



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 11, 2010**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, May 11, 2010, at 9:38 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 MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Dr. Ross Netherton who died recently. Ross and Nan Netherton were prolific writers who chronicled the history of the County, and their contributions to the County over the years were very much appreciated.

Supervisor Frey asked everyone to keep in thoughts the family of Mr. Dallas Porter Hutchison who died recently. He was active in historic preservation, and he was one of the authors of The Chantilly Voices History Project that came out in 1996. Mr. Hutchison was also the first paid firefighter in Fire Station 15 in Chantilly.

Supervisor Frey also noted that Canine Molly died last week. Molly and her brother Charger were the first two bloodhounds that the Police Department utilized. He asked everyone to keep in thoughts the Police Department.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING MAY 2010 AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY AND CERTIFICATE OF RECOGNITION PRESENTED TO THE ASIAN AMERICAN HISTORY PROJECT AND SPONSORS** (9:42 a.m.)

Chairman Bulova introduced and welcomed performers from the Asian Community Service Center who performed the Dragon Dance.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2010 as "*Asian/Pacific American Heritage Month*" in Fairfax County. Supervisor Foust, Supervisor Herrity, and Supervisor McKay, jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

On behalf of Chairman Bulova, Supervisor Gross moved approval of the Certificate of Recognition presented to the Asian American History Project and sponsors for the debut of its book. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman Bulova, on behalf of the Board, warmly welcomed Mr. David Wang, Office of Asian/Pacific American Affairs, who presented a proclamation on behalf of Maryland Governor Martin O'Malley proclaiming May as Asian/Pacific American Heritage Month.

Supervisor Gross acknowledged the presence of Ms. Jackie Bong-Wright, author of *Autumn Cloud*, and warmly welcomed her to the Board Auditorium.

3. **PROCLAMATION DESIGNATING MAY 9–15, 2010, AS “POLICE WEEK” AND MAY 15 AS “PEACE OFFICERS MEMORIAL DAY” IN FAIRFAX COUNTY** (10:19 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 9–15, 2010, as "*Police Week*" and May 15 as "*Police Officers Memorial Day*" in Fairfax County to honor those officers and sheriff's deputies who have made the ultimate sacrifice in service to the community, including:

Detective Vicky O. Armel

Police Office Karen Bassford

Captain Tommy Bernal

Master Police Officer Michael E. Garbarino

Special Police Office Hendrik “Sandy” Gideonse

Deputy Sheriff George A. Malcolm

Second Lieutenant Francis “Frank” J. Stecco

This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **PROCLAMATION DESIGNATING MAY 22, 2010, AS “GIRL POWER DAY” IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 22, 2010, as "*Girl Power Day*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO LAKE BRADDOCK SECONDARY SCHOOL BAND AND ITS DIRECTOR, ROY HOLDER** (10:35 a.m.)

Supervisor Cook moved approval of the Certificates of Recognition presented to the Lake Braddock Secondary School band and its director, Roy Holder, for their accomplishments. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McKay being out of the room.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO THE CHANTILLY YOUTH ASSOCIATION (CYA) CHEER SELECT SQUAD AND THE CHEER SELECT UNDER TEAM** (10:43 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to the CYA Cheer Select Squad for winning the US National Competition, as well as the Cheer Select Under Team for being named the Overall Level Winner. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

7. **PROCLAMATION DESIGNATING MAY 2010 AS "COMMUNITY ACTION MONTH" IN FAIRFAX COUNTY** (10:49 a.m.)

(BACs) Supervisor Foust moved approval of the Proclamation to designate May 2010 as "*Community Action Month*" in Fairfax County. Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING MAY 16–22, 2010, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (10:59 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 16–22, 2010, as "*Public Works Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **10:30 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (11:11 a.m.)

(BACs) Debbie Robison, Chairman of the History Commission, introduced the following members of the Commission:

- Elise Ruff Murray, Vice-Chairman
- Naomi Zeavin, Historian #1
- Lynne Garvey-Hodge, Citizen #4
- Esther McCullough, Citizen #10

Ms. Robison presented the History Commission's annual report and noted the following:

- Four Historic Markers were installed and dedicated by the Marker Committee

- Sixteen properties were added to the inventory of historic sites
- The History Commission's fifth annual conference theme was: *"Fairfax: This is YOUR County!"*
- A list of names and terms of service for all former Chairs of the Board from 1870–Present is available on the website at <http://www.fairfaxcounty.gov/histcomm/>

Discussion ensued, with input from Ms. Robison and Linda C. Blank, Historic Preservation Planner, Planning Division, Department of Planning and Zoning, regarding:

- A listing of all past members of the Board since 1870 and a list of date of service.
- Tysons Corner and what needs preserving.
- The list of historic sites and its accuracy.
- Keeping and maintaining historic sites and looking into methods used by other jurisdictions in preserving these properties.
- Policies and programs that can be adopted that could help in the preservation of historic properties.

DAL:dal

10. **10:45 A.M. – PRESENTATION OF THE ADVISORY SOCIAL SERVICES BOARD (ASSB) ANNUAL REPORT** (11:32 a.m.)

(BACs) Marcus B. Simon, Chairman, ASSB, presented its annual report, summarizing challenges and accomplishments from calendar year 2009. He highlighted several of the statistics, as follows:

- Public Assistance caseload increased 13 percent
- SkillSource Center usage increased 33 percent
- Adult Protective Services increased 8 percent
- Child Protective Services increased 2 percent
- Domestic and Sexual Violence Services increased 9 percent
- Families participating in parenting classes increased 31 percent

- Average number of children in foster care decreased 13 percent

Mr. Simon noted that the format of the report has changed this year. He also noted that the report can be found on the web at <http://www.fairfaxcounty.gov/dfs/assb/>.

Supervisor Hudgins complimented the ASSB on the new format of the report and asked unanimous consent that the Board direct staff to provide information regarding the programs for youth training and jobs and whether any of the funding from the Workforce Investment Board are being utilized. Without objection, it was so ordered.

Discussion ensued, with input from Mr. Simon; Kathy Froyd, Director, Child, Youth, and Family Services Division, Department of Family Services (DFS); and Barbara Antley, Adult and Aging Division, DFS, regarding:

- The impact of the County's relationship with the State regarding resources for healthy families
- Public assistance for needy families
- Disability Services Planning and Development

Chairman Bulova noted some of the workload numbers in public assistance and thanked staff of the Department of Family Services for thinking of reorganizational efficiencies and ways to continue to provide an increased amount and level of service to a growing needy community during these difficult budget times.

Anthony H. Griffin, County Executive, noted that the numbers for the first six months of Fiscal Year 2010 exceeded the entire previous year.

11. **ADMINISTRATIVE ITEMS** (11:48 a.m.)

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

Supervisor McKay called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility Standards), Section 30-3-6, Relating to the Storage of Firearms and Ammunition in Home Child Care Facilities and thanked staff for getting this to the Board in a timely manner.

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 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, HUNTER MILL, 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>
FS-Y09-113	Clearwire US LLC Rooftop antennas 3080 Centreville Road Sully District	July 16, 2010
FSA-S08-101-1	FLO TV Relocate antennas from existing tower to ground 6199 Old Arrington Lane Springfield District	July 19, 2010
FS-B09-82	Clearwire US LLC Rooftop antennas 8996 Burke Lake Road Braddock District	July 23, 2010
2232-H10-1	Fairfax County Park Authority Lights for ballfield and tennis court, lighted sports complex, picnic shelter 2431 Fox Mill Road (Stratton Woods Park) Hunter Mill District	November 16, 2010

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS), SECTION 30-3-6, RELATING TO THE STORAGE OF FIREARMS AND AMMUNITION IN HOME CHILD CARE FACILITIES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 8, 2010, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility

Standards), Section 30-3-6, relating to the storage of firearms and ammunition in home child care facilities, to become effective July 1, 2010.

ADMIN 3 – APPROVAL OF INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD DISTRICT)

- (R) Adopted the Resolution authorizing installation of “\$200 Additional Fine for Speeding” signs on Random Hills Road between Lee Jackson Memorial Highway and Lee Highway.

ADMIN 4 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY (DHS)

Authorized FRD to apply for and accept funding, if received, from the DHS Fiscal Year 2010 Assistance to Firefighters Grant Program in the amount of \$175,282, including \$35,056 in local cash match.

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (MASON AND MOUNT VERNON DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Korfonta’s Addition to Annandale Oaks	Mason	Annandale Road – Route 650 [Additional Right-of-way (ROW) Only]
		Medford Drive – Route 4054 (Additional ROW Only)
REP KBY Realty LLC Chili’s Beacon Hill	Mount Vernon	Richmond Highway – Route 1 (Additional ROW Only)
		Dawn Drive – Route 1432 (Additional ROW Only)
REP KBY Realty LLC Commerce Bank Beacon Hill	Mount Vernon	Richmond Highway – Route 1 (Additional ROW Only)

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND/OR LEAF COLLECTION SERVICE (DRANESVILLE, LEE, AND MASON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 8, 2010, at 4 p.m.** to consider the following changes to small and local sanitary districts for refuse and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (Wemberly Way)	Enlarge	Refuse	Approve
Small District 15 Within Dranesville District (Primrose Drive)	Create	Refuse and Leaf	Approve
Local District 1A8 Within Small District 1 Within Dranesville District (East Avenue Area)	Enlarge	Refuse	Approve
Local District 1C Within Small District 1 Within Lee District (5903, 5905, and 5907 Brookland Road)	Enlarge	Leaf	Approve
Small District 7 Within Mason District (6918 and 6920 Winter Lane)	Enlarge	Refuse	Approve

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONTINUE TO LEASE COUNTY-OWNED PROPERTY AT THE LEWINSVILLE FACILITY TO THE MCNAIR CHILD DEVELOPMENT CENTER, INCORPORATED (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2010, at 4 p.m.** to enter into a lease with Fun and Friends Child Development Center. This will permit them to continue leasing space for a child care center at the Lewinsville facility located at 1609 Great Falls Street, McLean, Virginia, Tax Map 30-3 ((1)) parcel 42.

ADMIN 8 – APPOINTMENT AND RE-APPOINTMENT OF MEMBERS TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

(APPTS)
(BACs)

- Appointed Ms. Sandy Porteous of the Phillips Programs as a member to CPMT.
- Reappointed the following members to CPMT:
 - Mr. Rick Leichtweis of INOVA Kellar Center
 - Ms. Kristen Eisenhart as a parent representative
 - Mr. Robert Rexrode as a parent representative

12.

A-1 – AUTHORIZATION TO UTILIZE TREASURER’S COLLECTION CONTRACT AUTHORITY TO PURSUE DELINQUENT NON-TAX REVENUES AND CHARGE ASSOCIATED COLLECTION FEES

(11:51 a.m.)

Chairman Bulova noted that the Treasurer’s Collection Authority will not be used until someone is six or more months delinquent in fees.

Supervisor McKay raised a question regarding whether there is flexibility for the County to utilize the authority for other activities, i.e., zoning enforcement violations, and discussion ensued with input from Victor Garcia, Director, Department of Finance, who noted that he will work with the Department of Planning and Zoning regarding whether it can utilize the service.

David P. Bobzien, County Attorney, noted that he will report with information regarding whether the authority can be utilized for zoning violations.

Supervisor Herrity moved that the Board:

- Concur in the recommendation of staff and authorize the Director of Finance to place delinquent non-tax accounts with a private collection agent and to recover the agent’s collection fee from the person owing the charge to the County.
- Direct the County Attorney to provide information regarding whether the service can be utilized for zoning violations.

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

13. **A-2 – APPROVAL OF THE ADAPTIVE REUSE PLAN OF THE FORMER LORTON REFORMATORY AND PENITENTIARY AND AUTHORIZATION FOR STAFF TO PROCEED WITH PHASE II OF THE PLANNING PROCESS, DEVELOPER NEGOTIATIONS (MOUNT VERNON DISTRICT)** (11:56 a.m.)

(BACs) Chris B. Caperton, Laurel Hill Project Coordinator, Department of Planning and Zoning, presented the staff report regarding the Laurel Hill Adaptive Reuse Plan.

Tim Sargeant, Chairman, Laurel Hill Project Advisory Citizens Oversight Committee, gave a presentation, summarizing the following:

- Historic Preservation
- Eligibility for Historic Tax Credits
- Financial Considerations
- Project Advisory Committee Recommendations

Supervisor Hyland moved that the Board:

- Adopt the Master Plan for the Laurel Hill Adaptive Reuse Area as shown in Attachment I of the Board Agenda Item dated May 11, 2010.
- Authorize staff to enter into negotiations with the Alexander Company for a development agreement to implement the Master Plan and periodically report to the Board on the status of these negotiations.
- Direct staff and the developer to be guided by the recommendations of the Laurel Hill Project Advisory Committee and the financial analysis of the Alvarez and Marsal financial assessment dated December 29, 2009.
- Direct the Project Advisory Committee to continue to oversee the agreements, implementation, financing, and other structural elements related to the Master Plan and provide input to the Board periodically on issues and concerns.

Chairman Bulova seconded the motion.

Supervisor Hyland submitted, for the record, a resolution adopted by the South County Federation calling on the Board to adopt and move forward expeditiously to implement the Master Plan for the Laurel Hill Adaptive Reuse Area.

Supervisor Herrity raised a question regarding the financial gap in funding and discussion ensued with input from Len Wales, County Debt Manager.

Supervisor Gross asked unanimous consent that the Board direct staff to provide copies of the Mr. Sargeant's slide presentation. Without objection, it was so ordered.

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

14.

A-3 – APPROVAL OF THE PROPOSED FIVE-YEAR CONSOLIDATED PLAN FOR FISCAL YEAR (FY) 2011–2015 AND PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FY 2011 AND APPROVAL OF SECTION 108 SUBMISSIONS TO US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO RECOVER COSTS ASSOCIATED WITH PREVIOUSLY APPROVED AND COMPLETED NEIGHBORHOOD IMPROVEMENTS AND TO REFINANCE (12:22 p.m.)

Supervisor Hudgins raised a question regarding whether due consideration was given to the comments that were presented to the Board at a public hearing regarding a multitude of issues and discussion ensued, with input from Paula Sampson, Director, Housing and Community Development (HCD).

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

- Adopt the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 with funding allocations as outlined in the Board Agenda Item dated May 11, 2010.
- Authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by HUD by May 14, 2010.
- Authorize submission of the Section 108 Loan Application described above and adopted the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2010 to incorporate the proposed funding uses.
- Authorize refinancing of 108 Loan Number B-93-UC-51-001, Series 1996-A.

Supervisor Hudgins further moved that the Board direct staff to complete the analysis of the Deputy County Executive in the Human Services agencies and, using the input from the Interagency and Housing Options Committee, to provide

to the Board's Housing Committee any considerations that they may have for inclusion in an amended consolidated plan.

Supervisor Gross seconded the motion.

Supervisor McKay called the Board's attention to the Proposed Consolidated One Year Action Plan, page 33, Project ID Number 18 North Hill Project, and raised a question regarding what is slated to be finished by the completion date of June 30, 2011. Discussion ensued, with input from Audrey Spencer-Horsley, Associate Director, Grants Management, HCD.

Further discussion ensued, with input from Ms. Spencer-Horsley and Ms. Sampson, regarding financing.

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

15. **A-4 – AUTHORIZATION OF PAYMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FROM THE ROUTE 28 PROJECT COMPLETION FUND** (12:29 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and approve the release of \$9,308,995.93 from the Route 28 Improvements Project Completion Fund for Route 28 Phase II Project Improvements. Supervisor Frey seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

16. **A-5 – APPROVAL OF A PROJECT AGREEMENT FOR THE ENVIRONMENTAL ANALYSIS AND DOCUMENTATION OF ROADWAY IMPROVEMENTS ON RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (12:30 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the project agreement in substantial form, including \$750,000 in commercial and industrial property tax funding for all the activities related to the coordination and preparation of federal environmental documentation. Supervisor McKay seconded the motion.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation, regarding the agreement.

Supervisor McKay asked to amend the motion that the Board direct staff to attach a cover letter to the agreement expressing the Board's desire that this happen as expeditiously as possible. This was accepted.

Supervisor Hyland asked to amend the amendment to the motion that the Board direct staff to reiterate in the cover letter the request that the County be reimbursed the \$750,000 out of the \$150 million for allowing the expediting of this project. This was accepted.

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

17. **A-6 – APPROVAL OF INTERJURISDICTIONAL SOLID WASTE FACILITY USE AGREEMENT BETWEEN FAIRFAX COUNTY AND PRINCE WILLIAM COUNTY** (12:34 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize staff to enter into an agreement between the County and Prince William County regarding solid waste disposal. Supervisor Gross seconded the motion.

Discussion ensued, with input from Joyce Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services, regarding the length of the agreement.

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

18. **A-7 – APPROVAL OF PARKING REDUCTION FOR AVALON AT PARK CREST (PROVIDENCE DISTRICT)** (12:36 p.m.)

Chairman Bulova announced that the Board will take action on this item later in the meeting.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #48.)

19. **A-8 – APPROVAL OF THE DEVELOPMENT, ACQUISITION, AND FINANCING AGREEMENT AND MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (CDA), ESKRIDGE (E & A), LLC, AND ESKRIDGE PROPERTIES (E & A), LLC** (12:37 p.m.)

Supervisor Smyth moved that the proposed MOU be amended as follows:

- Amend Section 17, handwritten page 19, to add the following address for notices to be sent to the CDA:

**Director, Department of Community
Revitalization and Reinvestment
12055 Government Center Parkway, Suite 1040
Fairfax, Virginia 22035**

- Amend Exhibit D, handwritten page 32, to add the following sentence at the end of the first paragraph, under the heading Luther Jackson Middle School (LJMS):

“However, a cash equivalent may be provided for the grading and seeded grass field.”

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment, distributed around the dais page 115, an exhibit to one of the documents, which was inadvertently left out of the package.

Supervisor Foust seconded the motion.

Supervisor Smyth clarified that this motion was to amend the MOU only.

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

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve the following:

- Development, Acquisition, and Financing Agreement substantially in the form attached to the Board Agenda Item.
- MOU, as amended, and authorize the County Executive to sign both documents on behalf of the County.

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

20. **I-1 – CONTRACT AWARD – HUNTLEY HISTORIC SITE – RESTORATION/RENOVATION OF THE MANOR HOUSE AND HISTORIC OUT BUILDINGS (LEE DISTRICT)** (12:40 p.m.)

The Board next considered an item contained in the Board Agenda dated March 9, 2010, requesting authorization for staff to award a contract to Grunley Construction Company, Incorporated, in the amount of \$1,325,000 for the restoration/renovation of the manor house and historic out buildings, and related site improvements at the Huntley Historic Site, in Project 475098, Natural and Cultural Resource Facilities; in Project 476204, Building New Construction; and in Project 475008, Stewardship, all in Fund 370, Park Bond Construction.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS21. **RECOGNITION OF ORGANIZATIONS AND INDIVIDUALS** (12:41 p.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the:

- Fairfax Area Disability Services Board to appear before the Board to accept a proclamation in July, recognizing the twentieth anniversary of the Americans with Disabilities Act in the County.
- Fairfax Connector Service and the Department of Transportation to appear before the Board to accept a proclamation on September 28 recognizing the Connector's twenty-fifth anniversary in the County as well as recognizing a few outstanding, long-term Connector employees.

Without objection, it was so ordered.

22. **LOCAL HIRING GOAL FOR PHASE II OF DULLES RAIL** (12:42 p.m.)

In a joint Board Matter with Supervisor Hudgins, Chairman Bulova said that later this year the Metropolitan Washington Airports Authority (MWAA) will select a design build contractor for Phase II of the Dulles Rail Project. The economic benefits of Phase I of the project played an important role in the local economy during these difficult economic times. In 2009 the project created 1,100 jobs and contributed an estimated \$500 million to the local economy. It is anticipated that the total economic impact will be \$10 billion, over 10 years of design and construction, for Phase I and II of the project. Many of these jobs are filled primarily from the local labor market. Hiring locally has not only helped to curb unemployment in the region, but also contributes to the retention of taxes and spending from local employees. Local hiring tends to also benefit the employer by providing a workforce stream that is located in closer proximity to the project location.

Given the economic benefits for workers, the region, and the project of hiring locally, Chairman Bulova said that she is working with Loudoun County Supervisor Stevens Miller, to draft a letter for endorsement at the next Loudoun-Herndon-Fairfax Inter-jurisdictional Committee meeting that will encourage MWAA to hire locally for the Phase II Dulles Rail construction.

Jointly with Supervisor Hudgins, Chairman Bulova asked unanimous consent that the Board direct the Chairman to advance this position on behalf of the Board at the May 20 Loudoun-Herndon- Fairfax Inter-jurisdictional meeting.

Following discussion that relieved any concerns about requirements, added costs, or time delays, without objection, it was so ordered.

23. **GRAFFITI CONCERNS** (12:45 p.m.)

Chairman Bulova said that with all of the road and transit construction going on in the County, the outward appearance of the community is constantly changing. A constituent recently contacted her about a change that is not on any plan approved by the County: graffiti on the sound walls and underneath the overpasses in the area where Route 50 and I-495 intersect.

Chairman Bulova said that County residents should be able to take pride in the appearance of their community and this message served as an unfortunate reminder of the ongoing challenge of keeping roads and neighborhoods clean and attractive looking. Problems with graffiti are not unique to any one area and affect communities throughout the County.

Chairman Bulova urged residents to report graffiti to the Police Department through the non-emergency line, 703-631-2131. Graffiti on road structures should be reported to the Virginia Department of Transportation (VDOT) by calling 703-383-8368, which is responsible for maintenance of State highways and roads.

Therefore, Chairman Bulova moved that the Board direct:

- The Office of Public Affairs to issue a press release reminding residents about how they can report graffiti to the Police Department and VDOT, and include in this release information about how homeowners and civic associations can prevent, deter, and remove graffiti in the neighborhoods.
- Staff to ask VDOT to work with the Police Department to expedite clean up and request that the Sheriff's Community Labor Force support the clean up effort where possible.

Vice-Chairman Gross seconded the motion.

Discussion ensued regarding:

- Additional graffiti on the sound walls just installed on the Inner Loop of the Beltway near Braddock Road.
- The responsibility of Fluor-Transurban associated with the High Occupancy Toll (HOT) lanes project.
- Privately owned walls.

- Fencing to prevent access to graffiti painters.
- Encouraging residents to contact the Police Department first for proper documentation and referral.
- The responsibility of private property owners.
- Complete obliteration of the graffiti.

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

24. **REPORT OF THE CONSUMER PROTECTION COMMISSION (CPC)
REGARDING WATER RATES** (12:52 p.m.)

(BACs)

Chairman Bulova said that at its meeting of April 20 the CPC approved its Report on Rates Charged by Water Systems Serving the County. She noted that the Board directed the CPC to conduct an investigation, with the assistance of appropriate staff, into the rates paid by County residents to the various systems that furnish water service within the County. The Board requested a CPC report, including findings and possible recommendations.

Chairman Bulova said that five municipal water utility systems operate in the County: Fairfax Water, the City of Falls Church, the City of Fairfax, the Town of Vienna, and the Town of Herndon. Pursuant to the Board's directive, the CPC investigated the following issues relating to the provision of water utility services within the County:

- The differences in rates paid by customers of the five municipal water utilities providing service in the County.
- Rate differentials charged by the Town of Vienna, specifically the lower rates charged to customers located inside town limits and the higher rates charged to customers located outside town limits.
- Water utility revenue transfers made by municipal water utility providers in the County to the municipalities' general funds.

Each Board Member received a copy of the CPC's report, a thorough and comprehensive study of the rates charged by the various water providers in the County. The report concludes with the CPC's findings and recommendations to the Board.

Therefore, Chairman Bulova moved that the Board place this matter on the Board's May 25 agenda to consider and take action regarding the CPC's report, its findings and recommendations, and to receive any recommendations from the staff of the Department of Cable Communications and Consumer Protection, which assisted the CPC in carrying out the Board's directives regarding this

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

25. **REQUEST FOR INFORMATION REGARDING THE TYSONS CORNER COMPREHENSIVE PLAN** (12:55 p.m.)

Supervisor Herrity noted that next month the Board will have on its agenda one of its more critical decisions this year, one that will likely shape the County for years to come: the Comprehensive Plan for Tysons Corner. He said that Tysons Corner is currently the economic engine of the County and it is critical that the engine stays healthy and running strong for the next several decades.

Supervisor Herrity said that there has been a flurry of discussion and press on the recently released financing plan for the transportation improvements for Tysons Corner. A mix of financing options will be considered as well as the appropriate allocation for the public and private sectors both within Tysons Corner and across the County. While he agreed that this should be a shared responsibility, there is information that he believed would be useful as the Board weighs priorities and the allocation of the cost of transportation improvements.

Supervisor Herrity stated that in the Tysons Plan, the County has asked developers and landowners to fund a significant number of public amenities and goods. For example, they are being asked to fund affordable housing, increased environmental protections, public art, and increased open space and public park requirements. He said that he would make a request for information on the cost of these public goods that developers are being asked to pay for the Board could make a more informed decision.

Supervisor Herrity said that there is agreement that a sufficient infrastructure is critical for making Tysons Corner work. In considering the Tysons Corner plan, he asserted that it is crucial that transportation be a top priority. He said that the Board needs a good understanding of the cost of all the conditions required to properly set priorities and protect the financial viability of Tysons Corner and the County.

Accordingly, Supervisor Herrity moved that the Board direct staff to work with industry to provide the Board with the estimated cost to the landowners of each of the requirements in the current proposed Comprehensive Plan including, but not limited to the 1 percent public art requirement, the 17 or 20 percent affordable housing requirement, the one-for-one affordable housing replacement requirement, the 80 percent improvement in stormwater requirement (to dense forested conditions), public buildings, open space development, LEED Silver versus similar sustainability requirements. These figures should be prepared by requirement and be prepared at the same density levels as the current traffic analysis.

Supervisor Cook and Supervisor Frey jointly seconded the motion.

Supervisor Smyth asked to amend the motion to prevent a duplication of efforts and wait for what develops out of the Planning Commission (PC) analyses, and this was accepted as long as it is provided in sufficient time prior to the Board's public hearing on the Tysons Plan.

Supervisor Herrity clarified that schools are incorporated into his motion as "public buildings."

Supervisor Cook asked to amend the motion to not limit the analysis to that of the PC and to include an analysis of the task force recommendations, and this was accepted.

Supervisor Cook asked to amend the motion to include the economic benefits projected for the landowners and projected taxes under the various proposals (of the PC and the task force), and this was accepted.

Chairman Bulova clarified that the request is for financial analysis regarding all of the elements being requested in the Comprehensive Plan and that goes from environmental requirements to affordable housing.

Following further discussion of the motion regarding the potential cost of the one percent arts requirement, guidance to the developer, quality development, case-by-case analysis of amenities, creating a vibrant economic community, a 30-40 year Tysons Plan, the imposition of additional taxes, LEED certification, Chairman Bulova said that staff responding may wish to review a recording of the preceding request and discussion.

Chairman Bulova noted the attractive Burke Centre parking garage for the Virginia Railway Express station, which includes an artistic feature, the clock tower, recommended by a Braddock District resident. She offered this project as an example of what "guidance" means and how this project became an attractive landmark.

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

26. **RECOGNITION OF MR. MICHAEL HORWATT** (1:17 p.m.)

(BACs) With reference to his written Board Matter on the subject, Supervisor Herrity noted that the Board previously requested recognition of Mr. Michael Horwatt who is resigning from the Economic Development Authority.

27. **LYME DISEASE SUMMIT** (1:18 p.m.)

Supervisor Smyth distributed flyers on the 2010 Lyme Disease Summit that she is sponsoring with Chairman Bulova. It will be held on May 15 from 10 a.m. to noon at the Government Center.

28. **McLEAN CENTENNIAL CELEBRATION (DRANESVILLE DISTRICT)**
(1:19 p.m.)

Supervisor Foust said that 2010 marks the one hundredth anniversary of the founding of McLean, a community that grew sporadically and never incorporated. Its beginning started with an electrified trolley line, the Great Falls and Old Dominion Railroad, whose tracks crossed Chain Bridge Road between the communities of Lewinsville and Langley. The area around the track crossing was originally called Ingleside, but by 1910 it became known as McLean, named after John McLean, publisher of *The Washington Post* newspaper and co-owner of the railroad along with Senator Stephen Elkins.

Supervisor Foust said that *McLean and Great Falls Celebrate Virginia*, a nonprofit community organization, is sponsoring the McLean Centennial Celebration. The organization was founded in 2005 so that McLean and Great Falls could participate in a Statewide effort to promote communities through their history. In 2007, the volunteer members of the group were very involved in activities associated with the four hundredth anniversary of the founding of Jamestown.

On June 26, 2010, the group will hold an event called "McLean Centennial Celebration: Remembering Our Roots." It will be held at the McLean Community Center. Former Governor and Senator Charles Robb is the honorary chairman of the event and former State Delegate Vince Callahan will be the master of ceremonies. The day-long celebration will include speakers, photo and memorabilia displays, a barbershop quartet, a 40-foot map of the Great Falls and Old Dominion Railroad, and a replication of the 1934 archway to the McLean Carnival.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to:

- Prepare a Proclamation congratulating the residents of McLean on the one hundredth anniversary and expressing appreciation to the members of *McLean & Great Falls Celebrate Virginia* for their leadership role in the celebration. The proclamation would be signed by the Chairman and presented by Supervisor Foust to *McLean and Great Falls Celebrate Virginia* at the McLean Centennial Celebration on June 26.

- Distribute information publicizing this event.

Without objection, it was so ordered.

29. **REQUEST FOR A MEMORIAL OVERLAY: JOE CASSELLA WAY (DRANESVILLE DISTRICT)** (1:21 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust said that the Commonwealth Transportation Board (CTB) has a policy for permitting memorial overlays on roadways to honor individuals who have made a significant contribution to their community. Typically, the individual must be deceased, and the local governing body must approve the request for a designation.

Supervisor Foust explained that Senator Mark Warner, on behalf of the Friends of Joe Cassella, has asked for a portion of roadway at the intersection of Walker and Colvin Run Roads in Great Falls to be given a memorial overlay designation in honor of Joseph P. Cassella, Jr. Mr. Cassella, the founder and owner of Elite Fitness Concepts in Great Falls, died on July 11, 2009, at age 40, after an heroic battle with cancer (mesothelioma).

Supervisor Foust noted that Mr. Cassella's service to the Great Falls community argues compellingly in favor of this special tribute. He referred to his written Board Matter and outlined Mr. Cassella's accomplishments to the community. He added that on Sunday, May 23, several hundred of Mr. Cassella's friends and clients, including Senator Warner, are going to participate in the First Annual Joe Cassella Memorial 5K Run/Walk.

Supervisor Foust said that the proposed sign would not replace the existing identifying street signs, and would not represent a specific address. Rather, its installation would enable the Great Falls community to show its appreciation for a very special human being and pay lasting honor to his memory. All costs associated with the construction and installation of the proposed sign would be assumed by the Friends of Joe Cassella. No County funds would be used.

Therefore, jointly with Chairman Bulova, Supervisor Foust moved that the Board direct staff to send a formal request to Secretary of Transportation Sean Connaughton consistent with this Board Matter requesting that the CTB approve a memorial overlay street sign to be known as Joe Casella Way. Supervisor Smyth and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

30. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2009-MV-018 – SCANNELL PROPERTIES (MOUNT VERNON DISTRICT)** (1:24 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding Laurel Hill. See Clerk's Summary Item #13.)

Supervisor Hyland said that Rezoning Application RZ 2009-MV-018 is a request to downzone parcels off Telegraph Road, Cinderbed Road, and the Fairfax County Parkway from the I-6 District to the I-5 District to allow for the development of Department of Defense oriented offices, warehouse space, and a Federal Express facility. The site was previously developed as a construction and demolition debris landfill, a go-cart course, a driving range, and is currently used for mulch storage and delivery. The Fed Ex facility is being built by-right. The Fed Ex site plan depicts a curb cut onto Cinderbed Road, which would allow trucks to exit the site and drive north toward a narrow roadway and one lane railroad underpass.

Supervisor Hyland noted that as part of the rezoning, the applicant has agreed to prohibit access onto Cinderbed Road and will improve the intersection with Telegraph Road to more safely control turning movements at the site. In addition to this traffic improvement, the applicant proffered park improvements in the amount of \$533,000 to provide for an additional baseball field in the Mount Vernon District with an aim toward replacing a 90 foot athletic field that may be lost as part of the development of the Laurel Hill Reuse Area.

The Planning Commission is scheduled to hear the application on June 2. The application has the support of the Mount Vernon Council of Citizens' Associations and the applicant is working out remaining issues with staff. To prevent excess traffic onto Cinderbed Road and to initiate planning and development of a new athletic facility the applicant seeks to have a public hearing scheduled to be held before the Board on June 22 and expedited and concurrent processing of the site plan application.

Therefore, Supervisor Hyland moved that the Board authorize:

- Expedited and concurrent processing of the associated site plan application.
- A public hearing to be scheduled to be held before the Board on June 22.

This motion does not relieve the applicant of any and all obligations, ordinances, or standards, and will not prejudice the consideration of the applications in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

PMH:pmh

31. **SPECIAL EXCEPTION APPLICATION SE 2010-HM-004 - SAILINI MAGAPU LOHIA AND SANDEEP LOHIA (HUNTER MILL DISTRICT)** (1:27 p.m.)

Supervisor Hudgins said that Sailini Magapu Lohia and Sandeep Lohia have recently purchased property on Beulah Road that includes facilities formerly operated as The Enterprise School. The Lohias, as the applicants, have filed a special exception application to continue the use of the property as a private school of general education and add a nursery school and child care center to establish a Montessori school. Staff is presently evaluating the application and a hearing has been scheduled before the Planning Commission on July 15, 2010.

Supervisor Hudgins noted that the applicants are interested in establishing a Montessori school on their property this fall. The Lohias have requested that the Board schedule a public hearing for the special exception application prior to the August recess.

Therefore, Supervisor Hudgins moved that the Board direct the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to schedule a public hearing to be held before the Board on July 27 for Special Exception Application SE 2010-HM-004. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances. Supervisor Foust seconded the motion and it carried by unanimous vote.

32. **SPOTLIGHT BY STARLIGHT (MASON DISTRICT)** (1:28 p.m.)

Supervisor Gross circulated around the dais the concert schedule for "Spotlight by Starlight" at Mason District Park. She said there are 48 concerts scheduled to run from June 2 to August 29, 2010.

There was a brief discussion of concert series in other districts.

33. **INTENT TO DEFER PUBLIC HEARINGS – SPECIAL EXCEPTION APPLICATION SE 2010-MA-001 AND REZONING APPLICATION RZ 2009-HM-019 (HUNTER MILL AND MASON DISTRICTS)** (1:32 p.m.)

Supervisor Gross announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Application SE 2010-MA-001.

Chairman Bulova announced that later in the meeting, at the appropriate time, the public hearing on Rezoning Application RZ 2009-HM-019 would be deferred.

(NOTE: Later in the meeting, the Board formally deferred the above-referenced public hearings. See Clerk's Summary Items #45 and #46.)

34. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (1:33 p.m.)

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

35. **FLORENCE LANE WALKWAY (LEE DISTRICT)** (1:33 p.m.)

Supervisor McKay said that the Florence Lane Walkway project consists of the installation of approximately 550 linear feet (LF) of 5-foot concrete walkway, curb and gutter, piped drainage improvements, and roadway widening with new full depth pavement along the east side of Florence Lane between Beech Tree Drive and Candlelight Court in Lee District. This project was initiated in response to requests from the community and several homeowner associations, along with input from the Public Schools to address several existing safety related issues at this location.

Supervisor McKay said that the Florence Lane roadway from Telegraph Road up to Beech Tree Drive, and from Candlewood Court south, has been widened and improved, including safe walking areas for both pedestrians and students. However, the section of Florence Lane between Beech Wood Drive and Candlewood Court, approximately 550 LF in length has not been improved. In addition to being located on a very steep hill, this section of Florence Lane consists of a very narrow vehicle travel way with no shoulders and no safe walking area for pedestrians or school children. During periods when snow or ice is on the roadway, school buses often cannot climb the hill on Florence Lane. As a result, during inclement winter weather students are required to walk up the steep hill along the narrow section of roadway with no defined walkway until they reach Candlelight Court. This has created a very unsafe situation for both the students and the motorists along this section of Florence Lane.

Originally, a project was initiated to provide a safe walkway for students and pedestrians along Florence Lane. However, after numerous citizen meetings and field reviews, it is apparent that the narrow roadway section along Florence Lane also needs to be addressed to resolve the safety issues at this location. The design plans are nearing completion and the process to obtain the necessary land rights has been initiated. The remaining balance of funds allocated to the original walkway project is only sufficient to complete the land acquisition phase, and approximately \$350,000 in additional funds will be required for construction. This increased project cost is a direct result of addressing both the walkway and roadway safety issues at one time. The estimated construction costs have increased significantly due to the need to install curb and gutter, piped drainage

improvements, and roadway widening with new full depth pavement along this section of Florence Lane. In addition, the acquisition of additional right-of-way is required which also contributes to the increase in project costs.

Due to the safety issues previously noted, this is a very high priority project for the community, and every effort should be made to complete the proposed improvements before next winter to avoid this unsafe situation for students and motorists.

Therefore, Supervisor McKay moved that the Board direct staff to review possible sources of available funds to address the \$350,000 required amount to complete the Florence Lane Walkway Project and report with its findings as expeditiously as possible. Chairman Bulova seconded the motion and it carried by unanimous vote.

36. **APR NOMINATION 09-IV-22MV (LEE DISTRICT)** (1:36 p.m.)

Supervisor McKay said that during the 2009-2010 South County APR process, two nominations were submitted for the Penn Daw Plaza, which is located on the west-side of North Kings Highway, south of Poag Street in the Penn Daw Community Business Center. The Plaza consists of two parcels, one of which is Tax Map parcel 83-3 ((1)) 6 and 7, which comprise 11 acres. The Penn Daw Plaza contains a low-intensity, surface-parked retail shopping center of approximately 135,000 square feet of land. The property is currently planned for retail use up to an intensity of 0.35 floor area ratio (FAR). Both APR nominations, one submitted by the property owner, the other submitted by the Mount Vernon Council of Citizens Association propose greater intensity, mixed-use development.

Supervisor McKay said that on April 29 the Planning Commission recommended to the Board that APR nomination 09-IV-22MV, which involved the Penn Daw Plaza, be deferred into a special study to allow additional discussion about the future of this property to occur among the community, the property owner, and staff.

Therefore, Supervisor McKay moved that the Board authorize a special study of the Penn Daw Plaza, which is the portion of Land Unit H of the Penn Daw CBC, west of North Kings Highway and south of Poag Street. The study should consider residential, office, and retail uses up to a 1.5 FAR. The scope of this recommendation reflects the maximum potential intensity proposed in the APR nomination 09-IV-22-MV and does not necessarily presuppose that the maximum intensity or the mix of uses should be adopted. This will be determined as the study is completed. Supervisor Hyland seconded the motion.

A brief discussion ensued regarding the motion and it carried by unanimous vote.

37. **BOARD ACTION REGARDING SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-L-080 (LEE DISTRICT)** (1:38 p.m.)

Supervisor McKay said that on December 1, 2009, the Board approved Special Exception Amendment Application SEA 89-L-080 for Sunoco, Incorporated, regarding property located at 6400 Backlick Road [Tax Map 80-4((1)) parcel 9B], near the intersection of Amherst Avenue, Bland Street, and Backlick Road. The Board's approval of the application was made subject to development conditions dated December 1, 2009. In addition, in a separate motion, the Board approved the modification of trail and on-road bike lane requirements along Backlick Road.

Supervisor McKay said that as shown on the plat approved with the application, the proposed site layout anticipated waivers of the right-of-way and frontage improvement requirements along the entire frontage of Bland Street. In lieu of the frontage improvements and right-of-way dedication, the applicant proposed a contribution to the Transportation Association of Greater Springfield, which is set forth in development condition number 27. However, the applicant did not request the waivers at the time of the approval, and the Board did not approve separate motions for those waivers. This was an oversight. It was understood that the applicant would provide the contribution to the Transportation Association of Greater Springfield in exchange for a waiver of the right-of-way and frontage improvement requirements along the entire frontage of Bland Street. Unfortunately, the processing of the site plan related to this application cannot move forward until the Board approves the waiver. To clarify exactly what the Board approved on December 1, 2009, as part of the applicant's proposal in Special Exception Amendment Application SEA 89-L-080, and thereby enable the processing of the site plan related to the application to move forward.

Therefore, Supervisor McKay moved waiver of the:

- Right-of-way and frontage improvement requirements along the entire frontage of Bland Street in connection with Special Exception Amendment Application SEA 89-L-080 to permit the development of what is shown on the special exception (SE) plat.
- Streetscape requirements for all frontages for what is shown on the SE Plat.
- Right-of-way requirement, as identified in the Comprehensive Plan, along Bland Street for Special Exception Amendment Application SEA 89-L-080.

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

38. **REZONING APPLICATION BY MR LEWIN PARK CAPITAL, LLC (LEE DISTRICT)** (1:40 p.m.)

Supervisor McKay said that a rezoning application will be filed by MR Lewin Park Capital, LLC, and likely developed by Monument Realty. The rezoning application seeks to change the zoning district from the existing R-1 District to the PDC District consistent with the guidance in the Comprehensive Plan. This rezoning will allow a key commercial rezoning near the Franconia Springfield Metro Station to be developed.

Supervisor McKay said that part of the land area includes rights-of-way owned by the Board. The rights-of-way in question are two minor subdivision streets that serve the Lewin Park subdivision, Lewin Drive (Route 1233), and Arco Street (1234). The entire Lewin Park Subdivision will be the subject of a rezoning application, and thus these streets will be vacated as part of that application.

Therefore, Supervisor McKay moved that the Board authorize the filing of a rezoning application for Lewin Drive (Route 1233) and Arco Street (1234), as generally identified in the pending rezoning application filed in the name of MR Lewin Park Capital, LLC. This motion should in no way prejudice the full review of this application and does not preclude the applicant from adherence to all adopted standards in anyway. Supervisor Foust seconded the motion and it carried by unanimous vote.

39. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (1:42 p.m.)

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

40. **INTENT TO DEFER PUBLIC HEARINGS – SPECIAL EXCEPTION APPLICATION SE 2010-MA-001 AND REZONING APPLICATION RZ 2009-HM-019 (HUNTER MILL AND MASON DISTRICTS)** (1:43 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item #33.)

Chairman Bulova announced that the following public hearings would be deferred:

- Special Exception Application SE 2010-MA-001
- Rezoning Application RZ 2009-HM-019

(NOTE: Later in the meeting, the Board formally deferred the above-referenced public hearings. See Clerk's Summary Items #45 and #46.)

41. **RECESS/CLOSED SESSION** (1:43 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. Claim by Gant Redmon of Redmon, Peyton and Braswell, L.L.P., on Behalf of Norma Bostick Hartwell, Ann Bostick, Warren Bostick, and Wycliffe on the Potomac Homeowners Association, Inc. (Mount Vernon District)
 - 2. Request for Information by the United States Department of Justice, Civil Rights Division, Concerning the County's Compliance with the 1982 Consent Decree
 - 3. Department of Justice Audit of County Buildings and Programs for Compliance with the Americans with Disabilities Act
 - 4. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (U.S. Ct. of App. for the Fourth Cir.)
 - 5. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Record No. 100260 (Va. Sup. Ct.)
 - 6. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)

7. *Kenneth R. Andersen v. Fairfax County*, Case No. CL-2010-0002395 (Fx. Co. Cir. Ct.) (Hunter Mill District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chalmer G. Dunbar*, Case No. CL-2006-0007489 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *L. Ray Pylant, Building Official for Fairfax County, Virginia, in His Capacity as Property Maintenance Code Official for Fairfax County, Virginia v. Spring Hill Seniors, LLC*, Case No. CL-2010-0002925 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph B. Long and Alma J. Long*, Case No. CL-2009-0013120 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY West Spring Plaza, LLC*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louise K. Runquist and Jacqueline B. Bossi*, Case No. CL-2009-0010261 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and*

Jeanette Alexander, Case No. CL-2007-0005644
(Fx. Co. Cir. Ct.) (Providence District)

16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos*, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
17. *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)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yong Ho Kwon and Kristi L. Karls*, Case No. CL-2009-0010821 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (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. Manuel Zapata Ledezma, Grober Olivera Castro, and Roxana Flores Romero*, Case No. CL-2009-0013021 (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Argueta*, Case No. CL-2009-0017349 (Fx. Co. Cir. Ct.) (Sully District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell*, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Azhar Iqbal*, Case No. CL-2010-0001666 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dong San Juon and Hea Jung Juon*, Case No. CL-2009-0018554 (Fx. Co. Cir. Ct.) (Mason District)
25. *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)
26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph J. Dunn*, Case No. CL-2010-0002477 (Fx. Co. Cir. Ct.) (Lee District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Wayne Oliver*, Case No. CL-2010-0001140 (Fx. Co. Cir. Ct.) (Springfield District)
28. *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)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gilbert Rojas, a/k/a Gilberto Rojas*, Case No. CL-2009-0008425 (Fx. Co. Cir. Ct.) (Lee District)
30. *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)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor I. Garcia and Sandra Arze*,

Case No. CL-2010-0005026 (Fx. Co. Cir. Ct.)
(Mason District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong H. Ngo and Thien D. Nguyen*, Case No. CL-2010-0005427 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan R. Chicas*, Case No. CL-2010-0005599 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry R. Crouch and Nena E. Crouch*, Case No. CL-2010-0005600 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian Richard Bartunek and Sharon C. Bartunek*, Case No. CL-2010-0005678 (Fx. Co. Cir. Ct.) (Springfield District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shuren Ma*, Case No. CL-2010-0005707 (Fx. Co. Cir. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kee Cho Han and Ae Young Han*, Case No. CL-2010-0005706 (Fx. Co. Cir. Ct.) (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Armulfo Argueta and Rosa Isabel Crick*, Case No. CL-2010-0005805 (Fx. Co. Cir. Ct.) (Mason District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Vivian L. Schultz*, Case No. CL-2010-0006026 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alejandro J. Sanabria*, Case No. CL-2010-0006025 (Fx. Co. Cir. Ct.) (Lee District)

41. *Karen Rompalo v. Fred Ellis*; Case No. GV10-001886 (Fx. Co. Gen. Dist. Ct.)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bong R. Suh*, Case Nos. 10-0002840 and 10-0002841 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio C. Torres Martinez and Luis A. Cruz*, Case Nos. 10-0007440 and 10-0007439 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emmanuel T. Arcenas and Gina D. Arcenas*, Case Nos. 10-0004490, 10-0004533, and 10-0007350 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Iglesia De Dios Pentecostal Esmirna, Inc.*, Case Nos. 10-0004099 and 10-0006617 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alvin B. Owens*, Case Nos. 10-0009610 and 10-0009611 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
47. *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:

- Application of Verizon South, Incorporated; PST-2009-00032 and Application of Verizon Virginia, Incorporated; PST-2009-00033
- Emergency State Regulations Regarding Alternative Onsite Sewage Systems
- Discussion under *Virginia Code* Section 2.2-3711-A (6)

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

DET:det

At 4:01 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

42. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:01 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."

43. **MOTION DISALLOWING CLAIM BY GANT REDMON, ESQUIRE, OF REDMON, PEYTON, AND BRASWELL, LLP** (4:02 p.m.)

Supervisor Hyland moved that the Board disallow the claim by Gant Redmon, Esquire, of Redmon, Peyton, and Braswell, LLP, on behalf of Norma Bostick Hartwell, Ann Bostick, Warren Bostick, and Wycliffe on the Potomac Homeowners Association, Incorporated, and direct the Clerk to notify Mr. Redmon as counsel for and agent of Norma Bostick Hartwell, Ann Bostick, Warren Bostick, and Wycliffe on the Potomac Homeowners Association, Incorporated, of such disallowance. Supervisor McKay seconded the motion and it carried by unanimous vote.

44. **MOTION TO AUTHORIZE PARTICIPATION IN STATE CORPORATION COMMISSION (SCC) PROCEEDINGS FILED BY VERIZON SOUTH, INCORPORATED, AND VERIZON VIRGINIA, INCORPORATED** (4:02 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the County Attorney to take all necessary actions to allow the Board to participate in the proceedings filed in the Virginia SCC by Verizon South, Incorporated, PST-2009-00032, and Verizon Virginia, Incorporated, PST-2009-00033, to correct Statewide personal property assessments. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

AGENDA ITEMS

45. **DEFERRAL OF THE PUBLIC HEARING ON REZONING APPLICATION RZ 2009-HM-019 (COMSTOCK RESTON STATION HOLDINGS, LC) (HUNTER MILL DISTRICT)** (4:03 p.m.)

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2009-HM-019 until **May 25, 2010, at 4:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

46. **DEFERRAL OF THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-001 (RADLEY MANAGEMENT, LLC, AND RADLEY AUTOMOBILES, INCORPORATED) (MASON DISTRICT)** (4:05 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2010-MA-001 until **May 25, 2010, at 3:30 p.m.** Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

Supervisor Hudgins reminded Members to bring back their staff reports for the next meeting.

47. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-PR-016-02 (PARK CREST SPE PHASE I, LLC) (PROVIDENCE DISTRICT)** (4:05 p.m.)

The application property is located in the northwest quadrant of the intersection of Westpark Drive (Route 5061) and Park Run Drive (Route 6062), Tax Map 29-4 ((7)) A6, A9; 29-4 ((13)) C1, 102-109, 113-117, 201-219, 301-319, 401-419, 501-519, 601-619, 701-719, 801-819, 901-919, 1001-1019, 1101-1119, 1201-1219, 1301-1319, 1401-1419, 1501-1519, 1601-1619, 1701-1719, 1801, 1802, 1808, 1810, 1812, 1814, 1816, 1818, 1819, 1901, 1902, 1906, 1908, 1910, 1912, 1914, 1916, 1918 and 1919; 29-4 ((14)) C1 and 1C.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel 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, Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2002-PR-016-02 and the associated Conceptual Development Plan Amendment, subject to the proffers dated May 7, 2010.
- Waiver of the transitional screening and barrier requirements between the proposed uses within the development.
- Waiver of the 600-foot maximum length for a private street.
- Modification of the non-core area streetscape design concept in the Tysons Corner Urban Center Plan in favor of that shown on the CDPA/FPDA.
- Reaffirmation of the previously approved waiver for underground stormwater detention in a residential area, subject to continuation of the existing conditions.

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

(NOTE: On Thursday, April 22, 2010, the Planning Commission approved Final Development Plan Amendment Application FDPA 2002-PR-016-02.)

48. **A-7 – APPROVAL OF PARKING REDUCTION FOR AVALON AT PARK CREST (PROVIDENCE DISTRICT)** (4:12 p.m.)

(Note: Earlier in the meeting, this item was deferred. See Clerk's Summary Item #18.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve an 18.7 percent parking reduction for Avalon at Park Crest, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), paragraphs 5 and 26, based on an analysis of the parking requirements for the proposed use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated May 11, 2010. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room,

49. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-084-02 (FATHIA H. SOLIMAN D/B/A FAZ CREATIVE EDUCATION CENTER) (PROVIDENCE DISTRICT)** (4:12 p.m.)

The application property is located at 1776 Old Meadow Road, Tax Map 29-4 ((6)) 94B.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel 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 Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-084-02, subject to the proffers dated May 7, 2010.
- Modification of the barrier requirements along the eastern, southern, and western boundaries of Proffered Condition Amendment Application PCA 82-P-084-02 to that shown on the GDP.
- Waiver of the peripheral and interior parking lot landscaping requirements.
- Waiver of the trail requirement along the northern boundary of the site.

Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Hudgins, and Supervisor Hyland being out of the room.

50. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-33 (KINGSTOWNE RESIDENTIAL OWNERS CORPORATION) (LEE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-L-101-05 (KINGSTOWNE RESIDENTIAL OWNERS CORPORATION) (LEE DISTRICT) (4:19 p.m.)

The Proffered Condition Amendment Application PCA C-448-33 property is located at Basin 1, Basin 2, Basin 4, Basin 5, Basin 6, Basin F, and Kingstowne Lake (all located within Kingstowne Community), Tax Map 81-4 ((38)) 74 pt.; 91-2 ((1)) 26I pt., 28A1, 29B pt.; 91-3 ((1)) 63D pt., 64B pt.; 91-3 ((11)) 7pt., 9 pt., 40 pt.; 91-4 ((1)) 1H pt.; 91-4 ((9)) 10 pt. and 91-4 ((9)) (30) G1 pt.

The Proffered Condition Amendment Application PCA 85-L-101-05 property is located at Basin 3 (located within Kingstowne Community), Tax Map 91-4 ((9)) 10 pt and 91-4 ((9)) (30) G1 pt.

Mr. Antonio J. Calabrese reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McKay moved approval of Proffered Condition Amendment Applications PCA C-448-33 and PCA 85-L-101-05, subject to the proffers dated May 5, 2010. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hudgins, and Supervisor Hyland being out of the room.

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-001 (RADLEY MANAGEMENT, LLC AND RADLEY AUTOMOBILES, INCORPORATED) (MASON DISTRICT)** (No Time)

(Note: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item #46.)

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-PR-027 (TDC OWNER, LLC) (PROVIDENCE DISTRICT)**
(4:30 p.m.)

The application property is located at 1761 Old Meadow Road, Tax Map 29-4 ((6)) 106.

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.

Supervisor Smyth noted that there were new development conditions and inquired as to changes, with input from Ms. Baker, regarding Condition 8.

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

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2009-PR-027, subject to the development conditions dated May 10, 2010.

- Modification of the peripheral parking lot landscaping requirements along the southern and western property lines, in favor of that shown on the SE Plat.
- Waiver of the open space requirement to that shown on the SE Plat.
- Waiver of the barrier requirement and modification of the transitional screening requirement along the eastern boundary of the site in favor of that shown on the SE Plat.

Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-LE-016 (T-MOBILE NORTHEAST LLC AND SPRINGFIELD SWIMMING AND RACQUET CLUB INCORPORATED) (LEE DISTRICT)** (4:35 p.m.)

The application property is located at 7400 Highland Street, Tax Map 80-1 ((5)) (52) 1.

Mr. James R. Michal reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by three speakers, Brenda Cho, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff and Planning Commission (PC) recommendations.

Supervisor McKay received clarification from Ms. Cho regarding the following:

- That the monopole previously approved by the PC on the industrial property would not be built per a letter submitted by T-Mobile.
- Requirements and/or restrictions on flag flying.

Supervisor McKay moved:

- Approval of Special Exception Application SE 2009-LE-016, subject to the development conditions dated March 31, 2010.

- Modification of the transitional screening and barrier requirements along the western, eastern, and southern property lines to that shown on the SE Plat.
- Direction to the Director of the Department of Public Works and Environmental Services to permit modification of the tree conservation plan elements for Special Exception Application SE 2009-LE-016, in favor of the landscaping shown on the SE Plat.

Supervisor Gross and Supervisor Herrity jointly seconded the motion.

Discussion ensued, concerning site investigation by the Public Facilities staff in the Planning Division of DPZ, with input from Catherine E. Lewis, Branch Chief, Rezoning and Special Exception Evaluation Branch, DPZ, regarding the:

- Success of monopoles at other pools throughout the County.
- Criteria used in placing monopoles in residential communities.
- State of justification in support of the application, lack of acceptance of property owners, and independent staff investigation to that conclusion.

Discussion continued concerning:

- The previously approved monopole.
- Support and denial of other applications.
- Possible health factors.
- That conclusionary statements about nonworking alternatives were typically from the applicant.
- Whether staff had the ability to substantiate those statements.

Supervisor Hyland inquired whether staff had comparative data concerning the amounts being paid for monopoles, with input from Ms. Lewis concerning proprietary data.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to compile such information for monopoles located at County facilities, including school property. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

(NOTE: On March 31, 2010, the Planning Commission approved 2232-L08-25. The Commission noted that the proposed 130-foot tall telecommunications flag pole monopole on the site of the Springfield Swimming and Racquet Club 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 conformance with the provisions of the Comprehensive Plan.)

54. **4 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT S09-CW-1CP TO ADD GUIDANCE IN SUPPORT OF THE VISUAL AND PERFORMING ARTS** (5:17 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 22 and April 29, 2010.

ADDITIONAL BOARD MATTER

INTRODUCTION OF HOO YOUNG “HINA” WON, AN INTERN IN THE OFFICE OF THE CLERK TO THE BOARD

Chairman Bulova introduced Hoo Young “Hina” Won, an intern with the Office of the Clerk to the Board, who is a freshman at Centreville High School and a resident of the Springfield District. On behalf of the Board, she warmly welcomed her to the Board Auditorium.

Pamela G. Nee, Chief, Environment and Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Ms. Nee, concerning:

- Changes between the original draft and the Planning Commission’s (PC) current recommendation.
- Use of the proposed policy plan amendment as a guide.
- A focus on support and encouragement rather than requirement.
- Leadership in Energy and Environmental Design (LEED) certification and associated fiscal impacts.

Discussion continued concerning contribution benefits or penalties, with input from Fred R. Selden, Director, PD, DPZ, who noted that Countywide policies already encourage the following: economic development, environmental protection and stewardship, and affordable housing, among other things.

Further discussion ensued regarding handwritten page 3 of the Board Agenda Item dated May 11, 2010, concerning:

- Staff suggestions
- Proffers given
- Installation cost
- Art review and approval process

Discussion ensued concerning proffers for art projects at Springfield Mall and Metro Park, with additional input from Ms. Nee.

Following the testimony of Trudi Van Dyke (Speaker 4), representing the Springfield Art Guild, discussion ensued concerning involvement with the Lorton Arts Foundation.

Following the testimony of Lester Zidel (Speaker 10), representing the Herndon Foundation for the Cultural Arts, discussion ensued concerning the use or non-use of the proffer system to fund the arts.

Following the public hearing, which included testimony by 12 speakers, Supervisor Gross submitted letters from the following for the record:

- John Mason, former Mayor, City of Fairfax, and immediate past chair of The Arts Council of Fairfax County, in support of the proposal.
- Stuart Mendelsohn, Chairman of the Fairfax County Chamber of Commerce and former Dranesville District Supervisor, who expressed concern regarding Objective 2.

Supervisor Gross stated that she believes Mr. Mendelsohn's concerns were reflective of the PC's original draft of Objective 2, before its current revisions, and this was confirmed by Ms. Nee. Supervisor Gross asked unanimous consent that the Board direct staff, in any follow-up communication with Mr. Mendelsohn, to make that clarification. Without objection, it was so ordered.

Supervisor Gross moved approval of Policy Plan Amendment S09-CW-1CP, on the Visual and Performing Arts, as recommended by the PC and as shown in Attachment I of the Memorandum to the PC dated March 31, 2010. Staff

supports the PC's recommendation to modify the staff report recommendation so that the recommended Plan text includes editorial changes, a definition on arts diversity, explanation on implementation of objectives and policies, clarification on the role and engagement of the community and arts groups, and a policy to consider the cost of and responsibility for maintenance in the selection of public art located on public land. Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Chairman Bulova jointly seconded the motion.

Discussion ensued regarding the relationship of the policy plan within the context of the area plan, with input from Ms. Nee and Mr. Selden, concerning:

- Acceptance or refusal of a suggestion.
- The relationship of encouragement for the arts with that of transportation and education.

Additional discussion followed, with further input from Mr. Selden regarding the content of handwritten pages 13 through 18 and subsequent PC revisions, a clean copy of which appears on handwritten pages 21 through 26 of the Board Agenda Item dated May 11, 2010.

Following further discussion and acknowledgement of staffs' efforts, Supervisor Gross thanked and honored, posthumously, Ann Rodriguez, former Executive Director of the Fairfax County Arts Council, with whom she worked closely on this concept, and who had looked forward to its passage. She said that there were many to thank for helping this become a reality, but it is truly part of Ms. Rodriguez's legacy and she wanted to memorialize that.

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

55. **4 P.M. – PH ON REZONING APPLICATION RZ 2009-HM-019 (COMSTOCK RESTON STATION HOLDINGS, LC) (HUNTER MILL DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, the Board deferred the public hearing on this item. See Clerk's Summary Item #45.)

56. **BOARD ADJOURNMENT** (7:21 p.m.)

The Board adjourned.