic calming plans:
    - Two speed humps on Oleander Avenue (Providence District)
    - One speed hump on Paddington Lane (Sully District)
  - Adopted the Resolution authorizing installation of a “Watch for Children” sign on Hunt Road (Braddock District).
  - Directed staff to request the Virginia Department of Transportation (VDOT) to install the approved measures as soon as possible.

**ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)**

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

| <u>Application Number</u> | <u>Description</u>  | <u>New Date</u>  |
|---------------------------|---|------------------|
| 2232-V09-10               | T-Mobile Northeast LLC<br>125-foot monopole (treepole)<br>8426 Old Mount Vernon Road<br>(George Washington RECenter)<br>Mount Vernon District | February 5, 2010 |

| <u>Application<br/>Number</u> | <u>Description</u>   | <u>New Date</u>   |
|-------------------------------|--|-------------------|
| FS-S09-61                     | Cricket Communications<br>Antenna colocation on existing<br>monopole<br>9730 Hampton Road<br>Springfield District                          | February 6, 2010  |
| FS-S09-79                     | Clearwire US LLC<br>Rooftop antennas<br>12701 Fair Lakes Circle<br>Springfield District  | February 7, 2010  |
| FS-D09-78                     | Clearwire US LLC<br>Rooftop antennas<br>1350 Beverly Road<br>Dranesville District  | February 8, 2010  |
| FS-B09-97                     | Clearwire US LLC<br>Rooftop antennas<br>4349 Chesapeake Lane<br>(George Mason University)<br>Braddock District                             | February 8, 2010  |
| FS-Y09-99                     | Clearwire US LLC<br>Rooftop antennas<br>3600 Joseph Siewick Drive<br>Sully District  | February 8, 2010  |
| FS-P09-81                     | Clearwire US LLC<br>Rooftop antennas<br>9302 Lee Highway<br>Providence District  | February 18, 2010 |
| FS-H09-110                    | Clearwire US LLC<br>Rooftop antennas<br>2003 Edmund Halley Drive<br>Hunter Mill District   | February 18, 2010 |
| FS-L09-118                    | Clearwire US LLC<br>Antenna colocation on existing<br>monopole/light pole<br>7606 Telegraph Road<br>(Hayfield High School)<br>Lee District | February 18, 2010 |

| <u>Application Number</u> | <u>Description</u>   | <u>New Date</u>   |
|---------------------------|--|-------------------|
| FS-D09-119                | Clearwire US LLC<br>Antenna colocation on existing tower<br>11000 Leesburg Pike<br>Dranesville District          | February 18, 2010 |
| FSA-M01-22-1              | Verizon Wireless<br>Replacement antennas<br>6231 Leesburg Pike<br>Mason District                                 | February 21, 2010 |
| FSA-S06-34-1              | FiberTower<br>Additional antenna<br>6199 Old Arrington Lane<br>Springfield District                              | February 21, 2010 |
| FS-M09-121                | Clearwire US LLC<br>Antenna colocation on existing<br>monopole (treepole)<br>7212 Early Street<br>Mason District | February 25, 2009 |
| FS-L09-65                 | Clearwire US LLC<br>Antenna colocation on existing<br>monopole<br>6700 Springfield Center Drive<br>Lee District  | March 1, 2010     |
| FS-L09-122                | Clearwire US LLC<br>Rooftop antennas<br>5971 Kingstowne Village Parkway<br>Lee District                          | March 1, 2010     |
| FS-P09-123                | Clearwire US LLC<br>Rooftop antennas<br>2751 Prosperity Avenue<br>Providence District                            | March 1, 2010     |
| FS-Y09-124                | Clearwire US LLC<br>Antenna colocation on existing tower<br>14510 Mount Olive Road<br>Sully District             | March 1, 2010     |

| <u>Application Number</u> | <u>Description</u>  | <u>New Date</u> |
|---------------------------|---|-----------------|
| FS-M09-132                | Clearwire US LLC<br>Rooftop antennas<br>6925 Columbia Pike<br>Mason District  | March 1, 2010   |
| FS-P09-133                | Clearwire US LLC<br>Rooftop antennas<br>6402 Arlington Boulevard<br>Providence District   | March 1, 2010   |
| FS-Y09-144                | T-Mobile Northeast LLC<br>Antenna colocation on existing<br>monopole<br>4460 Brookfield Corporate Drive<br>Sully District                                 | March 8, 2010   |
| FS-H09-148                | Verizon Wireless<br>Antenna colocation on existing<br>monopole/light pole<br>11400 South Lakes Drive<br>(South Lakes High School)<br>Hunter Mill District | March 8, 2010   |
| FS-Y09-151                | Clearwire US LLC<br>Antenna colocation on existing<br>monopole<br>4460 Brookfield Corporate Drive<br>Sully District                                       | March 8, 2010   |
| FS-P09-142                | Clearwire US LLC<br>Rooftop antennas<br>8245 Boone Boulevard<br>Providence District   | March 12, 2010  |
| 2232-M07-12               | Columbia Crossroads LP<br>East County Human Services Center<br>(PPEA proposal)<br>5837 Columbia Pike<br>Mason District                                    | June 8, 2010    |

**ADMIN 10 – AUTHORIZATION FOR THE COUNTY TO ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF ENERGY FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM**

(NOTE: Earlier in the meeting, the Board discussed this item. See page 17.)

Approved the acceptance of funding from the US Department of Energy in the amount of \$9,642,800 for the Energy Efficiency and Conservation Block Grant program. No local cash match is required.

**ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10097 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR TRAFFIC MANAGEMENT RELATED TO THE CONSTRUCTION OF THE DULLES CORRIDOR METRORAIL PROJECT**

(SAR) Approved SAR AS 10097 for FCPD to accept funding from VDOT in the amount of \$3,418,531. Funding will provide financial assistance over a four-year period for officers' overtime salaries to augment patrols in the area surrounding the Dulles Corridor Metrorail Project. No local cash match is required.

**ADMIN 12 – APPROVAL OF CRITERIA FOR DISBURSEMENT OF RESERVE FUNDS FOR EMERGENCY SUPPORT FOR COMMUNITY ORGANIZATIONS**

(NOTE: Earlier in the meeting, the Board discussed this item. See page 17.)

Approved the criteria to disburse funds to nonprofit organizations currently under contract with the County to provide basic needs and employment services to residents of the County. County staff will evaluate and rank the requests and the Department of Purchasing and Supply Management will issue contract amendments.

15. **ORDERS OF THE DAY** (1:04 p.m.)

At the request of Anthony H. Griffin, County Executive, Chairman Bulova stated that the Board would defer Action Items 1, 2, and 9 until after the Solid Waste Authority meeting scheduled for 3 p.m.

(NOTE: Later in the meeting, action was taken regarding these items. See Clerk's Summary Items #44-46.)

16. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT FOR THE SALE, DELIVERY, AND USE OF RECLAIMED WATER BETWEEN COVANTA FAIRFAX, INCORPORATED, AND FAIRFAX COUNTY** (No Time)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #44.)

17. **A-2 – AUTHORIZATION OF AN AMENDMENT TO A SERVICE AGREEMENT AMONG FAIRFAX COUNTY, THE FAIRFAX COUNTY SOLID WASTE AUTHORITY, AND COVANTA FAIRFAX, INCORPORATED, (SERVICE AGREEMENT) RELATING TO THE SALE, DELIVERY AND USE OF RECLAIMED WATER (MOUNT VERNON DISTRICT)** (No Time)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #45.)

18. **A-3 – ADOPTION OF A RESOLUTION EXTENDING THE TERM OF EXISTENCE OF FAIRFAX COUNTY WATER AUTHORITY (“FAIRFAX WATER”)** (12:36 p.m.)

(BACs)

(R)

On motion of Supervisor Hyland, jointly seconded by Supervisor Gross and Supervisor Herrity, 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 extending the term of existence for the Fairfax County Water Authority to December 1, 2059.

19. **A-4 – ENDORSEMENT OF BRADDOCK ROAD/ROUTE 123 CONCEPTUAL INTERCHANGE AND INTERIM IMPROVEMENTS STUDY (BRADDOCK AND SPRINGFIELD DISTRICTS)** (12:36 p.m.)

On motion of Supervisor Cook, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the conceptual grade-separated interchange and interim at-grade improvements developed for the Braddock Road/Route 123 intersection as summarized in the final study report and as outlined in the Board Agenda Item dated December 7, 2009.

20. **A-5 – APPROVAL OF AN AMENDED PARKING REDUCTION FOR PROMENADE AT TYSONS WEST (HUNTER MILL DISTRICT)** (12:37 p.m.)

On motion of Supervisor Hudgins, jointly seconded by Supervisor Hyland and Supervisor McKay, and carried by unanimous vote, the Board concurred in the



recommendation of staff and approved the requested modification to condition number two of the 11.7 percent parking reduction granted by the Board on March 9, 2009, for Promenade at Tysons West pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a revised analysis for the proposed changes to the mix of uses on site, on condition that all of the conditions set by Board previously remain in effect with the exception of condition 2, which is modified to add an alternative mix of uses as outlined in the Board Agenda Item dated December 7, 2009.

21. **A-6 – APPROVAL OF A PARKING REDUCTION FOR DUNN LORING MERRIFIELD METRO CENTER (PROVIDENCE DISTRICT)**  
(12:37 p.m.)

Noting that this was not an amended Parking Reduction, Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a 14.5 percent parking reduction for the proposed residential development component and a 5.0 percent parking reduction for proposed retail component for the Dunn Loring Merrifield Metro Center, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraphs 4(B), 5, and 26, based on an analysis of the parking requirements for each use on the site and a parking reduction study on conditions as outlined in the Board Agenda Item dated December 7, 2009. Supervisor McKay seconded the motion and it carried by unanimous vote.

22. **A-7 – APPROVAL OF COMMENTS ON THE DRAFT REPORT “REGION FORWARD – GREATER WASHINGTON 2050: COUNCIL OF GOVERNMENTS’ (COG) VISION FOR THE NATIONAL CAPITAL REGION IN THE TWENTY-FIRST CENTURY”** (12:37 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse the comments provided in Attachment I to the Metropolitan Washington COG concerning the Greater Washington 2050 Report. The comments address specific questions posed on the COG website as well as staff suggestions for additional information to be included and items to be considered when developing the final version of the Greater Washington 2050 Report. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Discussion ensued regarding the content of the proposed letter and what should be included.

Supervisor McKay asked to amend the motion to change one of the bulleted paragraphs to read as follows: “Roads are and will remain in the future an essential component of a functional regional transportation system. However, improving the attractiveness of transit and expanding the number of walkable communities are essential for this region’s continued growth as articulated in the 2050 goals. Ensuring that there is adequate support for maintenance,

management and operations, for all modes of transportation, as well as increased capacity where appropriate, is absolutely essential to accommodate the region's growth and economic development." This was accepted.

Supervisor Herrity asked to amend the motion to move the last two paragraphs to the top of the list, and this was accepted.

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

23. **A-8 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE'S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2011 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (12:58 p.m.)

On motion of Supervisor Herrity, jointly seconded by Chairman Bulova and Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the CAO Task Force's two primary recommendations on the FY 2011 VRE budget as outlined in the Board Agenda Item dated December 7, 2009.

24. **A-9 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE A FUNDING AGREEMENT FOR THE COUNTY TO ACCEPT FEDERAL STIMULUS GRANT FUNDING FROM THE VIRGINIA RESOURCES AUTHORITY (VRA)** (No Time)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #46.)

25. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (12:59 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2009, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts during the period between the December 7, 2009, meeting and the first meeting of 2010 on January 12. 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.

26. **I-2 – CONTRACT AWARD - WASTEWATER BASIC ORDERING AGREEMENTS** (1:00 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2009, requesting authorization for staff to award contracts to CH2M Hill, Incorporated; Hazen and Sawyer, PC; and Parsons Water and Infrastructure, Incorporated each in an amount of \$2 million for the initial year term with two one-year renewals at the option of the County for special project support of the integrated sanitary sewer system and the County's Noman M. Cole, Jr., Pollution Control Plant.

Discussion ensued with input from Franklin M. Roberts, Staff, Wastewater and Design Branch, Department of Public Works and Environmental Services, (DPWES) and Jimmie D. Jenkins, Director, DPWES, regarding the funding source.

The staff was directed administratively to proceed as proposed.

27. **I-3 – PROJECT AGREEMENT AMENDMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE NoVi TRAIL - WALK ALONG BEULAH ROAD (HUNTER MILL DISTRICT)** (1:01 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2009, requesting authorization for the County Executive to execute the Project Agreement Amendment with VDOT for Project Development and Administration of the NoVi Trail – Walk Along Beulah Road Project.

The staff was directed administratively to proceed as proposed.

28. **I-4 – PROJECT AGREEMENT BETWEEN THE NATURAL RESOURCES CONSERVATION SERVICE, THE NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT, AND FAIRFAX COUNTY FOR THE REHABILITATION OF POHICK CREEK DAMSITE NUMBER 3, WOODGLEN LAKE (BRADDOCK DISTRICT)** (1:01 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2009, requesting authorization for the County Executive, on behalf of the County, to execute the Project Agreement and other supporting documents with the Natural Resources Conservation Service and the Northern Virginia Soil and Water Conservation District for the rehabilitation of Pohick Damsite Number 3, Woodglen Lake.

The staff was directed administratively to proceed as proposed.

29. **I-5 – PRESENTATION OF THE FISCAL YEAR (FY) 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (1:02 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2009, regarding the FY 2009 CAFR.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide comparative statements and cost involved. Without objection, it was so ordered.

30. **I-6 – CONTRACT AMENDMENT – RINKER DESIGN ASSOCIATES, PC, FOR PROFESSIONAL SERVICES FOR THE CONSTRUCTION OF THE OLLEY GLEN SENIOR HOUSING PROJECT (BRADDOCK DISTRICT)** (1:03 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2009, requesting authorization for the Fairfax County Redevelopment and Housing Authority to amend the contract with Rinker Design Associates, PC, in an amount not to exceed \$97,570, to fund additional professional services.

The staff was directed administratively to proceed as proposed.

31. **I-7 – CONTRACT AWARD – JEB STUART PARK ATHLETIC FIELD LIGHTING AND RELATED ELECTRICAL WORK (MASON DISTRICT)** (1:04 p.m.)

The Board next considered an item contained in the Board Agenda dated December 7, 2009, requesting authorization for the Park Authority to award a contract to R E Lee Electrical Company, Incorporated, in the amount of \$103,377 for the JEB Stuart Park Athletic Field Lighting and Related Electrical Work in Project 005016, Athletic Fields Lighting, in Fund 303, County Construction.

The staff was directed administratively to proceed as proposed.

**NV:nv**

32. **ORDERS OF THE DAY** (1:04 p.m.)

Following input from Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney, Chairman Bulova announced that the Board would defer the presentation of Board Matters until later in the meeting after Closed Session.

(NOTE: Later in the meeting, Board Matters were presented. See Clerk's Summary Items #37 – #42 and #66 – #91.)

33. **RECESS/CLOSED SESSION** (1:05 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)
  - 2. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane*, Fairfax County Zoning Administrator, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
  - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raimundo Guevara-Mendieta*, Case No. CL-2007-0012705 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
  - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
  - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and Marva K. Hatcher*, Case No. CL-2008-0003912 (Fx. Co. Cir. Ct.) (Providence District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Portillo*, Case No. CL-2009-0003563 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stuart S. Malawer, Sandra S. Malawer, and Erik Kennedy*, Case No. CL-2009-0012912 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Florence E. Cavazos*, Case No. CL-2009-0000433 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Lord*, Case No. CL-2009-0006752 (Fx. Co. Cir. Ct.) (Lee District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Catalina Guevara*, Case No. CL-2009-0013873 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. James C. Benton*, Case No. CL-2009-0008759 (Fx. Co. Cir. Ct.) (Lee District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter L. Johnson, Lloyd K. Johnson, and Virginia M. Johnson*, Case No. CL-2009-0010551 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wendy Y. Rejas*, Case No. CL-2009-0009790 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cleveland Randle*, Case No. CL-2009-0015831 (Fx. Co. Cir. Ct.) (Dranesville District)

15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Landmark Property Development, L.L.C.*, Case No. CL-2009-0015973 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David L. Marra, Sr., and Pamela L. Marra*, Case No. CL-2009-0015974 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nina Catherine Ford and Aubrey L. Lane*, Case No. CL-2009-0015972 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor H. Pajares*, Case No. CL-2009-0016099 (Fx. Co. Cir. Ct.) (Providence District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jean-Philippe Krukowicz and Benedicte A. Krukowicz*, Case No. CL-2009-0016208 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas E. Wood and Dena R. Bergstrom*, Case No. CL-2009-0016209 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Debby M. Amaya, Maria E. Amaya, and Jose D. Fernandez*, Case No. CL-2009-0016277 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel E. Lopez, Berta Lopez, and Patricia N. Morales*, Case No. CL-2009-0016222 (Fx. Co. Cir. Ct.) (Mason District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mong Heng and Sou Khim Heng*, Case No. CL-2009-0016278 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Y.C. Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang, and Wan Shi Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang*, Case No. CL-2009-0016276 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2009-0016279 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clarence N. Cichy, II*, Case No. CL-2009-0016343 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
27. *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)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel C. Robinson*, Case No. CL-2009-0015917 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto*, Case No. CL-2009-0016596 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2009-0016595 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)



31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen S. Ribeiro*, Case No. CL-2009-0016681 (Fx. Co. Cir. Ct.) (Lee District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Faleh A. M. Al Hogbani*, Case No. CL-2009-0016717 (Fx. Co. Cir. Ct.) (Mason District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bo McAlister*, Case No. CL-2009-0016718 (Fx. Co. Cir. Ct.) (Lee District)
34. *Jon Soo Jang v. David J. Giaccio*, Case No. 09-23409 (Fx. Co. Gen. Dist. Ct.)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case Nos. 09-0022648 and 09-0022649 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maury A. Audet*, Case Nos. 09-0016479 and 09-0016480 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro A. Cestti and Gladys A. Caballero*, Case Nos. 09-0020542 and 09-0020596 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Almendarez*, Case Nos. 09-0029452 and 09-0029453 (Fx. Co. Gen. Dist. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Darwin Santos Gonzalez*, Case Nos. 09-0030069 and 09-0030070 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rocio L. Veizaga*, Case Nos. 09-0030296 and 09-0030297 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *Board of Supervisors of Fairfax County, Virginia v. Krispy Kreme Doughnut Corporation*
- *Fairfax County Water Authority v. City of Falls Church*
- Dominion Virginia Power Rate Case, State Corporation Commission Case Number PUE-2009-00019

Chairman Bulova seconded the motion and it carried by unanimous vote.

**DAL:dal**

At 2:39 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

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

34. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:39 p.m.)

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

35. **MS. GAIL LEDFORD APPOINTED AS DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR HUMAN SERVICES** (2:40 p.m.)

Supervisor Gross moved the appointment of Ms. Gail Ledford to the position of Director of the Department of Administration for Human Services, Grade E-10, at a starting salary of \$139,500 effective December 21, 2009. Supervisor Hyland seconded the motion and it carried by unanimous vote.

NV:nv

**ADDITIONAL BOARD MATTERS**36. **ORDERS OF THE DAY** (2:41 p.m.)

Chairman Bulova announced that the Board would proceed with Board Matters until 3 p.m., at which time the Special Meeting of the Solid Waste Authority would begin.)

37. **REQUESTS FOR CERTIFICATES OF RECOGNITION** (2:41 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite the following individuals to appear before the Board on January 12, 2010:

- **Ken Garnes**, Director of Human Services Administration, to be recognized for his 26 years of service to the County, 6½ of which have been in his current position.
- **Jimmie D. Jenkins**, Director of Public Works, to be recognized for his 34 years of service to the County, almost 6 of which have been in his current position (requested jointly with Supervisor Herrity).
- **Verdia L. Haywood**, Deputy County Executive, to be recognized for his 31 years of service to the County, 28 years of which have been in his current position (requested jointly with Supervisor Frey).

Without objection, it was so ordered.

Chairman Bulova noted that earlier in the meeting she had asked that citizens of the County who served and gave their lives in World War II, Korea, and Vietnam be honored by having their names placed in the record of today's meeting. (See Clerk's Summary Item #3.)

Chairman Bulova asked unanimous consent that the Board direct staff to invite Christopher Zimmerman to appear before the Board to be welcomed as the new Music Director of Fairfax Symphony Orchestra. Without objection, it was so ordered.

38. **COUNTY INVENTORY OF HISTORIC SITES** (2:43 p.m.)

(BACs) Chairman Bulova said that at its January 26 meeting, the Board directed staff to work with the History Commission to develop a process for updating the County Inventory of Historic Sites in the Comprehensive Plan on a systematic basis.

After working with staff from the Department of Planning and Zoning, the History Commission recommends the establishment of an annual process to update the County Inventory of Historic Sites in the Comprehensive Plan. Once a year, the History Commission will report to the Board and Planning Commission and inform them of any additions and corrections to the inventory and request that a Plan amendment be authorized so that these proposed changes to the Comprehensive Plan can be considered.

During 2009 the History Commission added 15 sites to the inventory and noted several corrections and modifications to the Comprehensive Plan related to the inventory and heritage resources. In keeping with its recommendation for an annual update, the History Commission has asked that a Plan amendment be authorized.

Therefore, Chairman Bulova moved that the Board:

- Endorse the establishment of an annual process to update the County Inventory of Historic Sites as recommended by the History Commission.
- Authorize consideration of a Plan amendment for the 2009 Historic Inventory Update as recommended by the History Commission. This update will address the following:
  1. Update the inventory tables and maps that appear in Area Plans to include the new sites listed by the History Commission in 2009.
  2. Remove dates in the Area Plan text that reference the date of the inventory tables in order to simplify the annual update process.
  3. Make editorial changes to correct factual information in the Heritage Resources sections of the Dulles Suburban Center and Fairfax Center Areas.
  4. Make revisions to inventory tables in the Area Plans to reflect changes that have taken place and where more accurate information is now available.

Vice-Chairman Gross seconded the motion, which carried by unanimous vote.

39. **LEGISLATION TO ASSIST WITH ENERGY EFFICIENCY** (2:46 p.m.)

Chairman Bulova said that on November 18, she hosted a Town meeting on Energy Efficiency and Climate Change. There was lively and informative

discussion between the speakers and the audience. One of the topics discussed was how homeowners and businesses can implement some simple steps to improve efficiency. She said that over 90 percent of emissions in the region are generated by non-government sources so it is important to find ways to make energy efficiency affordable and accessible. Many of the changes people can make are simple and affordable, but the upfront cost of making some of these improvements can be prohibitive.

Chairman Bulova noted that last year the Virginia General Assembly passed legislation which would give local jurisdictions the ability to help with the cost of improvements on private property. Accordingly, she asked unanimous consent that the Board direct staff to research options for programs and outreach that could be made available to residents and businesses as a result of this new authority. This information should be shared with the Board at a future Environmental Committee meeting. Without objection, it was so ordered.

40. **BOARD GOALS/PRIORITIES AND BUDGET DEVELOPMENT**  
(2:47 p.m.)

Chairman Bulova called the Board's attention to an amended copy of the Board Goals document and read it aloud:

- **A Quality Educational System:** Education is Fairfax County's highest priority. We will continue the investment needed to protect and enhance this primary community asset. Our children are our greatest resource. Because of our excellent schools, businesses are eager to locate here and our children are able to find good jobs. A well-educated constituency is best able to put back into their community.
- **Safe Streets and Neighborhoods:** Fairfax County is the safest community of our size in the US. We will continue to invest in public safety to respond to emergency situations, as well as efforts to prevent and intervene in destructive behaviors, such as gang activity and substance abuse.
- **A Clean, Sustainable Environment:** Fairfax County will continue to protect our drinking water, air quality, stream valleys, and tree canopy through responsible environmental regulations and practices. We will continue to take a lead in initiatives to address energy efficiency and sustainability and to preserve and protect open space for our residents to enjoy.
- **Livable, Caring and Affordable Communities:** As Fairfax County continues to grow we will do so in ways that address environmental and mobility challenges. We will encourage housing that is affordable to our children, seniors, and members of

our workforce. We will provide compassionate and efficient services to members of our community who are in need. We will continue to protect and support our stable lower density neighborhoods. We will encourage and support participation in community organizations and other activities that address community needs and opportunities.

- **A Vibrant Economy**: Fairfax County has a well-deserved reputation as a business-friendly community. We will vigorously pursue economic development and revitalization opportunities. We will support the business community and encourage this healthy partnership. We will continue to be sensitive and responsive to the needs of our corporate neighbors in the areas of workforce development and availability, affordable housing, regulation, and taxation.
- **Efficient Transportation Network**: Fairfax County makes it a priority to connect People and Places. We will continue to plan for and invest in transportation improvements to include comprehensive bicycle and pedestrian initiatives, bus and para transit, road and intersection improvements, and expansion of Metrorail and VRE.
- **Recreational and Cultural Opportunities**: A desirable community is one where there is a lot going on that residents can enjoy. Fairfax County will continue to provide for athletic, artistic, intellectual and recreational activities in our community's parks, libraries, and schools.
- **Taxes that are Affordable**: The property tax is Fairfax County's primary source of revenue to provide services. We will ensure that taxes are affordable for our residents and businesses, and we will seek ways to diversify County revenues in order to make our tax base more equitable. We will ensure that County programs and services are efficient, cost effective, and well run.

Accordingly, Chairman Bulova moved adoption of the aforementioned goals and priorities. Vice-Chairman Gross seconded the motion.

Following discussion of the "taxes that are affordable" goal, the question was called on the motion, which carried by unanimous vote.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to capture these goals on the County's website. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

41. **THE FUTURE OF EDUCATION AND ITS CONNECTION TO THE ECONOMY OF THE COUNTY AND NORTHERN VIRGINIA** (2:56 p.m.)

Supervisor Foust said that the Economic Development and Infrastructure Committee of the Economic Advisory Commission (EAC) has scheduled a meeting to discuss the future of education and its connection to the economy of the County and the Northern Virginia region. The committee has arranged for a distinguished panel of experts, including Jack Dale, Superintendent of Fairfax County Public Schools; Alan Merten, President of George Mason University; Robert Templin, President of Northern Virginia Community College; and Jay Poole of the Virginia Business Higher Education Council to lead the discussion. The meeting will be held on Thursday, December 17, at 8 a.m. in Room 120C of the Government Center. The Board generally does not attend the working meetings of the EAC's committees. He noted that this is a special meeting on a critical topic and several Board members may want to attend. He presented this Board Matter to inform the Board that staff has been requested to advertise this meeting consistent with any Virginia Freedom of Information Act (VFOIA) public notice requirements that may apply so that Board Members who choose to do so may attend.

42. **CONCERNING DISTANCE – BASED PRICING FOR THE DULLES TOLL ROAD AND DULLES GREENWAY (DRANESVILLE DISTRICT)** (2:58 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust said that the County, the Town of Herndon, and Loudoun County elected officials and jurisdictional [Virginia Department of Transportation (VDOT), and Metropolitan Washington Airports Authority (MWAA)] staff have been working together to coordinate the multiple land use planning and zoning activities and transportation improvements in the vicinity of the future (Phase 2) Route 28 rail station. Even with the extension of Metrorail in the Dulles Corridor, there will still be a large demand for automobile trips through and within the corridor and its surrounding land areas. Staff has been tasked with identifying a road and transit network to offset some of the demand created by existing, zoned, and proposed land development in the vicinity of the future Route 28 station.

Supervisor Foust noted a particularly troubling issue that has been highlighted during this inter-jurisdictional effort has been the negative impacts of the diversion of traffic onto Route 28 and secondary roadways to avoid tolls on the Dulles Greenway, especially following the recent increases in tolls on the Greenway. In fact, the diversion of traffic from the Greenway to other roads is causing significant congestion on Route 28 and secondary roads in and around the Town of Herndon including on Herndon Parkway, Elden Street, and Sterling Road in the town. The reason for the diversion is that whether drivers want to go a short distance or the full distance to Leesburg on the Greenway, they pay the same toll if they enter the Greenway at Route 28/Dulles Toll Road (DTR).

Because of the substantial toll on the Greenway, drivers are choosing to divert for short distances.

Supervisor Foust said that at the eastern end of the Dranesville District, a similar phenomenon is occurring at Route 7 and the DTR. Many vehicles that could divert from Route 7 to the DTR to reach the Capital Beltway do not do so because they would have to pay the full toll at the main toll plaza for traveling about a half mile. As a result, about 30 percent to 35 percent of the traffic traveling on Route 7 in Tysons Corner is through traffic – traffic that does not have an origin or destination in Tysons Corner. This exacerbates traffic congestion that reaches level of service 'F' during morning and evening rush hours. Further, a major concern is that vehicles are instead using narrow, substandard roadways such as Lewinsville Road and Spring Hill Road through residential neighborhoods to avoid the toll at the main toll plaza.

Supervisor Foust said that these incidents of congestion occurring at both ends of the Dranesville District lead to one conclusion: That much of this congestion could be alleviated if the toll structure were revised on the DTR and Greenway to better link travel distance and the level of toll. He said that a distance-based toll structure, similar to what is envisioned on the I-495 and I-395/95 HOT Lanes and is currently used on the Pennsylvania, New Jersey, and New York State Turnpikes (to name a few) would be far more equitable to users of the DTR and the Greenway, would result in higher traffic volumes on those facilities, and would reduce the diversion of traffic onto secondary roads not designed to carry high volumes of traffic.

Therefore, Supervisor Foust moved that the Board direct Department of Transportation staff to establish a staff working group including MWAA, VDOT, the Town of Herndon, Loudoun County, and the Greenway to prepare a scope of work to assess the impact of distance-based and variable pricing on the DTR and the Dulles Greenway. The study should address traffic volumes on the toll facilities and secondary roads, impacts on toll revenues, consumer acceptance, and impacts on the ability of MWAA to meet its responsibility to construct Phases 1 and 2 of the Dulles Corridor Metrorail Extension and repay bond holders and the Greenway to meet its responsibility to its bond holders. Supervisor Smyth seconded the motion.

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

(NOTE: Later in the meeting, additional Board Matters were presented. See Clerk's Summary Items #66–91.)



**AGENDA ITEMS**

43. **3 P.M. – SPECIAL MEETING OF THE SOLID WASTE AUTHORITY TO AUTHORIZE AN AMENDMENT TO A SERVICE AGREEMENT AMONG FAIRFAX COUNTY, THE FAIRFAX COUNTY SOLID WASTE AUTHORITY, AND COVANTA FAIRFAX, INCORPORATED, (SERVICE AGREEMENT) RELATING TO THE SALE, DELIVERY AND USE OF RECLAIMED WATER** (3:04 p.m.)

At 3:04 p.m., a Special Meeting of the Solid Waste Authority was called to order.

Joyce Doughty, Director of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Management (DPWES), and authorized representative to the Service Agreement on behalf of the Authority, made a brief presentation.

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize an Amendment to the Service Agreement relating to the sale, delivery, and use of reclaimed water substantially in the form as contained in Attachment I of the Board Agenda Item. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Shahram Mohsenin Director, Wastewater Planning and Monitoring Division, DPWES, and Jimmie D. Jenkins, Director, DPWES, regarding:

- Using effluent to water the associated ballfields.
- Exceeding the standards for the effluent.
- Complying with new nutrient reduction regulations regarding the County's discharge permit.

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

44. **A-1 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT FOR THE SALE, DELIVERY, AND USE OF RECLAIMED WATER BETWEEN COVANTA FAIRFAX, INCORPORATED, AND FAIRFAX COUNTY** (3:10 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #15.)

On motion of Supervisor Gross, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute a water reuse agreement between the County and Covanta substantially in the form of a draft agreement.

45. **A-2 – AUTHORIZATION OF AN AMENDMENT TO A SERVICE AGREEMENT AMONG FAIRFAX COUNTY, THE FAIRFAX COUNTY SOLID WASTE AUTHORITY, AND COVANTA FAIRFAX, INCORPORATED, (SERVICE AGREEMENT) RELATING TO THE SALE, DELIVERY AND USE OF RECLAIMED WATER (MOUNT VERNON DISTRICT)** (3:10 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #15.)

On motion of Supervisor Gross, seconded jointly by Supervisor Hyland and Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized an amendment to the Service Agreement relating to the sale, delivery, and use of reclaimed water.

46. **A-9 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE A FUNDING AGREEMENT FOR THE COUNTY TO ACCEPT FEDERAL STIMULUS GRANT FUNDING FROM THE VIRGINIA RESOURCES AUTHORITY (VRA)** (3:11 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #15.)

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

- Authorized the County Executive to execute a Funding Agreement and Lobbying Certification, as needed, between the County and VRA substantially in the form of a draft agreement.
- Approved acceptance of funding from VRA in the amount of \$6,500,000 for the Noman M. Cole, Jr., Pollution Control Plant Water Reuse Project.

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, pointed out that the contract for this project must be awarded by the end of the week to meet the State's requirement for the grant funding.

DAL:dal

47. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MV-031 (TRUSTEES FOR MOUNT VERNON LODGE NUMBER 219, AF AND AM, NEW CINGULAR WIRELESS PCS, LLC, D/B/A AT&T MOBILITY AND T-MOBILE NORTHEAST, LLC) (MOUNT VERNON DISTRICT)**  
(3:13 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 2008-MV-031 until **January 12, 2010, at 3 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

48. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-L-080 (SUNOCO, INCORPORATED [R&M]) (LEE DISTRICT)**  
(3:14 p.m.)

The application property is located at 6400 Backlick Road, Tax Map 80-4 ((1)) 9B.

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

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

Supervisor McKay moved:

- Approval of Special Exception Amendment Application SEA 89-L-080, subject to the development conditions dated December 1, 2009.
- Modification of the major paved trail and on-road bicycle requirements along Backlick Road to that shown on the SEA Plat and as referenced by the development conditions.

Supervisor Gross seconded the motion.

Following a brief discussion regarding the application, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

49. 3 P.M. – PH ON REZONING APPLICATION RZ 2009-LE-008 (KINGSTOWNE GAS STATION LP) (LEE DISTRICT)

AND

PH ON REZONING APPLICATION RZ 2009-LE-009 (KINGSTOWNE GAS STATION LP) (LEE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-448-32 (KINGSTOWNE GAS STATION LP) (LEE DISTRICT)

(3:26 p.m.)

(Os) The Rezoning Application RZ 2009-LE-008 property is located in the northwest quadrant of the intersection of South Van Dorn Street and King Center Drive, Tax Map 91-2 ((1)) 26F pt.

The Rezoning Application RZ 2009-LE-009 property is located approximately 100 feet north of King Center Drive and 500 feet west of its intersection with South Van Dorn Street, Tax Map 91-2 ((1)) 26F pt.

The Proffered Condition Amendment Application PCA-C-448-32 property is located on the north side of King Center Parkway, approximately 450 feet west of its intersection with South Van Dorn Street, Tax Map 91-2 ((1)) 26F pt.

Mr. Jonathan B. Halle reaffirmed the validity of the affidavit for the record.

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

- Mr. Frank W. Stearns, Venable LLP
- Venable, LLP

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

- Mr. Frank W. Stearns, Venable LLP
- Venable, LLP

Chairman Bulova disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. David R. Lasso, Venable, LLP
- Mr. William D. Dolan, II, Venable, LLP
- Mr. Douglas B. McDonald, Venable, LLP
- Mr. William L. Walsh, Jr., Venable, LLP
- Mr. Henry F. Brandenstein, Venable, LLP
- Mr. John G. Milliken, Venable, LLP

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

Supervisor Herrity disclosed additional campaign contributions which he had received in excess of \$100 from:

- Mr. Thomas W. France, Venable, LLP
- Mr. William L. Walsh, Jr., Venable, LLP
- Mr. Scott Hommer, III, Venable, LLP

Chairman Bulova disclosed an additional campaign contribution which she had received in excess of \$100 from:

- Venable, LLP

Mr. Halle 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 McKay moved:

- Approval of Proffered Condition Amendment Application PCA C-448-32, amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-LE-008, from the PDC and PDH-4 Districts to the PDC District, and amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning

Application RZ 2009-LE-009, from the PDC District to the PDH-4 District, subject to the proffers dated November 23, 2009, and the associated Conceptual Development Plan.

- Modification of the transitional screening yard requirement along the northeastern property line in favor of that shown on the combined rezoning and final development plan.
- Waiver of the barrier requirement along the northeastern property line.

Supervisor Foust seconded the motion.

Following a brief discussion regarding the sale of alcohol, the question was called on the motion and it carried by 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.

(NOTE: On November 5, 2009, the Planning Commission approved Final Development Plan Amendment Application FDPA C-448-10-03, and Final Development Plan Applications FDP 2009-LE-008 and FDP 2009-LE-009, subject to the development conditions dated November 2, 2009.)

50. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-S-023-03 (COSTCO WHOLESALE CORPORATION) (SPRINGFIELD DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SP-001 (COSTCO WHOLESALE CORPORATION) (SPRINGFIELD DISTRICT)**  
(3:38 p.m.)

Supervisor Herrity moved to defer the public hearing on Proffered Condition Amendment Application PCA 87-S-023-03 and Special Exception Application SE 2007-SP-001 until **January 12, 2010, at 3:30 p.m.** Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room.

DET:det

51. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2007-PR-001 (DSF/LONG METRO II, LLC AND DSF/LONG METRO III LLC) (PROVIDENCE DISTRICT) (3:39 p.m.)**

The application property is located on the west side of Gallows Road approximately 350 feet south of its intersection with Prosperity Avenue, Tax Map 49-1 ((16)) 14, 15 and 16; 49-2 ((1)) 18 and 19.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker 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, Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth said that the application essentially seeks to undo the applicant's proffered commitment to connect to Fairfax Water, and that because of an ongoing, as yet unresolved, dispute between the City of Falls Church and Fairfax Water, the applicant has experienced unanticipated and rather extraordinary difficulty and delay in fulfilling this proffered commitment through no fault of its own. She noted that, as the applicant stated, "the City of Falls Church maintains a water line easement across the application property, the vacation of which is necessary for the approved development to proceed and that the City of Falls Church would like to be the water service provider for this development and thus has declined to permit the vacation of the easement."

Supervisor Smyth stated "that, therefore, she believes it is appropriate, under the peculiar facts of this situation, to extract this applicant from the larger controversy by amending the proffered condition to allow the applicant to choose a water service provider as the issues between the City of Falls Church and Fairfax Water will be resolved at a later date in another forum, and, as we await a final resolution of that larger dispute, this applicant's development should not be further thwarted."

Therefore, Supervisor Smyth moved that the Board:

- Approve Proffered Condition Amendment Application PCA 2007-PR-001, subject to the proffered conditions dated December 3, 2009.
- Reaffirm the following, previously approved, waivers and modifications:

- Modification to allow the use of underground stormwater management in a residential development subject to Waiver Number 24817-SPFM-001-3, with conditions dated October 2, 2007.
- Modification of private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length.
- Modification of transitional screening and barrier requirements in favor of that shown on the CDP/FDP.
- Modification of the loading requirements to allow eight loading spaces in Phase B, rather than ten loading spaces.
- Modification of Public Facilities Manual (PFM) Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet as shown on the CDP/FDP and as described in the proffers.

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

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-DR-016 (MADISON BUILDING ASSOCIATES LLC AND SECOND MADISON BUILDING ASSOCIATES LLC) (DRANESVILLE DISTRICT)** (3:47 p.m.)

The application property is located on the east side of Beverly Road, west side of Old Chain Bridge Road, approximately 100 feet south of its intersection with Fleetwood Road, Tax Map 30-2 ((4)) (D) 11B and 47A.

Supervisor Foust moved to defer the public hearing on Rezoning Application RZ 2009-DR-016 until **January 26, 2010, at 3:30 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.



53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-SU-020 (TRUSTEES OF THE LIGHT GLOBAL MISSION CHURCH) (SULLY DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-C-021-02 (TRUSTEES OF THE LIGHT GLOBAL MISSION CHURCH) (SULLY DISTRICT) (3:47 p.m.)**

The application property is located in the northwest quadrant of the intersection of Fair Ridge Drive and Lee Jackson Memorial Highway, Tax Map 46-3 ((1)) 15A1, 15A2 and 15A3.

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2009-SU-020 and Proffered Condition Amendment Application PCA 83-C-021-02 until **December 21, 2009, at 11 a.m.** under the following conditions:

- That it remain noncontroversial.
- That there are no speakers.

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

(NOTE: On November 19, 2009, the Planning Commission approved Final Development Plan Application FDP 2009-SU-020, subject to the development conditions dated November 18, 2009, with condition number one modified to delete the words “as raised crosswalks.”)

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-M-101-03 (T-MOBILE NORTHEAST LLC) (MASON DISTRICT) (3:51 p.m.)**

The application property (Phillips School) is located at 7010 Braddock Road, Tax Map 71-3 ((8)) 5, 71-4 ((20)) 1 and 4.

Mr. Sean P. Hughes reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 85-M-103-03 [sic], subject to the development conditions dated November 23, 2009.
- Waiver of the requirement to construct an on-road bike lane along the frontage of Backlick Road, fronting parcels 71-4 ((20)) 1 and 4, in favor of the right-of-way dedications shown on the SEA Plat.
- Waiver of the requirement to construct a major paved trail along the frontage of Braddock Road, fronting parcel 71-4 ((20)) 4, in favor of the right-of-way dedication shown in the SEA Plat.
- Modification of the transitional screening and barrier requirements along all property lines, in favor of the landscaping and barriers shown on the SEA Plat.
- Modification of the frontage improvements in favor of the right-of-way dedication shown on the SEA Plat and as conditioned.

Supervisor McKay seconded the motion.

Supervisor Gross noted that the motion includes waivers of requirements for the paved trail and the bike lane, and while she generally does not allow such waivers, she was doing so since there are plans for Virginia Department of Transportation (VDOT) improvements along that intersection.

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

(NOTE: On November 5, 2009, the Planning Commission approved Public Facilities Application 2232-M06-18, T-Mobile Northeast LLC. The Commission noted that the proposed telecommunications facility at 7010 Braddock Road satisfies the criteria of location, character, and extent, as set forth in Section 15.2-2232 of the *Code of Virginia*, and is in substantial accord with the provisions of the adopted Comprehensive Plan.)

55. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) RELATED TO TRAFFIC CALMING AND CUT-THROUGH MEASURES** (4:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2009.

Jan Shaw Leavitt, Engineer IV, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the PFM, related to traffic calming and cut-through measures, as set forth in the staff report dated October 19, 2009, and as recommended by the Planning Commission. The proposed amendment will become effective at 12:01 a.m. on December 8, 2009. Supervisor Cook, Supervisor Foust, and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland and Supervisor McKay being out of the room.

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE AMBERWOOD COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)** (4:03 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2009.

Janet Nguyen, Transportation Planner, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Amberwood CPD, in accordance with current CPD restrictions. The proposed district establishment includes Wall Street (Route 2736), from Gosnell Road to the end. Chairman Bulova seconded the motion.

Discussion ensued concerning construction definitions, with input from Ellen Gallagher, Chief, Capital Projects and Operations Division, Department of Transportation, concerning establishing temporary residential permit parking districts (RPPDs).

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.

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE GEORGE MASON UNIVERSITY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 40 (BRADDOCK DISTRICT)** (4:11 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 19 and November 26, 2009.

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

Following the public hearing, which included testimony by two speakers, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the George Mason University RPPD, District 40. The proposed district establishment includes Tapestry Drive (Route 6545) from Catterick Court (Route 6548) to the western boundary of 68-2((5)) parcel 1679A and the western boundary of 68-2((5)) parcel 1680. Chairman Bulova 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.

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SPRINGDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 33 (MASON DISTRICT)** (4:20 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 19 and November 26, 2009.

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

Following the public hearing, which included testimony by three speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Springdale RPPD, District 33. The proposed district expansion includes Munson Road (Route 795) east side only from Arnet Street (Route 1845) to Summers Lane (Route 3399), Summers Lane north side from eastern boundary of 61-4((1)) parcel 0042 to the western boundary of 61-4((1)) parcel 0041A. Supervisor Foust and Chairman Bulova jointly 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.

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE FRANKLIN FARM COMMUNITY PARKING DISTRICT (CPD) (SULLY 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 November 19 and November 26, 2009.

Janet Nguyen, Transportation Planner, Traffic Operations Section, Department of Transportation, presented the staff report.

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

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Franklin Farm CPD, in accordance with current CPD restrictions. The proposed district establishment includes Old Dairy Road (Route 6859) from Lees Corner Road to the cul-de-sac inclusive, and Tranquility Lane (Route 6856) from Franklin Farm Road to the cul-de-sac inclusive. Supervisor Hudgins 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.

60. **4:30 P.M. – PH ON A PROPOSED CUT-THROUGH TRAFFIC MITIGATION PLAN FOR SUTTON ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE DISTRICT)** (4:41 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 19 and November 26, 2009.

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

Following the public hearing, which included testimony by three speakers, Supervisor Smyth stated that she had submitted items for the record to the Clerk’s office.

Supervisor Smyth moved adoption of the Resolution endorsing Sutton Road, between Courthouse Road and Marywood Road, for a cut-through traffic mitigation plan as part of the RTAP. The proposed plan consists of two speed humps on Sutton Road. 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.”

61. **4:30 P.M. – PH ON A PROPOSAL TO ABANDON SEGMENTS OF BEULAH STREET (ROUTE 613) AND WOODLAWN ROAD (ROUTE 618) (MOUNT VERNON DISTRICT)** (4:55 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 19 and November 26, 2009.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following additional background provided by Supervisor Hyland concerning the property, Supervisor McKay stated that he had significant concerns with the request to abandon the entire stretch of Woodlawn Road when only a portion was necessary to facilitate the land transfer as well as the construction of Mulligan Road.

Following the public hearing, Supervisor McKay moved that the Board:

- Approve the abandonment of the portions of roadway necessary to facilitate the land transfer and the construction of Mulligan Road.
- Direct staff to return at a later date to pursue the discontinuance of the remaining portions of the property on Woodlawn Road (Route 618).

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

62. **4:30 P.M. – PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-7, RELATED TO PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS** (5:04 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 19 and November 26, 2009.

Ellen Gallagher, Chief, Capital Projects and Operations Division, Department of Transportation, presented the staff report.

Following the testimony of Mr. Albert Gallegos, Speaker #1, concerning the parking of boats and buses, discussion ensued concerning the County's ability to control vehicle exemptions, with input from Corrine N. Lockett, Assistant County Attorney, regarding bus exemptions.

Following the public hearing, which included testimony by six speakers, Chairman Bulova stated that she had a number of items to submit for the record.

Supervisor Hyland inquired as to:

- Enforcement experience in community parking districts (CPDs), with input from Bob Otten, Traffic Enforcement Supervisor, Operations Support/Traffic Division, Police Department, concerning the division's experience with warning periods.
- The County's authority to regulate the parking of taxicabs and limousines roadways, with input from Ms. Lockett concerning applicable sections of the Virginia Code.

Supervisor McKay noted that the amendments being considered today include a provision that requires that taxicabs be registered in the Commonwealth of Virginia.

Supervisor McKay moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-7, related to the parking of commercial vehicles in residential districts. Supervisor Foust, Supervisor Gross, Supervisor Smyth, and Chairman Bulova jointly seconded the motion.

Discussion ensued concerning:

- That the exemption of boats and trailers in this ordinance can be addressed through CPDs.
- The need for education and a formal warning period with additional input from Ms. Lockett.

Discussion ensued regarding consideration by the Transportation Committee of the implementation of warnings, ticketing, and the education of homeowner and civic associations, community organizations, and residents, with additional input from Ms. Lockett and David P. Bobzien, County Attorney, who recommended that those matters be addressed in a follow-on motion.

Following further discussion, regarding restricting some residentially-owned vehicles and adversely impacting small businesses, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins,

Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook voting “NAY.”

Supervisor McKay moved that the Board direct staff to:

- Educate the public on the adoption of the amendment, including the information disseminated to the Board in determining which vehicles would be legal and which would be in violation with photographic evidence of the typical types of vehicles.
- Establish at least a 30-day warning period for implementation with staff apprising the Board if additional time is needed.
- Work to establish a working group to deal with alternative locations to where these vehicles might go.

Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

63. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 6, TO ABBREVIATE THE DEFERRED COMPENSATION ORDINANCE BY AUTHORIZING MAINTENANCE OF A SEPARATE DEFERRED COMPENSATION PLAN DOCUMENT** (5:54 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 19 and November 26, 2009.

Susan Woodruff, Director, Department of Human Resources, presented the staff report.

Supervisor Gross, stated that this matter had been considered at the Personnel Committee’s October 26, 2009, meeting, and noted that in the Board Agenda Item dated December 7, 2009, the second issue regarding consideration of consolidating to a single deferred compensation vendor will be returned to the Board for review in the future after employee input is gathered.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 6, to abbreviate the Deferred Compensation Ordinance by authorizing maintenance of a separate deferred compensation plan document. 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.”



64. **4:30 P.M. – PH ON THE QUESTION OF CREATING A PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT (DRANESVILLE AND HUNTER MILL DISTRICTS)** (5:56 p.m.)

(BACs) A Certificate of Publication was filed from the editor of the *Washington Times*  
(Rs) showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 5, November 12 and November 19, 2009.

Chairman Bulova asked that the following County representatives to the Rail to Dulles Project be recognized:

- Len Wales, County Debt Manager, Department of Management and Budget
- Richard F. Stevens, Dulles Rail Project Coordinator, Department of Transportation
- James V. McGettrick, Assistant County Attorney

Mr. Wales presented the staff report.

Discussion ensued with input from Mr. Stevens and Mr. Wales concerning:

- Whether the bonds were interest free.
- The debt service of the section funded out of the Dulles Toll Road.
- Current rates versus projected future rates and its computation.
- Operating expense increase.

The following petitioners made presentations:

- Carson Lee Fifter, Jr., Attorney, McGuire Woods; General Counsel, Western Alliance for Rail to Dulles (WARD)
- Peter Johnston, Senior Vice President and Regional Manager, Boston Properties; President, WARD
- Michael J. Cooper, Senior Vice President and Managing Director, Brandywine Realty Trust; Representative, WARD

Following the public hearing, which included testimony by six speakers, Chairman Bulova stated that for the Board to create the proposed Phase II Tax District before the end of 2009, the Board must adopt a proposed resolution for that purpose following this public hearing so that it can be readopted as required by law at the Board's last scheduled meeting on December 21, 2009, at 11 a.m.

In an effort to clarify the Board's action today, Chairman Bulova stated that this decision is about the creation of a tax district of commercial land owners to fund the construction of stations along the rail line in the Dulles Corridor in the Reston – Herndon area and not a decision about the extension of the Silver Line in the Corridor, an issue that has already been decided and whose funding is in place.

As a decisive majority of the landowners in the Corridor have voluntarily agreed to create a special tax district, Chairman Bulova noted that the question before the Board was whether to allow these landowners to agree to tax themselves for the construction of these stations. She added that while some other funding sources are needed to fully fund the construction, the landowners have agreed to pay approximately 80 percent of that cost and that the question before the Board was not about where the remainder of the balance comes from. Although staff has recommended that it be funded through the commercial and industrial (C&I) tax which is dedicated for transportation improvements around the County, that is not the issue the Board is voting on today, but is a matter that will come before the Board in the future.

Supervisor Foust moved adoption of the following Resolutions:

- A proposed Resolution pursuant to Section 33.1-431(D) of *The Code of Virginia* that is Attachment III of the Board Agenda Item dated December 7, 2009, that would create the Phase II Dulles Rail Transportation Improvement District upon final adoption of that resolution at a subsequent Board meeting at least seven business days from today.
- A Material and Essential Understandings Resolution that is Attachment IV to the Board Agenda Item dated December 7, 2009.
- The Resolution regarding the requirements of Section 33.1-437 of *The Code of Virginia* that is Attachment V of the Board Agenda Item dated December 7, 2009.

Supervisor Hudgins seconded the motion.

Additional discussion ensued with input from Mr. Wales regarding the affordability of tolls, the consent of the Metropolitan Washington Airport Authority (MWAA), the need to keep tolls affordable, projected tolls and projected debt service, and the C&I tax as a funding source.

Following further discussion regarding the debt service, Chairman Bulova asked staff to respond to the issue of the C&I tax: whether it should be recommended as a funding source and what that would entail, with additional input from Mr. Wales concerning a worst case scenario regarding the debt service.

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

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board direct the Clerk to the Board to make available in her office no later than Wednesday, December 9, 2009, copies of the proposed Resolution to create the Phase II District, adopted by the Board today, for inspection and copying by petitioning land owners and their representatives, members of the public, and representatives of the news media as required by Section 33.1-431(D) of *The Code of Virginia*. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Chairman Bulova added that the Board will move forward with the establishment of an advisory board once the tax district has been established and directed staff to provide the composition of that board for the Board's consideration noting that appointments would not be made until after the establishment of the tax district.

65. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:21 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 19 and November 26, 2009.

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:

- Mr. Christopher Ford regarding bow hunting.
- Dr. John Grandy, Senior Vice President, Wildlife and Habitat Protection Department, the Humane Society, regarding deer management by archery.
- Ms. Kimberly Sisco, Board Member, Wildlife Rescue League, regarding bow hunting.

- Ms. Diane Hopkins regarding bow hunting.
- Ms. Eileen Hanrahan regarding deer.
- Mr. David Feld regarding deer, Lyme disease, and the 4-Poster System.
- Dr. Robin Kasten-Daryanani, Member, Animal Services Advisory Commission, additional options for deer management.

Supervisor Hyland asked Dr. Kasten-Daryanani, Speaker #7, if the Commission had taken a position on managed bow and arrow hunts and she stated that the Commission recommended to suspend all bow hunting until further data could come forward.

- Ms. Maryann Stanners regarding bow hunting.
- Ms. Nancy Espisito regarding deer and Animal Control.
- Dr. Jane Rice regarding deer management.
- Ms. Diane D'Arcy regarding the need for a public hearing on deer management.

Chairman Bulova introduced Victoria G. Monroe, County Wildlife Biologist, Animal Services Division, Police Department, who provided information on:

- The County's bow hunting wildlife management plan which was implemented in 2000.
- Why bow hunting was a choice rather than some other means of dealing with the population issue.

Following questions from Supervisor Hyland concerning the productivity of managed hunts and sharp-shooting, Supervisor Herrity stated that at the August 3, 2009, Board meeting, the Board approved a request to do a pilot study from the Department of Game and Inland Fisheries (DGIF) for the 4-poster deer bait station and asked unanimous consent that the Board direct the County Executive to provide an update of that request. Without objection, it was so ordered.

Supervisor Frey stated that he had volunteered to work with these individuals and do demonstration sites in the Sully District and that his staff would be working with the Park Authority to develop alternatives. Chairman Bulova noted that Mr. David Feld, Speaker #6, had also offered to work with the Board.

Following brief remarks by Supervisor Gross, Ms. Monroe provided an update regarding the pilot study request.

NV:nv

### ADDITIONAL BOARD MATTERS

66. NAIOP AWARD WINNERS (8:16 p.m.)

Supervisor Herrity reported that on November 19 he attended the NAIOP Awards where over 500 people attended. NAIOP is the commercial real estate development association. He congratulated all of the winners in each of the categories which included transactions, interiors, buildings and membership of the year. One of those awards that he was especially proud to see was for the McConnell Public Safety and Transportation Operations Center which received the **Best Building, Institutional Facility Over \$20 Million**. The team members included County staff and the Manhattan Construction Company. Also worth noting was the recipient for **Best Building Renovation** which was awarded to the Lorton Workhouse Arts Center where the team members included the Lorton Arts Foundation, BE&K Building Group, Studio39 Landscape Architecture, P.C., and MCLA. He distributed copies of the NAIOP Press Release of the Northern Virginia winners.

Supervisor Herrity congratulated the team members of both of these facilities for receiving these outstanding awards.

67. PUTTING THE "COUNTY CHECKBOOK" ONLINE (8:16 p.m.)

(NOTE: Earlier in the meeting, the Board adopted the Legislative Program. See Clerk's Summary Item #12.)

Supervisor Herrity said that one of his first actions as a Member of the Board was to introduce a motion calling for the creation of an online budget and expenditure database so that all of the County's citizens would have a simple and easy way to examine how and where their tax dollars are being spent. This has been accomplished in a bipartisan fashion at all levels of government, from the federal government to tiny local school boards.

Shortly after discovering that putting the County's checkbook online was possible technically, the Board was informed by the County Attorney's Office that posting the County's expenditure information on the internet would violate certain State privacy laws. Before moving forward on an online expenditure database, this legislation would have to be changed. Noting that the Board did not support such a legislative change in last year's General Assembly Legislative Program, Supervisor Herrity expressed his pleasure that it is included in this year's program.

Supervisor Herrity noted that the County has been promoting its new “fiscal transparency” web page with great fanfare. While it does represent a one stop shop for some of the County’s fiscal data, he said that it is basically the same confusing documents provided primarily in PDF and includes only summary data.

Supervisor Herrity cited the fact that Goochland County recently put its county and school check registers online in an interactive Excel format. These check registers give Goochland County residents a detailed listing of the county's monthly expenditures in Microsoft Excel format so that the data can be easily sorted and manipulated. Some confidential information, such as foster care payments, is excluded. He noted that this is exactly the type of website he has been requesting.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the County Executive to investigate what Goochland County has created and report with the feasibility of creating a similar website for the County. Without objection, it was so ordered.

68. **COMPETITIVE PROCUREMENT FOR COUNTY TRASH ROUTES**  
(8:20 p.m.)

Supervisor Herrity said that prior to 1994, the Department of Public Works and Environmental Services (DPWES) performed trash services for the Schools (FCPS). In 1993 FCPS decided to undergo a competitive bidding process for trash services which resulted in significant cost savings. The winning bid, from a private sector company, was 35 percent less than what DPWES had charged FCPS the previous year. The contract was re-competed in 1999, and again the private sector company provided a lower bid and was awarded the contract.

Recently FCPS decided to use a competitive procurement process for trash and recycling services instead of terminating a private sector contract and turning the services over to DPWES. Based upon the results of previous competitive bidding processes for trash services, Supervisor Herrity said that this decision is likely to result in significant cost savings.

Noting the extremely difficult budget times for the foreseeable future, Supervisor Herrity asserted that every possible option to responsibly cut costs must be pursued. He said that putting trash and recycling services through a competitive bidding process is one area where the County can follow the school system’s lead, and he provided his reasons.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the County Executive to report before the next Board meeting on the feasibility of issuing a Request for Proposal for County trash routes.

Following a query from Anthony H. Griffin, County Executive, Supervisor Herrity clarified that his request related to trash service to County government buildings.

Without objection, it was so ordered.

Following discussion regarding potential savings and the current contract, Supervisor Foust asked unanimous consent that the Board direct staff to provide the data regarding its analysis that County-provided service to the Schools would have provided significant savings. Without objection, it was so ordered.

69. **TESTIMONY REGARDING SPRINGDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (MASON DISTRICT)** (8:28 p.m.)

(NOTE: Earlier in the meeting, the Board held a public hearing and took action regarding the Springdale RPPD. See Clerk's Summary Item #58.)

Supervisor Gross said that Houston Summers had signed up to speak at the public hearing on the Springdale RPPD but had misunderstood the time of the hearing. She received his written testimony and told the Board that she provided it to the clerk for the record.

70. **REQUEST FOR CONCURRENT AND SIMULTANEOUS REVIEW (MASON DISTRICT)** (8:28 p.m.)

Supervisor Gross said that Ana Cornejo (the "applicant") owns approximately 2.17 acres zoned to the R-2 District at 4921 Backlick Road and 4954 Sunset Lane. Special Exception Application SE 2009-MA-015 is a waiver of lot width for two parcels to be subdivided into four parcels. The Land Acquisition Division (LAD) of the Department of Public Works and Environmental Services (DPWES) is currently in the process of acquiring right-of-way along Backlick Road for a pedestrian project and needs right-of-way along the applicant's property frontage. The proposed development conditions require dedication of the right-of-way at no cost to the County. LAD needs the dedication to occur by March 2010. Submission of the subdivision plan in December 2009 will allow the dedication to occur by March 2010.

Accordingly, Supervisor Gross moved that the Board direct the Director of:

- The Zoning Evaluation Division within the Department of Planning and Zoning, to expeditiously review and schedule public hearing for Special Exception Application SE 2009-MA-015.
- DPWES to accept, for concurrent and simultaneous review, a site plan, architectural drawings, and other plans as may be necessary to implement the improvements contemplated by the applicant with the special exception application.

Supervisor Gross noted that the applicant is aware that the expediting of this application should not be construed to prejudice the consideration of this application in any way. Chairman Bulova seconded the motion, which carried by unanimous vote.

71. **TOTAL MAXIMUM DAILY LOAD DEVELOPMENT (TMDL) FOR THE CHESAPEAKE BAY** (8:30 p.m.)

Supervisor Gross said that at the Board's Environmental Committee meeting on November 23, the Board discussed a letter to the Environmental Protection Agency about the TMDLs and also talking points for the public meeting to be held at Falls Church High School on December 14. She said that drafts of both documents were sent to the Board.

Accordingly, Supervisor Gross asked unanimous consent that the Board approve the draft letter and the talking points. Without objection, it was so ordered.

72. **RECOGNITION OF BRADDOCK DISTRICT HIGH SCHOOLS' SUCCESS IN FOOTBALL** (8:31 p.m.)

Supervisor Cook noted that three of the four high school football teams in the Northern Region semi-finals were from Braddock District: Robinson Secondary, Lake Braddock Secondary, and Woodson High School. Lake Braddock won the championship. Supervisor Cook congratulated the teams for their achievements.

73. **RECOGNIZING MISS BRIANNA HUSSEIN'S LIFE-SAVING ACT (BRADDOCK DISTRICT)** (8:32 p.m.)

Supervisor Cook said that he would like to recognize an individual whose actions far outpaced those expected from a seven year old girl. In the early morning hours of November 17, Brianna Hussein found her mother on the floor shaking. Displaying a level of calm some adults may not have been able to muster, Brianna placed a call to 911, explained the situation, and was able to direct officers to the correct location and in so doing helped save her mothers life.

Supervisor Cook said that Mrs. Hussein taught her children what it looks like when she's having a seizure and what to do if it should occur: to correctly diagnose the situation, call 911, let them know what is going on, and ask for help requires a level of wherewithal not common to such a young child.

Supervisor Cook asked unanimous consent that the Board direct staff to invite Miss Brianna Hussein to appear before the Board on January 26 to be recognized for her courageous act. Without objection, it was so ordered.



74. **RECOGNIZING THE LAKE BRADDOCK GIRLS' CROSS COUNTY TEAM (BRADDOCK DISTRICT)** (8:33 p.m.)

Supervisor Cook congratulated the girls' cross-country team from Lake Braddock Secondary for its win at the Virginia AAA State Championship on November 14. This is the program's third State title of the decade and ninth State title overall, which is a State record for most championships. At the start of the meet both Lake Braddock and Midlothian High School shared the record for consecutive championships won, with four each. While Lake Braddock took their string of titles in the 90s, Midlothian won the last four, threatening Lake Braddock's spot in the record books; but with the win this year Lake Braddock's place remains secure.

Led by freshman Sophie Chase and senior Liana Epstein - who finished eleventh overall despite still reeling from a bout with dehydration - the team added to their already impressive resume and built upon the program's longstanding tradition. Sophie was able to place third overall and earn first team All State honors. Tara Landy ran well for the Bruins, and Casey Lardner and Seniors Kelly Hagan and Amanda Parker sealed the deal. Senior Monica Kohler exemplified the toughness of this squad running the last two miles of the course with only one shoe, no small feat when you know that the concrete and gravel portions of the course occur in the second and third miles.

Supervisor Cook asked unanimous consent that the Board congratulate the team for its achievement and direct staff to invite them to appear before the Board on January 26, 2010, to be formally recognized. Without objection, it was so ordered.

75. **SCHOOL BUS STOPS NEAR REGISTERED SEX OFFENDERS** (8:34 p.m.)

Supervisor Cook said that a Braddock District resident brought to his attention that she discovered that her kindergartner's school bus stop is in front of the house of a registered sex offender. He also learned that the School Division has an official policy NOT to move a bus stop when staff learns that the stop is in front of a sex offender's house and he distributed copies of the policy.

Supervisor Cook said that part of the issue behind the Schools' policy is based on concern over the accuracy of the Virginia Sex Offender and Crime Against Minors Registry. However, since the adoption of the policy in 2005, the County has devoted significant resources to its Sexual Predator Enforcement and Apprehension Detail (SPEAD), resulting in a marked increase in the accuracy of the registry. The County police track registered sex offenders, work to upgrade the list, and continually engage in crime prevention techniques relating to that list. The Schools cannot cross check all its bus stops in advance against the registry, and there is nothing to say how close is okay.

Supervisor Cook moved that the Board authorize the Chairman to send a letter on behalf of the Board, in the form and substance of a draft circulated to the Board, bringing to the School Board's attention the significant progress made in improving the accuracy of the registry through the work of the SPEAD unit and suggesting that the time may be right for this policy to be reviewed.

Following discussion, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to include discretion for the Chairman to review and edit the letter and circulating it to the Board before sending it to the School Board, and this was accepted.

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

76. **ESTABLISHING GUIDELINES FOR A PUBLIC-PRIVATE TRANSPORTATION ACT (PPTA)** (8:38 p.m.)

Supervisor Cook said that this year, the Board has repeatedly discussed the need for the County to explore new and innovative approaches to transportation. However, it has not answered the question of where these new approaches will come from. Certainly, the Board cannot rely solely on County government agencies to develop every new transportation idea. Similarly, the Board cannot rely solely on government dollars to fund every new transportation program. The Board needs to tap into the ingenuity and creativity of the private sector, and have it join the government in the search for innovative transportation solutions. One method of doing this is through public-private partnerships.

Supervisor Cook said that with the passage of the PPTA Act of 1995, localities throughout Virginia were afforded the opportunity to engage with private entities on a variety of transportation projects. To take advantage of this opportunity, however, State law requires that jurisdictions first adopt a set of guidelines, which among other things dictate how solicited or unsolicited public-private proposals would be accepted. To name just a few, Prince William, Loudoun, Stafford, and Spotsylvania Counties have all adopted such guidelines and can accept and act on PPTA proposals. Prince William County made use of this ability to complete a project on Sudley Manor Drive and is currently making improvements along Route 15. Likewise, Spotsylvania County is improving County Secondary Roads utilizing the PPTA for 16 individual projects, valued at a combined total of \$90 million. In Fairfax, guidelines have been developed under the PPTA's sister program for education, the Public-Private Education Facilities and Infrastructure Act of 2002.

Supervisor Cook acknowledged that adopting a set of PPTA guidelines is no cure-all. This tool could lead to innovative proposals that would be funded by private sources, helping the County to meet transportation goals without increasing

government spending. Therefore, Supervisor Cook moved that the Board direct:

- Staff to develop guidelines for accepting proposals under the PPTA.
- That these draft guidelines be submitted to the Transportation Committee for further review and discussion at the earliest opportunity.

Supervisor Herrity seconded the motion.

Following discussion on the motion, the question was called and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “**AYE.**”

Supervisor Frey asked unanimous consent that the Board direct staff to provide information on the program in Prince William County. Following input from Anthony H. Griffin, County Executive, the request was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff, at an upcoming Transportation Committee meeting, to make a presentation on how PPTA is working, whether it would benefit the County, and under what conditions. Staff should also report on how projects have been accomplished through VDOT and any concerns with PPTAs. Without objection, it was so ordered.

Further discussion ensued regarding Prince William County, with input from Anthony H. Griffin, County Executive.

**PMH:pmh**

77. **RESTON HOPITAL CENTER, LLC (HUNTER MILL DISTRICT)**  
(8:53 p.m.)

- (A) Supervisor Hudgins said that Reston Hospital Center, LLC has a pending zoning application related to its request to expand the Hospital Center. The case has been scheduled to be heard before the Planning Commission on January 7, 2010. Due to the holiday recess, the Planning Commission date was deferred for over a month to address several outstanding issues. The applicant has been diligent in resolving the issues related to this application and it is anticipated that staff and the applicant will have sufficient time to work through any minor issues relating to this application which may arise prior to the Planning Commission hearing.

Therefore, Supervisor Hudgins moved that the Board direct staff to expedite the public hearing for Rezoning Application RZ 2009-HM-014, Planned Residential Community Application PRC 2009-HM-014, Development Plan Amendment Application DPA 89-C-025-04, Proffered Condition Amendment Application

PCA 89-C-025-05 and set a date and time certain of **January 26, 2010, at 3:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the pending application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

78. **RESTON MASTER PLAN SPECIAL STUDY TASK FORCE (HUNTER MILL DISTRICT)** (8:54 p.m.)

Supervisor Hudgins said that on May 18 the Board directed the Department of Planning and Zoning to begin a special study of Reston, starting with the review of the Reston-Dulles Corridor, to include a review of the 20 deferred North County APR nominations in the Hunter Mill District. North County APRs reordered the second and third segments as previously outlined in October 2008. The review of the Town Center and Reston portion of the Dulles Corridor (the special study area) will be conducted next, followed by the review of the residential neighborhoods and review of the Village Centers. As the study is to be conducted in the context of the planning process outlined for the review of the Reston Master Plan, the official name of the task force is the Reston Master Plan Special Study Task Force.

Therefore, Supervisor Hudgins moved that the Board appoint the representatives as listed in her written Board Matter to serve on the Reston Master Plan Special Study Task Force as primary members. In addition, alternate members will participate and vote only in the absence of the primary Task Force members. Chairman Bulova seconded the motion and it carried by unanimous vote.

79. **SMART SAVINGS TASK FORCE MEETING** (8:56 p.m.)

In response to a query from Supervisor Hudgins regarding the Smart Savings Task Force and whether it had released a request for proposal (RFP) for the School Aged Child Care (SACC) pilot program for schools that do not have space for the traditional model, Chairman Bulova explained that the Smart Savings Task Force had recommended that an RFP be developed and reviewed. She clarified that the task force only makes recommendations to its respective boards.

80. **SCHEDULING AND CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA/FDPA 2002-PR-016-2 (PROVIDENCE DISTRICT)** (8:58 p.m.)

Supervisor Smyth said that to meet contractual and financial obligations, the applicant for Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 2002-PR-0 16-2 has requested the scheduling of a public hearing to be held before the Board before the end of June 2010 and concurrent processing of the associated site plans. The applicant, Park

Crest SPE Phase 1 LLC, has indicated that they fully understand and accept the risks associated with concurrent processing of their site plans.

To that end, Supervisor Smyth moved that the Board direct staff to:

- Schedule a public hearing to be held before the Board on Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 2002-PR-016-2 before the end of June 2010.
- Accept a site plan and any other plans necessary for concurrent processing with on Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 2002-PR-016-2.

This motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards nor does it prejudice in any way the Board's consideration of the pending zoning application. Chairman Bulova seconded the motion and it carried by unanimous vote.

81. **ROUTE 28 TAX DISTRICT** (8:59 p.m.)

Supervisor Frey referred to an article from *The Loudoun Newsletter*, reporting on a decision by the Loudoun County Board of Supervisors to seek enabling legislation from the Virginia General Assembly to reverse restrictions against making land use changes to properties located within the Route 28 Tax District. As the Board is aware, the Route 28 Tax District legislation restricted the ability of the two Boards of Supervisors from unilaterally changing the zoning or taking away vested development rights. He said that he understood Loudoun's desire to regain decision-making authority within the Tax District, and presumably to limit development potential, the property owners have paid into the Tax District for the past 20 years with certain expectations regarding development potential. He expressed concern that Loudoun decided to take this step without consulting with this Board.

Therefore, Supervisor Frey moved that this issue be:

- Added to the agenda of the next interjurisdictional meeting.
- Referred to the Legislative Committee for scrutiny.

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

82. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR WESTERN FAIRFAX CHRISTIAN MINISTRIES (SULLY DISTRICT)** (9:01 p.m.)

Supervisor Frey asked unanimous consent that the Board direct staff to invite representatives of the Western Fairfax Christian Ministries, Michael Adere, Scout Master, and the Sully Boy Scout Council to appear before the Board to be recognized for their efforts in an annual food drive. Without objection, it was so ordered.

83. **CHILDREN'S ABILITY TO WALK TO SCHOOL** (9:02 p.m.)

Supervisor McKay said that on September 14 of this year and on September 22, 2008, he presented Board Matters regarding children's ability to walk to school. While health issues were foremost, the potentially substantial savings from fewer school buses were certainly an important factor.

Supervisor McKay said that he is aware of a recent decision to move a school—a decision that will require 200 children who could walk to school to take a bus. Boundary changes are not the responsibility of the Board of Supervisors but it is the Board's responsibility to transfer funds to the school system. Therefore, as both Boards work together to find savings, it would be good stewardship on the Board of Supervisors' part to know how extensively transportation costs are weighed by the School Board when boundary changes are made.

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

- Prepare a letter to the School Board encouraging a thorough review of transportation costs involved in boundary and school location changes.
- Include in the letter a request for the criteria for boundary changes and ask for a list of boundary changes that have over the past two years resulted in increased busing of children who could previously have walked to school.

Supervisor Herrity seconded the motion.

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

84. **CONSTRUCTION OF TRAILS AND SIDEWALKS THAT WOULD EXPAND WALKING ROUTES FOR CHILDREN** (9:06 p.m.)

Supervisor McKay said that for children to be able to walk to school on safe routes, infrastructure must be in place.

Supervisor McKay noted that the Board needs to develop lines of communication among the schools, PTAs, and appropriate County agencies so that a list of areas where sidewalks and trails are missing can be compiled. Then, as funds become available, these sidewalks and trails can be built.

Supervisor McKay said that funding for capital projects is difficult to come by these days so it behooves both schools and County to collaborate on any grant applications that would provide dollars and assistance in getting children walking. There is a resource in the federal Safe Routes to School. Funds available through this program could be used to build sidewalks, trails, bike lanes, and traffic calming projects, and purchase bike parking facilities at schools and other infrastructure. Two schools are benefiting from this program, Lynbrook and Louise Archer elementary schools.

Therefore, Supervisor McKay moved that the Board direct staff to work with their School counterparts to:

- Identify specific locations where construction of trails and sidewalks would expand walking routes.
- Pursue funding through the Safe Routes to School program.

Supervisor Hudgins seconded the motion.

Following discussion, regarding the “walkability” of neighborhoods, the question was called on the motion and it carried by unanimous vote.

85. **MOTOR CARRIER SAFETY (MCS)** (9:09 p.m.)

Supervisor Hyland stated that the MCS team is staffed by four officers who are responsible for inspecting and ensuring commercial motor vehicles and operators meet all federal and State requirements for licensure and certification, and investigate crashes that involve commercial motor vehicles. Once a month, the MCS unit, with the assistance of several motor units, chooses a location with high truck traffic, and performs onsite inspections. During these checkpoints, officers provide extensive safety inspections and a truck can be taken out of service if it has one or more safety violations, including bad brakes, bald tires, a cracked frame, etcetera.

The MCS unit has held inspections on Richmond Highway and Lorton Road in July, August, September, and October. These inspections yielded significant results that greatly improved the safety of roadways. During one inspection, the MCS team took 95 percent of the trucks out of service. The MCS team has also identified trucking companies that are repeat offenders that operate businesses within the County.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the:

- Police Department to contact the businesses that have been identified as repeat offenders and notify them of the local requirements for licensure and certification.
- Police Chief to determine if there are any opportunities to increase the number of trained officers or frequency of inspections without impacting existing resources.

Without objection, it was so ordered.

86. **TREE PRESERVATION ON COUNTY PROPERTY** (9:11 p.m.)

Jointly with Supervisor Gross, Supervisor Hyland said that the County is committed to having 45 percent tree canopy coverage by 2037. The Tree Action Plan, adopted by the Board in 2006, directed the Urban Forest Management Division (UFMD) to develop specific actions to implement the conceptual goals and strategies in the Tree Action Plan. Chapter 2, section 11, titled “Optimize Tree Conservation in Utility and Public Facility Projects” states that tree preservation and planting will be optimized in the siting and construction of utility lines and in the design and construction of public facilities. Six tactics are then enumerated. Each of these tactics warrants full and prompt attention from staff.

Therefore, jointly with Supervisor Gross, Supervisor Hyland moved that the Board direct staff:

- To develop a data set of culturally, historically, and ecologically significant trees and native plants that exist on County lands.
- To convene a meeting between the Forest Conservation Branch of UFMD and agencies that design and develop public facilities to develop standard operating procedures that address tree preservation and planting and ecosystem management in the design and review of County projects as well as form a Work Group to address implementation.
- In UFMD and other County agencies should identify “roadblocks” that interfere with County projects reaching maximum and realistic tree preservation and canopy goals and that interfere with the retention and/or saving of native plants.
- To report to the Environment Committee of the Board to update it on their activities and actions.

Supervisor Gross seconded the motion.



Supervisor Herrity asked to amend the motion to request assistance from the private sector, and this was accepted.

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

87. **RECOGNITION FOR THE TRANSFORMATION OF THE LORTON AREA (MOUNT VERNON DISTRICT)** (9:13 p.m.)

Supervisor Hyland said that the landscape of the Lorton area has changed significantly over the last 20 years; once considered an undesirable part of the County by some, the Lorton area is now a thriving, dynamic place to live. There was a shared vision for this community and it continues to foster and grow today.

Supervisor Hyland shared with the Board a *Washington Business Journal* article, "A new life for Lorton."

88. **REQUEST TO SCHEDULE A PUBLIC HEARING FOR THE LAUREL HILL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (MOUNT VERNON DISTRICT)** (9:14 p.m.)

Supervisor Hyland said that for three years the Laurel Hill Community Association has struggled to solve a student parking problem. As is typical in communities near schools, student parking spills over from the adjacent South County Secondary School since it opened in 2005. Residents have reported that some students loiter, litter and sometime become aggressive or verbally abusive when confronted by Laurel Hill residents.

The Community Association repeatedly requested that the County implement a RPPD to regulate parking in the community. The streets in the Laurel Hill subdivision are not off bond. Because of this, staff informed the community and his office that Laurel Hill does not qualify for a RPPD. Furthermore, staff believed that if signs were installed, the Virginia Department of Transportation (VDOT) would not accept the streets into the secondary system of maintenance, as the signs were not reflected on the approved site plan.

Supervisor Hyland explained that he had asked the County Attorney if the existing Code or State enabling legislation required the streets to be off bond before the Board could approve an RPPD. The Office of the County Attorney opined, "the fact that the Laurel Hill subdivision is still on bond would not, standing alone, prevent the establishment of a RPPD in the subdivision."

Having this information, the Laurel Hill Community Association will have the RPPD application submitted to Department of Transportation (DOT) this week. VDOT stated that, should the Board approve a RPPD and install the requisite signs, it will not be an obstacle to bond release.

Therefore, Supervisor Hyland moved that the Board:

- Direct staff to expeditiously process the community's application and petitions, and prepare the signs for installation.
- Authorize the advertisement of a public hearing to be held before the Board on the Laurel Hill RPPD District on January 26, 2010.

Chairman Bulova seconded the motion and it carried by unanimous vote.

89. **HOLIDAY SAVINGS AT GOVERNMENT EMPLOYEES' MARKETPLACE** (9:17 p.m.)

Supervisor Hyland said that recently a friend at the National Association of Counties (NACO) shared with him a flyer that allows employees of member counties in NACO to leverage the shared purchasing power of all member counties and their employees. The website, Government Employees' Marketplace, at [www.govmarket.com](http://www.govmarket.com), allows employees to save an additional 7 percent on top of generally advertised Dell Home and Dell Office computers, electronics and accessories, save 15 percent at FedEx Office, obtain and enjoy the benefits of a #1 Hertz Club Gold Membership for the best rates on rental cars, save 5 percent at Office Depot retail stores or online, save 15 percent discount on monthly T-Mobile bills, and receive discounts with VPI Pet Insurance. County Government Employees can create an account and, after verifying they work for the County, enjoy the discounts and promotions.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to disseminate this information to all County employees. Without objection, it was so ordered.

90. **MOTION FOR AUTHORIZATION OF AN OUT-OF-TURN AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE OLD DAIRY QUEEN SITE (MOUNT VERNON DISTRICT)** (9:18 p.m.)

Supervisor Hyland said that several years ago, the Comprehensive Plan was amended to recommend relatively intense development of several parcels located between East Lee Avenue and Preston Avenue on Richmond Highway. Subsequently, the parcels were rezoned to the PRM District to allow mixed use that includes residential and retail uses. In the intervening years, the project has not proved to be workable, and the owners now wish to pursue less intense retail use on the property.

Given that the South County Area Plan Review Cycle is getting underway, Supervisor Hyland requested that this Plan amendment, if supported by the Board, be accepted by the Planning Commission for review and recommendation as a part of that process.

Therefore, Supervisor Hyland moved that the Board:

- Authorize an amendment to the Comprehensive Plan to consider retail use at an intensity up to .35 floor area ratio (FAR) for parcels 93-1((18))(D)117, 126, 130, and 138.
- Direct staff to consider low density residential use at the periphery of the subject area as a possible transition from parcels fronting Richmond Highway to the existing residential neighborhoods.

Supervisor Smyth seconded the motion.

Following discussion, Supervisor Hyland clarified that his motion proposed an out-of-turn plan amendment.

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

91. **SPECIAL ELECTION ON A RESTAURANT MEALS TAX TO FUND EDUCATION** (9:21 p.m.)

Supervisor Hyland said that unlike almost all of the neighboring localities, the County has not imposed a restaurant meals tax, and this has forced the County to rely more heavily on property taxes than those other localities. He expressed the opinion that the County should seek to diversify its revenue resources by imposing a similar tax on restaurant meals.

Supervisor Hyland noted that *Virginia Code* § 58.1-3833 permits the County to impose such a tax only if such a tax is approved by the voters. That enabling legislation also permits the referendum to link the revenues from any such a restaurant meals tax to particular projects and/or purposes.

The Board is scheduled to conduct several public hearings on the adoption of its Fiscal Year (FY) 2011 Budget beginning on April 6. The Board then is scheduled to approve its FY 2011 Budget and to approve the transfer to the School Board on April 27.

Therefore, Supervisor Hyland moved that the Board ask the Circuit Court to schedule a referendum on March 16 to ask the voters whether the County should be authorized to impose a tax on restaurant meals as authorized by Virginia law with the revenues from such a tax to be directed to public education projects and/or purposes. Supervisor Foust seconded the motion.

Discussion ensued regarding referring the issue to the Legislative or Budget Committee for further review.

Discussion ensued regarding the process to schedule a referendum, with input from David P. Bobzien, County Attorney and Michael Long, Deputy County Attorney.

The question was called on the motion, and it **FAILED** by a recorded vote of seven, Supervisor Foust, Supervisor Hudgins, and Supervisor Hyland voting "AYE."

92. **BOARD ADJOURNMENT** (9:55 p.m.)

The Board adjourned.

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