



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 4, 2009**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, May 4, 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 Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 11:40 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; 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 MATTERS1. **MOMENT OF SILENCE** (9:41 a.m.)

(BACs) Supervisor McKay asked everyone to keep in thoughts the family of Mr. Lawrence V. Fowler, who died on April 10, 2009. Mr. Fowler was a long time County resident, and he served in the Navy for 50 years. He also served on the Consumer Protection Commission for 41 years, and in 2006 an award was instituted in his honor.

2. **MORNING ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR GERALD W. HYLAND** (9:43 a.m.)

Chairman Bulova announced that Supervisor Hyland would be arriving later in the meeting.

AGENDA ITEMS3. **PROCLAMATIONS DESIGNATING MAY 10–16, 2009, AS “POLICE WEEK” AND MAY 15, 2009, AS “PEACE OFFICERS’ MEMORIAL DAY” IN FAIRFAX COUNTY** (9:43 a.m.)

On behalf of Supervisor Hyland, Supervisor McKay moved approval of the Proclamations to designate May 10–16, 2009, as “*Police Week*” in Fairfax County and May 15, 2009, as “*Peace Officers’ Memorial Day*” in honor of Deputy Sheriff George A. Malcolm, Officer Karen Bassford, Officer Hendrik “Sandy” Gideonse, Captain Tommy Bernal, Detective Vicky Armel, Master Police Officer Michael Garbarino, and Second Lieutenant Frank Stecco. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

Discussion ensued regarding the Peace Officers Memorial Day service which will be held on Thursday, May 7, 2009, at 3 p.m., at the Massey Building at the Rose Garden.

4. **PROCLAMATION DESIGNATING MAY 17–23, 2009, AS “EMERGENCY MEDICAL SERVICES WEEK” IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 17–23, 2009, as “*Emergency Medical Services Week*” in Fairfax County. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

5. **PROCLAMATION DESIGNATING MAY 16, 2009, AS “ANGELMAN SYNDROME AWARENESS DAY” IN FAIRFAX COUNTY** (10:07 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 16, 2009, as “*Angelman Syndrome Awareness Day*” in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

A brief discussion ensued regarding the Angelman Syndrome walkathon, which will be held on May 16 at 6711 Columbia Gateway Drive, Columbia, Maryland. More information can be found on the web at: <http://www.angelman.org/>.

7. **PROCLAMATION DESIGNATING MAY 15, 2009, AS “BIKE TO WORK DAY” IN FAIRFAX COUNTY** (10:17 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate May 15, 2009, as “*Bike to Work Day*” in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

8. **PROCLAMATION DESIGNATING MAY 3–9, 2009, AS “BUILDING SAFETY WEEK” IN FAIRFAX COUNTY** (10:25 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 3–9, 2009, as “*Building Safety Week*” in Fairfax County. This motion was multiply seconded, and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

9. **PROCLAMATION DESIGNATING MAY 6–12, 2009, AS “NURSES WEEK” IN FAIRFAX COUNTY** (10:33 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 6–12, 2009, as “*Nurses Week*” in Fairfax County. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

10. **PROCLAMATION DESIGNATING MAY 2009 AS “OLDER AMERICANS MONTH” IN FAIRFAX COUNTY** (10:44 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2009 as “*Older Americans Month*” in Fairfax County. Vice-Chairman Gross and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **PROCLAMATION DESIGNATING MAY 20, 2009, AS “EMPLOYEE HEALTH AND FITNESS DAY” IN FAIRFAX COUNTY** (10:51 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 20, 2009, as “*Employee Health and Fitness Day*” in Fairfax County. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

12. **10 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION ANNUAL REPORT** (10:58 a.m.)

(BACs) Tim Fleming, Chief, Franconia Volunteer Fire Department, the Chairman of the Volunteer Fire Commission, presented its annual report.

Discussion ensued, with input from Chief Fleming, regarding funding for non-profits and looking at creative ways of seeking donations to support the programs.

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13. **10:10 A.M. – UPDATE ON THE H1N1 INFLUENZA A VIRUS (SWINE FLU)** (11:08 a.m.)

Dr. Gloria Addo-Ayensu, Director, Health Department, briefed the Board on the H1N1 A Virus, outlining the following:

- Situational Update
- Reason for Concern
- County Pandemic Influenza Preparedness
- Public Health Preparedness
- Critical Infrastructure and Resource Management
- County Pandemic Influenza Response Plan
- Goal of Community Plan
- County Response
- Message to the Community
- How to Help Stop the Spread of Germs

Supervisor Gross raised a question regarding school closures and discussion ensued, with input from Dr. Addo-Ayensu, who also noted that she had provided

the Board with a brochure, which is a self care guide, entitled *Seasonal and Pandemic Influenza*.

Supervisor Hudgins raised a question regarding whether the County should be taking additional action on an educational basis and discussion ensued, with input from Dr. Addo-Ayensu, who noted that the County's Pandemic Flu Outreach Team will be educating the at-risk population including the elderly, disabled, ethnic minorities, and small businesses. She also noted that emergency preparedness summits will be held starting in the middle of June through the end of June.

Following further discussion, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to re-air any previous summits on Cable Channel 16. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Cook raised a question regarding the mutation rate and discussion ensued, with input from Dr. Addo-Ayensu.

Anthony H. Griffin, County Executive, noted that Dr. Addo-Ayensu is very engaged with the health directors in the national capital region and that there are ongoing discussions among the health directors regarding this issue and how to approach it and staying informed.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare a one page statement, summarizing the situation and setting forth the suggestions and message to the community, for distribution to the civic associations. Without objection, it was so ordered.

Supervisor Hyland raised a question regarding how the Federal government has advised the County about the virus and what sort of advice has been given to local governments around the country as to what should be done to protect children and discussion ensued, with input from Dr. Addo-Ayensu, who revisited the issue of school closures.

Chairman Bulova recognized the presence of those who have been working closely with the Health Department regarding this issue:

- Dean Tistadt, Chief Operating Officer, Facilities and Transportation Services, Fairfax County Public Schools
- Fire and Rescue Department, Emergency Medical Services staff
- Health Department

- Fairfax-Falls Church Community Services Board
- Office of Public Affairs

14. **ADMINISTRATIVE ITEMS** (11:51 a.m.)

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

Supervisor Foust called the Board's attention to Admin 6 – Approval of a Proposed Amendment to the Consolidated Plan One-Year Action Plan for Fiscal Year (FY) 2009 to Include the Implementation of Homelessness Prevention and Rapid Re-Housing Program (HPRP) Activities and Authorization for the Department of Housing and Community Development (HCD) to Apply for and Accept These Funds.

Chairman Bulova noted a symbol at the upper right hand side of the Board Agenda Item and said that the symbol will be seen on stimulus funding items that come before the Board.

Discussion ensued, with input from Verdiana Haywood, Deputy County Executive, regarding:

- Administration of the funding and program.
- Whether there will be an opportunity for nonprofits to apply for any of the funding.
- Upon arrival of the funding, whether there is a plan in place to ensure that it is transferred to those who need it the most.

Supervisor Foust asked unanimous consent that the Board direct staff to provide, once the funding is received, an update on whether the program is succeeding. Without objection, it was so ordered.

Supervisor Foust noted that the funding will only be available to individuals who earn 50 percent or less of the County's median income.

Supervisor Foust called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing on the Disposition of County-Owned Property in Connection with a Proposed Transit Oriented Development at the Wiehle Avenue Metrorail Station Site in Reston (Hunter Mill District) and discussion ensued, with input from Len Wales, County Debt Manager, Department of Management and Budget, and Anthony H. Griffin, County Executive, regarding the financing plan.

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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE OLD MILL COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 1, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Old Mill CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- Box Oak Court (Route 5514), from Torrence Street to the cul-de-sac inclusive.
- Torrence Street (Route 5237), both sides from the eastern boundary of parcel 78-3((06))D1 to the southern boundary of parcel 78-3((04))A; on the east side from the southern boundary of 78-3((04))A to Old Keene Mill Road.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SOUTH RUN CROSSING COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 1, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the South Run Crossing CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- Gralnick Place (Route 6863), from MacSwain Place to the cul-de-sac inclusive.
- Griffin Pond Court (Route 6866), from Huntsman Boulevard to the cul-de-sac inclusive.
- Huntsman Boulevard (Route 4521), from Fairfax County Parkway to the cul-de-sac inclusive.
- Janphil Lane (Route 6864), from Huntsman Boulevard to Northedge Drive.

- MacSwain Place (Route 6962), from Huntsman Boulevard to the cul-de-sac inclusive.
- Wagon Trail Lane (Route 6865), from Huntsman Boulevard to the cul-de-sac inclusive.
- Wilbur Court (Route 6232), from Huntsman Boulevard to the cul-de-sac inclusive.

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS, MULTI-WAY STOP, AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE, SPRINGFIELD, DRANESVILLE, AND HUNTER MILL DISTRICTS)

- Endorsed traffic calming measures for Buckelew Drive consisting of one speed table (Providence District).
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Tobin Road (Providence District).
- Approved a multi-way stop at Huntsman Boulevard and Janphil Lane/Sabine Hill Road (Springfield District).
- Adopted the Resolution authorizing the installation of “Watch for Children” signs on the following streets:
 - Merchant Lane (Dranesville District)
 - Laurel Ridge Road (Hunter Mill District)

ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (SULLY 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>
Capital Automotive LP (Pohanka Chantilly)	Sully	Elmwood Street (Route 1010) (Additional ROW Only)
		Vernon Street (Route 3624) (Additional ROW Only)

ADMIN 5 – EXTENSION OF REVIEW PERIOD FOR A PUBLIC FACILITY 2232 REVIEW APPLICATION (SPRINGFIELD DISTRICT)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S09-11	Department of Public Works and Environmental Services Live fire Class B training prop (burn building) and rappelling tower 4600 West Ox Road (Springfield District)	August 3, 2009

ADMIN 6 – APPROVAL OF A PROPOSED AMENDMENT TO THE CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2009 TO INCLUDE THE IMPLEMENTATION OF HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) ACTIVITIES AND AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO APPLY FOR AND ACCEPT THESE FUNDS

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 6.)

- Authorized HCD to apply for and accept funding from the US Department of Housing and Urban Development (HUD), in the amount of \$2,462,398 for the Homelessness Prevention and Rapid Re-Housing Program.
- Adopted the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to include the implementation of HPRP activities.
- Authorized staff to sign the Consolidated Plan Certifications and federal funding application form (SF424) required by HUD.
- Authorized the Office to Prevent and End Homelessness, supported by the Department of Administration for Human Services, as the agency responsible for the administration, quality control, and reporting of HPRP funds expended through this program.

- Authorized HCD as the agency responsible for oversight and monitoring of the funds.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE DISPOSITION OF COUNTY-OWNED PROPERTY IN CONNECTION WITH A PROPOSED TRANSIT ORIENTED DEVELOPMENT AT THE WIEHLE AVENUE METRORAIL STATION SITE IN RESTON (HUNTER MILL DISTRICT)

(A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

Authorized the advertisement of a public hearing to be held before the Board on **June 1, 2009, at 3:30 p.m.** regarding the disposition of County-owned property to Comstock Reston Station Holdings, LC as required by *Virginia Code* Section 15.2-1800 (2008) in connection with a proposed transit oriented development at the Wiehle Avenue Metrorail Station site in Reston.

15. **A-1 – APPROVAL OF 2009 SCHOOL BOND REFERENDUM** (12:05 p.m.)
(BONDS)

(R) Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Approve the Fairfax County Public Schools Referendum totaling \$232,580,000, as requested by the School Board.
- Adopt the School Bond Referendum Resolution requesting the Circuit Court to order a special election on the issuance of such bonds on November 3, 2009.

Supervisor Herrity seconded the motion.

A brief discussion ensued regarding the renovation costs for Marshall High School.

Supervisor Herrity and Supervisor Hyland thanked School Division staff and the School Board for including the South County Middle School in the bond referendum.

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.”

16. **A-2 – APPROVAL OF A RESOLUTION TO SUPPORT ESTABLISHMENT OF EMERGENCY-ONLY ACCESS TO BUCKLEY’S RESERVE SUBDIVISION FROM LIMITED ACCESS OF FAIRFAX COUNTY PARKWAY (SPRINGFIELD DISTRICT)** (12:08 p.m.)

(R) On motion of Supervisor Herrity, seconded by Supervisor Smyth, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution to support establishment of emergency-only access to Buckley’s Reserve Subdivision from a limited access highway (Fairfax County Parkway).

17. **A-3 – AUTHORIZATION OF MAYMONT REGIONAL POND D-17 PRO RATA SHARE REIMBURSEMENT AGREEMENT (HUNTER MILL DISTRICT AND DRANESVILLE DISTRICTS)** (12:09 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the execution of an agreement to reimburse Basheer/Edgemoore-Moutoux, LLC, from pro rata share collections (Fund 316), for the engineering, design, and construction of the Maymont Regional Stormwater Management Pond D-17 (Maymont Regional Pond D-17) within the Maymont development located in the Difficult Run Watershed.

18. **A-4 – APPROVAL OF AMENDED LEASE AGREEMENT BETWEEN THE BOARD AND FAIRFAX CORNER MIXED USE, LC** (12:09 p.m.)

Supervisor Herrity moved that the Board concur in the recommendation of staff and approve an amended lease agreement between the Board and Fairfax Corner Mixed Use, LC, related to the lease of County-owned property at Government Center Parkway and Monument Drive, Tax Map 56-1 ((1)), Parcel 47-C. Supervisor McKay seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, regarding the lease time frame.

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

19. **I-1 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON WESTMINSTER OAKS (MOUNT VERNON DISTRICT)** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda dated May 5, 2009, requesting authorization for the County Executive to sign a letter of support

for Westminster Oaks and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

20. **I-2 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON BUCKMAN ROAD APARTMENTS (LEE DISTRICT)** (12:13 p.m.)

The Board next considered an item contained in the Board Agenda dated May 5, 2009, requesting authorization for the County Executive to sign a letter of support for Buckman Road Apartments and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

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ADDITIONAL BOARD MATTERS

21. **RECOGNITION FOR THE NORTHERN VIRGINIA CHAPTER OF THE PAN-HELLENIC COUNCIL'S BLACK SCHOLARS' AWARD PROGRAM** (12:13 p.m.)

Chairman Bulova stated that the Pan-Hellenic Council is committed to promoting minority scholarship and leadership through its youth programs and that starting in 1989, the Northern Virginia chapter of the Council has been providing recognition and support for African-American students through the Black Scholars Awards which acknowledges the outstanding academic achievements of minority students. She noted that 2009 marks the twentieth anniversary of this program.

Chairman Bulova stated that when the program began, 130 students were honored for earning high grade-point averages and Scholastic Aptitude Test (SAT) scores, and added that the program has grown, and, since 1991, 300 students have been recognized annually at awards ceremonies held for them and their families. She added that students selected for the award are encouraged to pursue their dreams and serve as role models of achievement for their peers.

In light of the Council's outstanding commitment and contributions to the community, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for the Northern Virginia chapter of the Pan-Hellenic Council and the Black Scholars Award program to be delivered to the Council in time for its May 17 awards ceremony. Without objection, it was so ordered.

22. **RECOGNITION FOR INOVA FAIRFAX HOSPITAL** (12:14 p.m.)

Chairman Bulova announced that on February 24, 2009, INOVA Fairfax Hospital was named as one of America's 50 Best Hospitals by HealthGrades, the nation's leading independent healthcare rating organization. She noted that to rate the overall performance of hospitals nationwide, HealthGrades reviewed roughly 110 million patient records from 1999 through 2007 and analyzed the results for 26 different procedures. Hospitals had to perform in the top five percent in all 26 procedures each year of the study to be ranked as one of the top 50 facilities nationwide, and INOVA Fairfax met this rigorous standard.

Chairman Bulova stated that the County is fortunate to be served by a high-quality hospital like INOVA Fairfax and asked unanimous consent that the Board direct staff to invite representatives from the hospital's Board of Directors to appear before the Board at the May 18 Board meeting to receive a proclamation recognizing their hard work and excellence. Without objection, it was so ordered.

Supervisor Herrity added that this was the second year in a row that INOVA Fairfax had attained this achievement and that it was the only hospital in the District of Columbia/Baltimore area to be recognized.

23. **HEPATITIS AWARENESS DAY** (12:16 p.m.)

Chairman Bulova announced that Alcohol and Drug Services, an agency of the Fairfax-Falls Church Community Services Board, in conjunction with the County's Departments of Health, Fire and Rescue, and Police, has requested that the County recognize June 13, 2009, as Hepatitis Awareness Day. June 13 is also the day of the annual Tim Harmon Run-Walk, an event held in memory of Tim Harmon to raise awareness of the impact that Hepatitis C has on individuals and their families.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation declaring June 13, 2009, as "*Hepatitis Awareness Day*" in Fairfax County and invite the appropriate individuals to appear before the Board on June 1, 2009, to receive the proclamation. Without objection, it was so ordered.

There was brief input from Merni Fitzgerald, Director, Office of Public Affairs, concerning the number of presentations scheduled for June 1.

24. **NATURALIZATION CEREMONY** (12:17 p.m.)

Chairman Bulova stated that on May 29, 2009, the County will be hosting, for the first time, a naturalization ceremony in the Government Center. Members of the County's Asian-American History Project Task Force have been working with a representative of the federal government to ensure that this event will be special for all involved. She noted that the program will begin at 11 a.m. in the Board

Auditorium and will be followed by a reception and light refreshments that is being sponsored by Cox Communications.

Chairman Bulova asked unanimous consent that the Board:

- Direct staff to support this effort.
- Direct the Office of Public Affairs to help publicize this event.
- Join her at the ceremony.

Without objection, it was so ordered.

Chairman Bulova asked unanimous consent that the Board direct Channel 16 to record the ceremony for showing on Channel 16 and video streaming. Without objection, it was so ordered.

25. **TENTH ANNUAL GIRL POWER CONFERENCE** (12:19 p.m.)

Chairman Bulova announced that the Girl Power program is a substance-use prevention program designed and implemented by the Fairfax-Falls Church Community Services Board that provides positive alternatives to substance use for over 150 girls between the ages of 10 and 15 each year. She noted that the program teaches self-esteem and community leadership through recreational, cultural, and educational activities and was recognized with the National Association of Counties' (NaCo) Innovation Award in 2002 for its effectiveness and creative design.

Chairman Bulova said that on May 16, the Girl Power program will hold its annual conference as it celebrates ten years of successful work and asked unanimous consent that the Board join her in issuing a proclamation, to be delivered May 16, 2009, at the Girl Power Conference, recognizing the significant benefit the program provides to the County. Without objection, it was so ordered.

26. **FAIRFAX COUNTY'S ODYSSEY OF THE MIND TEAMS GO TO WORLD COMPETITION** (12:20 p.m.)

Chairman Bulova announced that the County's Public School Odyssey of the Mind provides creative problem-solving opportunities for students as they apply their creativity to solving problems that range from building mechanical devices to presenting their own interpretation of literary classics, then bring their solutions to competition on the local, state, and world level. She stated that thousands of teams from throughout the United States and from about 25 other countries participate in the program.

She noted that teams from Bailey's, Belle View, Colvin Run, Nottingham, and Stratford Landing Elementary Schools; Hughes Middle School; and Herndon and

Thomas Jefferson High Schools will compete in the world finals later this month and asked unanimous consent that the Board direct the Office of Public Affairs to invite members of these teams to appear before the Board on May 18 to receive certificates of achievement for their participation in Odyssey of the Mind. Without objection, it was so ordered.

27. **CERTIFICATE OF APPRECIATION TO THE FAIRFAX CREATING ASSETS SAVINGS AND HOPE (CASH) COMMUNITY CONNECTIONS BY THE DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE** (12:21 p.m.)

Chairman Bulova stated that on April 28, the County's Fairfax CASH Community Connections was awarded a plaque in recognition and appreciation for outstanding effort, dedication, and personal contributions in building stronger work places and communities throughout the nation. The County was recognized for its participation in the Northern Virginia CASH Volunteer Income Tax Assistance (VITA) program. Chairman Bulova noted that there were a lot of volunteers in the County who contributed their expertise and talents to helping County residents with the preparation of their taxes. She asked unanimous consent that the Board direct staff to display the plaque in a prominent place. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

28. **HERNDON HIGH SCHOOL ROBOTICS TEAM (DRANESVILLE DISTRICT)** (12:22 p.m.)

Supervisor Foust announced that once again a Herndon High School Robotics Team has distinguished itself in the annual National Aeronautics and Space Administration/Virginia Commonwealth University (NASA/VCU) For Inspiration and Recognition of Science and Technology (FIRST) Robotics Competition, a unique varsity sport of the mind designed to help high school-aged young people discover how interesting and rewarding the life of engineers and researchers can be. He noted that the competition challenges teams of young people and their mentors to solve a common problem in a six-week timeframe using a standard kit of parts and a common set of rules; teams build robots from the parts and enter them in competitions designed by a world-renowned inventor and a committee of engineers and other professionals.

Supervisor Foust said that this year the school's Team 116, Epsilon Delta, competed to the semifinal level of the competition held in Richmond, Virginia. He added that NASA/VCU sponsored event celebrated its tenth year of competitions with TEAM 116 participating all ten years and now that the competitive season was over, team members will share their passion for science and engineering with the community by participating in local outreach events such as Math and Science Night at Herndon Elementary School and its annual

booth at the Herndon Festival where anyone can come try the remote-controlled square-bot game.

Supervisor Foust moved that the Board direct staff to invite the members of Team 116 of Herndon High School to appear before the Board to be recognized for their success in learning about and applying the principles of mathematics and engineering. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

29. **FRANKLIN PARK ONE HUNDREDTH ANNIVERSARY CELEBRATION (DRANESVILLE DISTRICT)** (12:25 p.m.)

Supervisor Foust said that Franklin Park is a beautiful, tree-friendly and environmentally-conscious community located south of the intersection of Kirby and Old Dominion Roads in McLean. He noted that in the early 1900s, it was a summer retreat for Washingtonians trying to escape the summer heat and that although it has been built-out considerably since then, its hilly terrain, meandering streams, walking paths, and abundance of trees still create an oasis for its residents.

Supervisor Foust added that Franklin Park is also one of the oldest subdivisions in McLean, and that on May 16, he will join the residents for a celebration of the subdivision's one hundredth anniversary which will include a parade commemorating President Madison's 1814 flight through the community and a street fair which will follow. On behalf of the residents of Franklin Park, he extended an invitation to Board Members to join the celebration.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare a proclamation, for signature by the Chairman and the Dranesville District Supervisor, for presentation on the Board's behalf at the one hundredth anniversary celebration of Franklin Park on May 16, 2009. Without objection, it was so ordered.

Discussion ensued concerning McLean Day which is also May 16.

30. **NEW DOMINION WOMEN'S CLUB FORTIETH ANNIVERSARY (DRANESVILLE DISTRICT)** (12:27 p.m.)

Supervisor Foust announced that the New Dominion Women's Club, through volunteer service and financial support, has been enhancing the lives of the residents of the community for 40 years. He said the club provides an opportunity for fellowship among women and that members of the club have provided thousands of hours of volunteer service to many social service organizations and agencies in McLean and throughout the County. Supervisor Foust noted that the club has provided significant financial support for those organizations, and that during 2008-2009 alone, it had provided financial assistance to numerous organizations including: Reading is Fundamental, the Falls Church-McLean

Children's Center; Education for Independence; and Sunday Summer Concert Series. He added that organizations receiving volunteer time by club members during that period include: Horton's Kids, Adopt-A-Highway; Reading is Fundamental; and Meals on Wheels. In addition, he said that in 2004, the club was named the Outstanding Nonprofit of the Year by the McLean Chamber of Commerce.

Supervisor Foust stated that on June 6, 2009, the club will have an event to celebrate its fortieth anniversary, to which he and his wife will serve as honorary chairpersons, with Ms. Christine Brown, the acclaimed sports journalist, the keynote speaker.

Supervisor Foust asked unanimous consent that the Board direct staff to prepare a proclamation, for signature by the Chairman and the Dranesville District Supervisor, for presentation on behalf of the Board to the New Dominion Women's Club at its fortieth anniversary celebration on June 6. Without objection, it was so ordered.

NV:nv

31. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (12:29 p.m.)

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

32. **CORRECTION TO THE MOTION FOR PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121 (ORACLE USA, INCORPORATED) (HUNTER MILL DISTRICT)** (12:29 p.m.)

Supervisor Hudgins reminded the Board that on April 27, she made a motion to approve Planned Residential Community Application PRC 86-C-121, for Oracle USA Incorporated. While the content of the motion was correct, it referenced plans which erroneously stated the case number as "012"; while the case is actually Planned Residential Community Application PRC 86-C-121. Therefore, to clarify and correct the record, Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC 86-C-121, subject to the development conditions dated April 27, 2009.
- That any plans submitted pursuant to this PRC Plan shall be in accordance with the approved PRC Plan entitled "PRC Plan 86-C-012 Oracle Phase III" prepared by Urban Limited and dated April 8, 2009, noting for the record the errata in plan title; and that the trail width requirement be modified as shown on the plat.

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

33. **REZONING APPLICATION NEAR THE PROPOSED ROUTE 28 METRO STATION (HUNTER MILL DISTRICT)** (12:30 p.m.)

Supervisor Hudgins explained that Nugget Joint Venture LC is the owner of an 11.6-acre parcel of land identified as Tax Map Parcel 15-2((1)) parcel 13, which is located in Land Unit A of the Dulles Suburban Center. This parcel is also located in close proximity to the planned southern entrance to the proposed Route 28 Metro Station. Nugget would like to develop parcel 13 with a more urban, transit-oriented development that would include residential uses.

Supervisor Hudgins said that the Board owns a three-acre parcel of land that is adjacent to parcel 13 and identified as Tax Map 15-4((5)) parcel 5B, which was proffered in connection with Proffered Condition Amendment Application PCA C-696-4 to be conveyed to the Board for use as Metro-related facilities, including a parking structure. In December 2007, the Board authorized staff to evaluate a plan amendment for parcels 13 and 5B, which was to be concurrent with two rezoning applications that Nugget had filed for parcel 13 (Proffered Condition Amendment Application PCA C-698-2 and Final Development Plan Amendment Application FDPA C-698), because it was determined that it would be a good opportunity to achieve transit-oriented development and improve the interface with the proposed Metro station facilities.

Supervisor Hudgins noted that preliminary engineering for Phase II of the extension of Metrorail in the Dulles corridor is about 50 percent complete, and the plan amendment for parcels 13 and 5B is currently being reviewed. While these activities are taking place, Nugget would like to amend its rezoning applications to include the Board's parcel, 5B, as part of the concurrent rezoning applications for parcel 13.

Therefore, Supervisor Hudgins moved that the Board authorize:

- Nugget Joint Venture LC, the owner of Tax Map Parcel 15-2((1)) parcel 13, to include the three-acre parcel owned by the Board, and identified as Tax Map Parcel 15-4((5)) parcel 5B, as part of rezoning applications Proffered Condition Amendment PCA C-698-2 and Final Development Plan Amendment FDPA C-698.
- The County Executive or his designee, to sign on behalf of the Board, all documents in connection with the rezoning applications after such documents have been reviewed and approved by the County Attorney.

Supervisor Hudgins noted that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Supervisor Foust seconded the motion, which carried by unanimous vote.

34. **UNITED CHRISTIAN PARISH OF RESTON (HUNTER MILL DISTRICT)** (12:33 p.m.)

Supervisor Hudgins stated that representatives of United Christian Parish of Reston, located at Tax Map 017-2 ((1)) Parcels 6 and 13, have filed Special Exception Application SE 2008-HM-024 and Planned Residential Community Application PRC A-502 to allow for the expansion of the existing church and the existing nursery school with an enrollment of no more than 100 students.* The expansion will be done in two phases, one of 25,000 square feet and one of 8,000 square feet. The expanded church will have a capacity of 350 seats and 105 parking spaces. The applicant is requesting concurrent processing which will allow the church to meet certain financial and construction commitments and offset certain unanticipated delays in the land use process.

Supervisor Hudgins moved that the Board direct the Department of Public Works and Environmental Services to accept for simultaneous and concurrent processing any site/building plans concurrent with Special Exception Application SE 2008-HM-024 and Planned Residential Community Application PRC A-502. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Supervisor Hyland seconded the motion.

*Supervisor Smyth pointed out that the written Board Matter stated “enrollment of more than 100 students,” and Supervisor Hudgins clarified that it was as she stated it: “no more than 100 students.”

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

35. **BEST OF RESTON AWARDS (HUNTER MILL DISTRICT)** (12:35 p.m.)

Supervisor Hudgins announced that she recently attended the Best of Reston Awards event and that Verdia Haywood, Deputy County Executive, was one of the special awardees. She congratulated him on the award and commended his efforts.

36. **PUBLIC INFORMATION MEETING FLIER ON THE I-66 TRANSIT/TRANSPORTATION DEMAND MANAGEMENT (TDM) STUDY** (12:37 p.m.)

Supervisor Smyth called the Board attention to a flier from the Virginia Department of Rail and Public Transportation entitled “DRPT Public Information Meetings, I-66 Transit/TDM Study” and noted that one meeting would be held at Oakton High School on May 14 from 6:30 p.m. – 9 p.m. She asked unanimous consent that the Board direct staff to publicize this meeting. Without objection, it was so ordered.

37. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE A. GROSS** (12:38 p.m.)

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

PMH:pmh

38. **RED STEVENS FIELD (MOUNT VERNON DISTRICT)** (12:39 p.m.)

Supervisor Hyland said that the Fort Hunt Youth Athletic Association (FHYAA) has served the Fort Hunt community since 1959 providing quality youth sports programs. The Fort Hunt Little League (FHLL) gives boys and girls the opportunity to experience baseball in an atmosphere that encourages and promotes teamwork, good sportsmanship, and friendships in a positive, safe, and supportive environment. The Red Stevens Field at Carl Sandburg Middle School is the home turf for the Little League, and like all baseball diamonds, has seen triumphant victories, crushing defeats, and borne the burden of cleated struggles that forge spirit of children.

Supervisor Hyland said that over the years, the Red Stevens diamond's luster has lost some of its brilliance. Overuse and drainage problems prompted the FHLL to raise funds to rehabilitate the dugouts, lay new sod, and install an irrigation system. The School System is managing the project in cooperation with the Department of Community and Recreation Services. He added that to ensure the field is ready for next year, he has agreed to utilize Mount Vernon contingency funds to restore the radiance of the Red Stevens Field.

Therefore, Supervisor Hyland moved that the Board direct staff to dedicate \$20,000 from Mount Vernon Public Works contingency funds to the Red Steven's Field Improvement Project administered by the School System. Chairman Bulova seconded the motion and it carried by unanimous vote.

39. **MOUNT VERNON AT HOME (MOUNT VERNON DISTRICT)** (12:41 p.m.)

Supervisor Hyland said that Mount Vernon at Home is a non-profit organization based on the highly successful Boston, Massachusetts program Beacon Hill Village. Mount Vernon at Home gives Mount Vernon residents an alternative to moving from their houses to retirement or assisted living communities. Mount Vernon at Home enables a growing and diverse group of Mount Vernon residents to stay in their neighborhoods as they age, by organizing and delivering programs and services that allow them to lead safe, healthy, productive lives in their own homes.

Supervisor Hyland said that Mount Vernon at Home was founded by long time Mount Vernon residents, and is ready to open its doors with a membership

campaign after receiving the generous financial support of over 190 donors. The website, mountvernonathome.org, lists a number of activities like transportation assistance, educational, social, and cultural activities, health services, and home services. Mount Vernon at Home will be able to help residents to age in place.

Supervisor Hyland asked unanimous consent that the Board direct staff to help publicize the success of this organization. Without objection, it was so ordered.

Supervisor Herrity announced that there was a similar program in the Springfield District and he asked unanimous consent that the Board direct staff to also help publicize the success of this program. Without objection, it was so ordered.

40. **GET WELL CARD (MOUNT VERNON DISTRICT)** (12:43 p.m.)

Supervisor Hyland expressed his appreciation to Board Members for sending him a get well card while he was recuperating from hip replacement surgery.

41. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:46 p.m.)

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

42. **DEVELOPING A VISION FOR A COUNTYWIDE CONNECTED MULTI-MODAL TRANSPORTATION NETWORK** (12:46 p.m.)

Supervisor Herrity said that much of the Board's transportation planning focuses on corridors. The pending completion of the Beltway HOT lanes project provides the County with the potential for a critical north-south transit link with semi dedicated lanes at guaranteed speeds.

Supervisor Herrity said that planning studies are underway in corridors such as I-66 and decisions are beginning to be made on the next steps in others like the Route 28 corridor. Many of these reviews appear to be proceeding without an overall look at how these corridors interconnect to get citizens from residential areas to employment centers.

Supervisor Herrity noted that during the Board's recent budget discussion the proposal to eliminate several express bus routes created an uproar. The users were actually willing to pay more to maintain the time advantage and convenience the express bus routes provided. This provided a clear example of the importance of giving transit users a time advantage.

Supervisor Herrity pointed out that the Board's discussion should also include a review of how it can bring transit into the twenty-first century and make it more user friendly including features such as WiFi connections and online and interactive arrival and departure information. The Connected Bus Project – a

partnership between Cisco and the City of San Francisco – could provide a good starting point for this review.

Supervisor Herrity said that the County's Comprehensive Plan provides the framework for the County's future public transportation network by designating a series of "Enhanced Public Transportation Corridors" which together with the existing Orange, Yellow, and Blue Metrorail lines, the future Silver (Dulles) Metrorail line, and the Manassas and Fredericksburg VRE lines could form a connected public transit system. Corridors designated as enhanced public transportation corridors include the Capital Beltway, I-66, I-95/I-395, Route 1, Route 28, Route 267, the Dulles Corridor, portions of Route 244, the Columbia Pike Corridor, and others. In some of these corridors, there are active capital projects underway which will improve public transportation (such as the Dulles Corridor and the Route 1 Corridor). Other planning studies are actively underway to better define the type of public transit investment that should be made in various corridors (such as I-66 and the Columbia Pike Corridor). At the same time, major planning efforts are underway or about to get underway to determine the feasibility of increased levels of density in Tysons, Springfield, Annandale, Baileys Crossroads, the Dulles Corridor, and in close proximity to the Base Realignment and Closure (BRAC) relocations.

Supervisor Herrity said that to maintain a reasonable balance between land use and transportation in the County, he believes the time has come for the County to embark on a study that will lead to the development of an overall vision for more robust interconnected regional transit network. This network will support future growth in the County and provide a feasible alternative to congested highway corridors. The study would update and further define the Enhanced Public Transportation Corridors in terms of location and public transportation mode (e.g. heavy rail, light rail, express bus, bus rapid transit, et cetera), establish requirements for transit rights-of-way in the Enhanced Public Transportation Corridors and other public transportation facilities shown on the Transportation Plan Map, and focus on interconnectivity issues between transit modes and corridors. The study would build on the County's comprehensive ten year Transit Development Plan (TDP) for bus service Countywide. The TDP is scheduled to be completed this coming summer.

Therefore, Supervisor Herrity moved that the Board direct staff to report with a framework for these discussions and a draft outline of a potential Countywide transit study for discussion and consideration by the Board at a Transportation meeting this summer. Supervisor Cook seconded the motion.

Following discussion on the motion, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to include coordinated efforts that are already underway and a framework for a discussion of additional items that have been raised, and this was accepted.

Vice-Chairman Gross clarified that the study area should go all the way to the County of Fairfax/City of Alexandria line.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

43. **INTENT TO DEFER PUBLIC HEARINGS (LEE AND PROVIDENCE DISTRICT)** (12:55 p.m.)

Supervisor McKay announced his intent, later in the meeting at the appropriate time, to defer the public hearing on:

- Rezoning Application RZ 2008-LE-014
- Special Exception Application SE 2008-LE-028

Supervisor Smyth announced her intent, later in the meeting at the appropriate time, to defer the public hearing on the De-Creation/Re-Creation of a Small Sanitary District for Leaf Collection Service.

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #51 and #55.)

44. **SPRINGFIELD DAYS CELEBRATION (BRADDOCK, LEE, SPRINGFIELD DISTRICTS)** (12:57 p.m.)

Jointly with Supervisor Herrity and *Chairman Bulova, Supervisor McKay announced that this year will be the Twenty-First Annual Springfield Days celebration, from May 28 - May 31.

While the family friendly games and rides take place at the Springfield Mall for all four days, on Saturday, May 30 the annual community wide celebration at the mall also includes children's entertainment, food, music, exhibitors, an art show, the ever popular Paws on Parade, and one of the newest additions to Springfield Days, PetFest! More information is available at the Springfield Days website at www.springfielddays.com.

Supervisor McKay said that no Springfield Days celebration would be complete without the Lake Accotink Park Cardboard Boat Regatta on Sunday, May 31. Additional activities and venues include an outdoor screening of the movie "Marley and Me" at Lake Accotink Park on Saturday evening, FitnessFest and a fun run at South Run RECenter on Saturday, and a family barbecue complete with entertainment at the American Legion Post 176 on Friday evening.

This celebration has many partners that make this all possible including the Greater Springfield Chamber of Commerce, the Fairfax County Park Authority – Lake Accotink Park and South Run RECenter, the Springfield Art Guild, Colonial Animal Hospital, Leith Graphics, Springfield Mall, Springfield Civic Association, Fairfax County Police Department, American Legion Post 176, and generous sponsors from the local business community.

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

- Prepare a proclamation declaring Springfield Days on May 28-31.
- Invite the Springfield Days Steering Committee to appear before the Board on May 18 to be recognized and receive the proclamation.

Chairman Bulova seconded the motion.

*Following discussion of the motion, Supervisor Cook asked unanimous consent to be included as a maker of the motion. Without objection, it was so ordered.

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

45. **RECESS/CLOSED SESSION** (1 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 1. Authorization to Hire Outside Law Firm for the Collection of Delinquent Taxes and Other Fees Due to the County.

2. Krispy Kreme Doughnut Corporation and Damaged Sewer Facilities Serving the Gunston Commerce Center (Tax Map Nos. 113-3((1)) Parcels 5E, 5F, 5G, 5H1, 5H2, 5H3, 5J, and 5K1) (Mount Vernon District)
3. Wrongful Death Claim of the Estate of Debra Chiles
4. Continuity of Government Planning (Countywide)
5. *Kirk Wiles, Jane Kincheloe Wiles, and Paradise Springs Winery, LLC v. Board of Zoning Appeals for Fairfax County, Virginia*, Case No. CL-2009-0003136 (Fx. Co. Cir. Ct.) (Springfield District)
6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel F. Sturdivant, II*, Case No. CL-2008-0006954 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose O. Montecino and Maria Montecino*, CL-2009-0005331 (Fx. Co. Cir. Ct.) (Sully District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)

12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Idania Maria Barahona and Gixeis J. Barahona*, Case No. CL-2008-0016021 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta, a/k/a Maria D'Angeles Argueta*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016413 (Fx. Co. Cir. Ct.) (Braddock District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Thanh Truong, a.k.a. Thich Van Dam*, Case No. CL-2006-0001577 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz*, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)
17. *Jane W. Gwinn, Fairfax County Zoning Administrator v. William A. Clark, Jr., and Susan L. Clark*, Case No. CL-2009-0004536 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William F. Flores*, Case No. CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. William S. French, III, and Ann R. French*, Case No. CL-2008-0016979 (Fx. Co. Cir. Ct.) (Dranesville District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Savon Ok, Yeng Skam, and Makaravee Ok*, Case No. CL-2008-0016940 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2009-0001067 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmad Zia Safari and Inayet Nadri*, Case No. CL-2008-0016692 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Wayn Oliver*, Case No. CL-2009-0000810 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juana Flores and Oscar A. Coreas*, Case No. CL-2008-0016022 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ercilia Vargas and Walter Vargas*, Case No. CL-2009-0002073 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rony Rigoberto Hernandez*, Case No. CL-2009-0005120 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tania Soto-Yapura*, Case No. CL-2009-0005284 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Deborah R. Hakenson and Melvin E. Hakenson*, Case No. CL-2009-0005303 (Fx. Co. Cir. Ct.) (Lee District)

29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Janine R. Perky*, Case No. CL-2009-0005395 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven C. Bryant*, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafat Mahmood and Shaista Mahmood*, Case No. CL-2009-0005621 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Matthew Q. Pugsley and Barbara T. Pugsley*, Case No. CL-2009-0005807 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Trung Dinh-Chi Phan*, Case No. 09-0006933 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tram Le and Phong Le*, Case No. 09-0006931 (Fx. Co. Gen. Dist. Ct.) (Providence District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Lewis*, Case No. 09-0006932 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Ferrufino and Emma Salazar*, Case Nos. 09-0007962 and 09-0007963 (Fx. Co. Gen. Dist. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yonis A. Rodriguez and Belen P. Rodriguez*, Case Nos. 09-0009169 and 09-0009171 (Fx. Co. Gen. Dist. Ct.) (Sully District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Goher N. Khan*, Case No. 08-0009869 (Fx. Co. Gen. Dist. Ct.) (Lee District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert D. Scrimshaw and Teresa Marie Scrimshaw*, Case Nos. 09-0009387 and 09-0009388 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
40. *Board of Supervisors of Fairfax County, Virginia v. CCI Herndon SA, LLC*, Case No. CL-2009-0005253 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Phase 1 Dulles Rail Transportation Improvement District – Bond Validation Suit

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

DMS:dms

At 3:39 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:39 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. 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."

47. **DENIAL OF THE CLAIM OF THE ESTATE OF DEBRA CHILES** (3:39 p.m.)

Supervisor Hyland moved that the Board deny the claim of the estate of Debra Chiles, for the reasons outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

48. **REJECTION OF THE SETTLEMENT OFFER MADE BY KRISPY KREME DOUGHNUT CORPORATION AND THE AUTHORIZATION OF THE COUNTY ATTORNEY TO FILE SUIT AGAINST KRISPY KREME** (3:40 p.m.)

Supervisor Hyland moved that the Board:

- Reject the settlement offer made by Krispy Kreme Doughnut Corporation on April 29, 2009, to settle the County's claim against Krispy Kreme for the reasons set forth by the County Attorney in closed session.
- Authorize the County Attorney to file suit against Krispy Kreme as set forth by the County Attorney in closed session.

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

49. **RETENTION OF THE LAW FIRM LINEBARGER, GOGGAN, BLAIR AND SAMPSON, LLP** (3:40 p.m.)

Supervisor Herrity moved that the Board authorize the County Attorney and the Department of Tax Administration to retain the law firm *Linebarger, Goggan, Blair and Sampson, LLP*, to represent the County in the collection of delinquent taxes and other fees due to the County. Supervisor McKay seconded the motion and it carried by unanimous vote.

50. **VALIDATION OF POSSIBLE FUNDING FOR PHASE I OF THE METRORAIL SILVER LINE** (3:41 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to bring litigation to validate possible financing mechanisms for the County's share of the cost of Phase I of the project to construct the Metrorail Silver Line, as described by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

51. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-LE-014 (OPUS EAST, LLC) (LEE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-LE-028 (OPUS EAST, LLC) (LEE DISTRICT) (3:42 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2008-LE-014 and Special Exception Application SE 2008-LE-028 until

June 1, 2009, at 3:30 p.m. Supervisor Smyth seconded the motion and it carried by unanimous vote.

52. 3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-MA-034 (TD BANK, NA) (MASON DISTRICT) (3:43 p.m.)

The application property is located at 7209 Little River Turnpike, Tax Map 71-1 ((1)) 89.

Mr. Frederick R. Taylor reaffirmed the validity of the affidavit for the record.

Mr. Taylor 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.

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

- Mr. Frederick R. Taylor

Following the public hearing, Kris Abrahamson, Branch Chief, Rezoning and Special Exception Branch, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2007-MA-034, subject to the development conditions dated April 29, 2009, with the following amendments to development condition four:
 - Change the revision date of the Special Exception plat to April 24, 2009.
 - The addition of the following sentence to the end of the paragraph, “If, during Preliminary Site Plan Review, VDOT determines that the entrance on Backlick Road as depicted on the SE Plat, does not meet minimum VDOT standards for design and safety, the entrance may be reconfigured to meet VDOT standards, without the need for a special exception amendment.”
- Waiver of the minimum front yard requirements along Little River Turnpike.

- A parking space reduction by 20 percent.
- Modification of the streetscape requirements along Little River Turnpike and Backlick Road in favor of that depicted on the SE Plat.
- Waiver of the service drive requirement along Little River Turnpike.
- Waiver of the construction of the required frontage improvements.
- Modification of the trails requirement along both Little River Turnpike and Backlick Road in favor of that depicted on the SE Plat and as conditioned.
- Waiver of the on-road bike lane along the Little River Turnpike frontage in favor of the right-of-way dedications and an escrow as conditioned.
- Modification of the southern drive aisle width as depicted on the SE Plat.
- Waiver of the loading space requirement.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Ms. Abrahamson, regarding the usage of traffic signs.

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

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-012 (QUAN O. NGUYEN AND NGAN T. NGUYEN) (MASON DISTRICT)** (4:03 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 84-M-012 until **May 18, 2009, at 3 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

54. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S09-IV-LP1 LOCATED NORTHWEST OF THE SOUTH COUNTY SECONDARY SCHOOL, SOUTH OF SILVERBROOK ROAD, AND NORTH OF LAUREL CREST DRIVE (MOUNT VERNON DISTRICT)** (4:05 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 16 and April 23, 2009.

Leanna O'Donnell, Planner III, Department of Planning and Zoning (DPZ), and Fred Seldon, Director, Planning Division, DPZ, presented the staff report.

Discussion ensued regarding the Planning Commission's recommendation, with input from Ms. O'Donnell, regarding changing the word "should" to "shall."

Following the public hearing, which included testimony by two speakers, Ms. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Adoption of the Planning Commission recommendation for the proposed Plan Amendment S09-IV-LP1, with one modification:
 - A change to the Planning Commission recommendation by using the word "**shall**" rather than "**should**" with regard to ensuring public input during future park master planning activities. The Plan amendment would modify the Plan guidance for the two properties to reflect the new public uses for each site and would facilitate the land exchange between schools and parks to allow for construction of the South County Middle School.

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

55. **4 P.M. – PH FOR THE DE-CREATION/RE-CREATION OF A SMALL SANITARY DISTRICT FOR LEAF COLLECTION SERVICE (PROVIDENCE DISTRICT)** (4:13 p.m.)

Supervisor Smyth moved that Board defer the public hearing on the de-creation/re-creation of a small sanitary district for leaf collection service until **May 18, 2009, at 4 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

56. **BOARD ADJOURNMENT** (4:14 p.m.)

The Board adjourned.

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