



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
April 26, 2011**

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DET:det

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, April 26, 2011, at 9:40 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:45 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, Office of the County Executive; 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** (9:41 a.m.)

(BACs) Chairman Bulova announced the death of Mr. William Soza, an active member of the community and a leader in the Hispanic community. Supervisor Gross noted that Mr. Soza was a resident of the Dranesville District, but did a great deal of work with the immigrant community in Mason District, including:

- Creating the Culmore Summer Soccer camp for youth.
- Founding the Security One Bank because people in the area were underserved.

Supervisor Gross added that Mr. Soza had served on the County's Economic Development Authority for a number of terms and she asked that his family be kept in thoughts.

Supervisor Hyland said that Mr. Soza had been appointed to the Quality Committee of the Inova Fairfax Hospital as well as the Inova Board, and, in his last days, despite his physical challenges, continued to meet his commitments to the community which was so important to him.

Chairman Bulova relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Clerk to prepare a transcript of the remarks to be sent to the Soza family. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE ROBINSON SECONDARY SCHOOL WRESTLING TEAM (BRADDOCK AND SPRINGFIELD DISTRICTS)** (9:45 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to members of the Robinson Secondary School wrestling team for outstanding teamwork and commendable sportsmanship, resulting in winning the 2011 Virginia AAA State Championship. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

3. **PROCLAMATION DESIGNATING MAY 2011 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (9:52 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2011 as "Foster Care and Foster Family Recognition Month" in Fairfax County and urged

all residents to volunteer their time and talents on behalf of children in foster care, and to support and recognize the commitment of foster families and professional staff who work with these children. Supervisor Foust seconded the motion.

Supervisor Herrity shared his personal experiences as an adoptive parent and as the neighbor of a fostering family.

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

4. **PROCLAMATION DESIGNATING MAY AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (9:59 a.m.)

(BACs) Supervisor Herrity moved approval of the Proclamation to designate May 2011 as *Older Americans Month* in Fairfax County and expressed appreciation to volunteers who enrich the lives of the County's older adults. Supervisor McKay and Supervisor Smyth jointly seconded the motion.

Discussion ensued concerning updating the County's *50+ Plan* and the County being in the forefront in its efforts to plan for its aging demographics.

Supervisor Herrity recognized the presence of Ms. Sally Hottle in the auditorium. He said that she has been the Springfield District Representative to the County's Commission on Aging, but will be leaving the Commission after many years of work, and thanked her for her efforts.

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

5. **PROCLAMATION DESIGNATING MAY 2011 AS "BUILDING SAFETY MONTH" IN FAIRFAX COUNTY** (10:13 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 2011 as *Building Safety Month* in Fairfax County and urged all residents to recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. Supervisor McKay seconded the motion and it carried by unanimous vote.

Michelle Brickner, Director, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES), and the County's building official, announced that, as part of the International Building Safety Month observance, an organization or individual is selected who has made significant and lasting contributions towards improving safety in the constructing environment within the County. Ms. Brickner presented the award to the Foundation for Applied Technical Education (FATE), noting that in conjunction with Fairfax County Public Schools (FCPS), FATE provides a unique, comprehensive educational program to develop in-demand vocational skills for participating high school students.

Ms. Brickner introduced Pete Eisert, President, FATE Board of Directors, and Chad Maclin, Coordinator of Trade and Industrial Education, FCPS, who accepted the award on behalf of FATE. Mr. Eisert invited the Board to attend an open house at the Spring Village Residential Construction site, a unique, community-based construction technology program, located next to Green Spring Retirement Community in Springfield, on May 19, from 3 p.m. to 5 p.m.

Discussion ensued concerning encompassing the universal design in construction. Supervisor McKay asked that pictures and/or the website be distributed to the Board (<http://www.flickr.com/photos/fairfaxcounty/sets/72157626257883699/>).

6. **PROCLAMATION DESIGNATING MAY 6-12, 2011, AS "NURSES WEEK" IN FAIRFAX COUNTY** (10:25 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 6-12, 2011, as "*Nurses Week*" in Fairfax County and urged all residents to celebrate the contributions of nurses to the community's health. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING MAY 2011 AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:34 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2011 as "*Asian/Pacific American Heritage Month*" in Fairfax County, to provide an opportunity for residents to recognize the history, concerns, contributions, and achievements of Asian/Pacific Americans as part of a harmonious and fully integrated community in the County. The second to this motion was inaudible.

Chairman Bulova noted that from the census that was completed last year, the Asian-American community in the County is the largest segment of its minority population, unlike that in other parts of Virginia.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Following remarks by Mr. Grant Ichikawa, the designated speaker, who noted that later this month the United States Congress would be presenting the Congressional Gold Medal to Japanese-American veterans of World War II, Supervisor Gross recounted the extraordinarily warm greeting that she, Chairman Bulova, and members of the Urban Search and Rescue (USAR) team received upon the deployment of USAR to Japan in the wake of an earthquake and

tsunami. She noted their discussion with the Japanese ambassador which reinforced the friendships between both this country and Japan and the County.

8. **PROCLAMATION DESIGNATING MAY 2011 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:44 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2011 as "*Lyme Disease Awareness Month*" in Fairfax County and urges all residents to take protective steps so they "Don't get sick from the bite of a tick." Supervisor Smyth seconded the motion.

Supervisor Herrity noted the increase of Lyme disease throughout Virginia, and announced the rolling-out of the "4 poster deer bait station" tentatively at the beginning of July.

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

9. **CERTIFICATE OF RECOGNITION PRESENTED TO DR. JORGE ARIAS** (10:51 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to Dr. Jorge Arias for his lifetime of work to improve the quality of life in the County and around the world. The motion was multiply seconded and it carried by unanimous vote.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JOE SUTLIFF** (10:58 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to Mr. Joe Sutliff for his outstanding commitment to public health. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

NV:nv

11. **10:30 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2012 BUDGET PLAN** (11:04 a.m.)

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

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

calendar year 2011 will be reduced by \$0.02 from the present rate of \$1.09 per \$100 of assessed value. Supervisor Foust and Supervisor McKay jointly seconded the motion, and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “NAY.”

Approval of the FY 2012 Tax Rate Resolution

Having established the real property tax rate at \$1.07 per \$100 of assessed value, Chairman Bulova moved adoption of the FY 2012 Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Board Agenda dated April 19, 2011. Supervisor Foust, Supervisor Hyland, and Supervisor McKay jointly seconded the motion, and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Chairman Bulova, and Vice-Chairman Gross voting “AYE,” Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “NAY.”

Approval of the FY 2012 Appropriation Resolutions for County Agencies/Funds and School Board Funds and the FY 2012 Fiscal Planning Resolution

Chairman Bulova moved adoption of the FY 2012 Appropriation Resolution for County Agencies/Funds, the FY 2012 Appropriation Resolution for School Board Funds, and the FY 2012 Fiscal Planning Resolution as set forth in Attachments III, IV, and V of the Board Agenda dated April 19, 2011. Supervisor Foust, Supervisor Hyland, and Supervisor McKay jointly seconded the motion, and it **CARRIED** by a recorded vote of seven, Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Chairman Bulova, and Vice-Chairman Gross voting “AYE,” Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “NAY.”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Stating that it was unimportant to her to save the two cents on her real estate tax bill, Supervisor Hudgins said that she would contribute its value, \$116, to the Fairfax-Falls Church Homelessness Partnership Fund. She challenged Board Members to make the equivalent contribution. The contributions can be sent to the Fairfax-Falls Church Homelessness Partnership, 12000 Government Center Parkway, Fairfax, VA 22035. She urged Board Members to share this idea with the faith community and other advocates.

Chairman Bulova noted that information on homelessness is posted on the County’s website, www.fairfaxcounty.gov.

Chairman Bulova expressed appreciation to Edward L. Long, Jr., Deputy County Executive; Susan W. Datta, Director, Department of Management and Budget (DMB); and Joseph M. Mondoro, Deputy Director, DMB, for their efforts with

this budget in working with the community. She also expressed appreciation to the budget team and noted that this was Mr. Long's last budget prior to retirement. She also thanked members of the community for their participation in community meetings, and the district budget committees and many advisory committees for their participation in the process.

(NOTE: Later in the meeting, the Board took action to recognize the district budget committees. See Clerk's Summary Item #53.)

DET:det

12. **10:45 A.M. – BOARD DECISION ON THE ALTERNATIVE PLANS SUBMITTED TO THE BOARD BY THE ADVISORY CITIZENS COMMITTEE AND THE PUBLIC TO REAPPORTION THE ELECTION DISTRICTS OF THE BOARD OF SUPERVISORS** (11:14 a.m.)

Following presentation of written remarks which were distributed to the Board, Supervisor McKay moved adoption of plan 9A4 that was submitted by the Citizen Advisory Committee which makes the following precinct changes:

- Bristow moves from Braddock to Mason
- Eagle View and Monument move from Springfield to Braddock
- Walnut Hill #2 moves from Providence to Mason
- Hunt moves from Mount Vernon to Springfield
- Coates moves from Hunter Mill to Dranesville
- Colvin moves from Dranesville to Hunter Mill

Supervisor Smyth seconded the motion.

Discussion ensued concerning:

- Maintaining community continuity
- Community division, restoration, and input

Supervisor Gross noted the need for coordination in any split communities and recommended that Districts gaining or losing precincts arrange for staff to meet to better understand the unique characteristics of the precincts.

Discussion ensued concerning the effective date of change with input from Michael Long, Deputy County Attorney, concerning state versus federal law. Supervisor Herrity asked unanimous consent that the Board direct the Office of

Public Affairs to make the public aware of the changes, including the effective date. Without objection, it was so ordered.

Discussion continued concerning advising the public of the whole process from here on out because of the complexity involved due to the need for United States Department of Justice (DOJ) certification, with input from Mr. Long concerning expedited consideration.

Supervisor Hyland thanked the Committee for its consideration and discussion of an additional district.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Hudgins abstaining.

Following a statement of approval by Chairman Bulova highlighting the process and thanking participants, Supervisor McKay moved that the Board direct staff to invite the members of the 2011 Citizen Advisory Committee on Redistricting as well as the County agencies that provided support through this process to appear before the Board at its meeting of June 21 for recognition. Supervisor Foust seconded the motion.

Supervisor McKay noted that the Office of Elections is monitoring the Richmond redistricting changes and will be setting up individual meetings with Board Members to work through the impact on districts.

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

EBE:ebe

13. **11:00 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:35 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the revised “Appointments to be Heard April 26, 2011,” distributed around the dais. Supervisor McKay seconded the motion and it carried by unanimous vote.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Re-appointments of:

- Mr. Michael Rodgers as the Lee District Principal Representative
- Mr. Mark R. Heilbrun as the Springfield District Alternate Representative

The Board deferred the appointments of the Dranesville Principal and Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Hunter Mill District Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Providence District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Appointments of:

- Ms. Nancy Susco as the At-Large Chairman's Representative
- Mr. Benjamin Gibson as the Lee District Representative

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

Re-appointments of:

- Ms. Janyce Hedetniemi as the At-Large #1 Chairman's Representative
- Mr. Robert Simon as the At-Large #2 Chairman's Representative

- Ms. Elizabeth Morton as the Dranesville District Representative
- Mr. Frank Sellers as the Mason District Representative
- Mr. John Byers as the Mount Vernon District Representative
- Mr. Robert Mortensen as the Providence District Representative
- Mr. Dominic Taddeo as the Sully District Representative

The Board deferred the appointments of the Braddock, Hunter Mill, Lee, and Springfield District Representatives.

CONSUMER PROTECTION COMMISSION

Appointment of Mr. Matthew G. Martz as the Fairfax County Resident #6 Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL(EQAC)

The Board deferred the appointment of the Springfield District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointments of At-Large Chairman's Representative and the Providence District Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Re-appointment of Mr. Richard Sullivan as the Dranesville District Representative.

The Board deferred the appointment of the Braddock District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointments of Fairfax County #2 and #7 Representatives.

TENANT LANDLORD COMMISSION

Re-appointment of Ms. Evelyn McRae as the Tenant Member #2 Representative.

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the At-Large Chairman's Representative and the Hunter Mill District Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Appointment of Mr. Hank H. Kim as the Citizen Appointed by Board of Supervisors #3 Representative.

DAL:dal

14. **ADMINISTRATIVE ITEMS** (11:36 a.m.)

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

ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

- Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:
 - Jeff Abravesh 159
 - James P. Beck 192 (left area for 2 years)
 - W. Calvin Britt 193
 - Michael Gallagher 279
 - Martin O'B. Johnson 265
 - John Krobath 62
 - Christy N. Lowrey 171

- Josh Marshall 240
- Josh Melson 275
- Stephen W. Siebert 278
- Reinstated the following individuals, identified with their registration numbers, as Plans Examiners:
 - Charles D. Lucas 168 (on 3/9/98)
(Inactive on 6/1/09)
 - Anthony T. Owens 212 (on 9/24/01)
(Inactive on 5/9/05)

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE AMBERWOOD COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 24, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to consider expanding the Amberwood CPD, in accordance with current CPD restrictions.

ADMIN 3 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE AND MASON DISTRICTS)

- (R)
- Adopted a Resolution authorizing the installation of “Watch for Children” signs on the following road:
 - Kirby Road (Dranesville District)
 - Park Road (Dranesville District)
 - Valley Wood Road (Dranesville District)
 - Franklin Park Road (Dranesville District)
 - Briar Ridge Court (Dranesville District)
 - North Chambliss Street (Mason District)
 - Larstan Drive (Mason District)

- Directed staff to coordinate with the Virginia Department of Transportation (VDOT) to schedule the installation of the approved measures as soon as possible.

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, HUNTER MILL, AND SPRINGFIELD 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-H11-7	AT&T Mobility Rooftop antennas 1750 Presidents Street Hunter Mill District	July 7, 2011
FS-S11-9	LightSquared Antenna collocation on existing monopole/lightpole 6001 Union Mill Road, Centreville High School Springfield District	July 7, 2011
FS-B11-3	Fibertower Antenna collocation on existing monopole/lightpole 9525 Little River Turnpike, Woodson High School Braddock District	July 11, 2011

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Calvary Memorial Park Incorporated	Braddock	Braddock Road (Route 620) (Additional Right-of-Way [ROW] Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Saint Stephen's United Methodist Church	Braddock	Braddock Road (Route 620) (Additional ROW Only)
Aiken Property	Dranesville	Penguin Place (Route 3959) Aiken Hill Court
Cranford at Gunston Cove	Mount Vernon	Gunston Cove Road (Route 600) (Additional ROW Only) Gunston Cove Road (Route 600) (Additional ROW Only) Gunston Cove Road (Route 600) (Additional ROW Only)
First Addition to South Pointe	Mount Vernon	Pohick Road (Route 638) (Additional ROW Only)
Hybla Valley Farms Block 4, Lots 26-30 (Walgreen Boswell Avenue)	Mount Vernon	Richmond Highway (US Route 1) (Additional ROW Only)
Skyview Park, Section 1	Mount Vernon	Frye Road (Route 3191) (Additional ROW Only) Manor Drive (Route 935) (Additional ROW Only) Sky View Drive (Route 946) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Willowmere Woods	Providence	Willowmere Woods Drive Willowmere Drive (Route 4471) (Additional ROW Only)
Davison Woods	Springfield	Rommel Drive

ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON ADOPTION OF A NEW COUNTY SOILS MAP AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 107 (PROBLEM SOILS), AND THE PUBLIC FACILITIES MANUAL (PFM), REGARDING NEW SOIL SURVEY

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on May 19, 2011, at 8:15 p.m., and before the Board on **June 7, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 107 (Problem Soils), and the PFM, regarding new soil survey.

ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED REVISIONS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING EDITORIAL AND FORMATTING CHANGES, ELIMINATION OF METRIC SYSTEM UNITS AND PLATES, AND A PFM REPRINT

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on May 19, 2011, and before the Board on June 7, 2011, to consider reprinting the PFM incorporating editing and formatting changes and eliminating the metric system units and plates. The PFM Reprint shall become effective at 12:01 a.m. on June 8, 2011.

15. **A-1 – APPROVAL OF THE VIRGINIA RAILWAY EXPRESS (VRE) OPERATIONS BOARD FISCAL YEAR (FY) 2012 OPERATING AND CAPITAL BUDGETS RESOLUTION 9A-12-2010 TO AMEND THE MASTER AGREEMENT RELATED TO ARLINGTON AND ALEXANDRIA'S SUBSIDIES** (11:36 a.m.)

Supervisor Cook moved that the Board concur in the recommendation of staff and approve VRE's Budget Resolution 9A-12-2010 which amends VRE's Master Agreement to revise Arlington and Alexandria's subsidies. Supervisor Foust seconded the motion.

Supervisor McKay called the Board's attention to Board Agenda page 112, the first bulleted item, State operating funds, and raised a question regarding the \$2.2 million cut in operating funds and discussion ensued, with input from

Michael R. Lake, Senior Transportation Planner, Coordination and Funding Division, Department of Transportation (DOT), who noted that the reduction was due to a change in the State operating formula.

Discussion continued, with input from Tom Biesiadny, Acting Director, DOT, regarding the process the State uses for the operating formula. He noted that the transit formula is based on a comparison of the number of grant applications available versus the amount of applications received.

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

16. **A-2 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2012 REVENUE SHARING PROGRAM FUNDS AND MATCHING COUNTY FUNDS (SPRINGFIELD AND SULLY DISTRICTS)** (11:41 a.m.)

(R) On motion of Supervisor Herrity, seconded by Supervisor Frey, 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 designating a maximum of \$10 million in FY 2012 VDOT Revenue Sharing Program funds to partially pay for the widening of Stringfellow Road.

17. **A-3 – ENDORSEMENT OF THE PROPOSED FAIRFAX COUNTY FAIR HOUSING ANALYSIS OF IMPEDIMENTS FIVE-YEAR FAIR HOUSING PLANNING DOCUMENT (2011-2015) (PROPOSED LOCAL PLAN)** (11:42 a.m.)

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

- Endorse the Local Plan as an addendum to the Fairfax County Five-Year Consolidated Plan for FY 2011-2015 approved by the Board on May 11, 2010.
- Direct staff to forward the Local Plan to the Office of Human Rights and Equity Programs, Human Rights Division (OHREP-HRD), in conjunction with other affected departments and agencies, for implementation of the recommendations listed in the local plan.

Supervisor Foust seconded the motion.

Supervisor Smyth raised a question regarding the definition of elderliness and discussion ensued, with input from Kenneth Saunders, Director, Office of Human Rights and Equity Programs.

Supervisor Gross asked unanimous consent that the Board direct staff to report with information regarding the age and terminology of elderliness, whether it is a federally mandated issue, and what the impact would be of questioning or raising it as an issue. Without objection, it was so ordered.

Supervisor Herrity raised a question regarding whether the industry had provided comments on the report and the fiscal impact. Discussion ensued, with input from Mr. Saunders, concerning who conducted the report.

Chairman Bulova noted that the action requested is for the Board to endorse the local plan to ensure that housing is provided fairly and equitably within the community.

Mr. Saunders noted that the recommendations are based on analysis of impediments.

Discussion continued regarding the proposed local plan, with input from David P. Bobzien, County Attorney.

With regard to overcrowding, Supervisor McKay called the Board's attention to page 87 and 88 of the proposed local plan, Impediments 15 and 16, and raised a question regarding occupancy standards, and discussion ensued with input from Carol Erhard, Director, Rental Services Division, Department of Housing and Community Development (DHCD).

Following further discussion, with input from Mr. Saunders, regarding occupancy standards, Supervisor Hudgins asked unanimous consent that the Board direct the County Attorney to review the language to ensure that it is not misleading in any way. Without objection, it was so ordered.

Following discussion regarding the timeline for this item, Supervisor Hudgins withdrew her motion.

Supervisor McKay moved to defer decision on this item until the next Board meeting scheduled for May 10, 2011. Supervisor Cook and Supervisor Hyland jointly seconded the motion.

Supervisor Hudgins called the Board's attention to Impediment 5, regarding the use of the vouchers, and raised a question regarding the status of any legislation that the County has seen or supported in the General Assembly recently, with input from Ms. Erhard.

Supervisor Gross raised a question regarding whether deferring this item would have any impact on the Board's consideration of Action Item 5 – Approval of the Proposed Consolidated Plan One-Year Action Plan for Fiscal Year 2012.

Discussion ensued, with input from Mary Stevens, Deputy Director, DHCD, who noted that they are two separate documents, so there would not be an impact.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding Impediment 5c, regarding source of income. Without objection, it was so ordered.

Supervisor Herrity stated that he had a few other questions and would provide them in an email.

Chairman Bulova said that if anyone had additional questions to please share them with Members of the Board so that the questions and answers come back to each Member of the Board.

The question was called on the motion to defer action on this item, and it carried by unanimous vote.

18. **A-4 – APPROVAL OF THE DISEASE CARRYING INSECTS PROGRAM**
(12:04 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to take the actions concerning County's 2011 Disease Carrying Insects Program, as outlined in the Board Agenda Item dated April 26, 2011.

19. **A-5 – APPROVAL OF THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2012** (12:05 p.m.)

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

- Adopted the Proposed Consolidated Plan One-Year Action Plan for FY 2012 as issued by the CCFAC with funding allocations as outlined in the Board Agenda Item dated April 26, 2011.
- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by Housing and Urban Development by May 13, 2011.

Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Supervisor McKay stated, for the record, his opposition to the North Hill project.

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

20. **A-6 – APPROVAL OF BOND RESOLUTION, APPROVAL OF AMENDMENTS TO MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY – CDA BYLAWS, AND ENDORSEMENT OF SPECIAL ASSESSMENT REPORT (PROVIDENCE DISTRICT)**
(12:06 p.m.)

Supervisor Smyth moved to defer action on this item until later in the meeting, after the public hearing regarding proposed amendments to the Code of the County of Fairfax, Appendix P, relating to the Mosaic District Community Development Authority. Supervisor McKay seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #62.)

21. **C-1 – APPROVAL OF MODIFICATIONS TO THE CHARTER OF THE COUNTY'S OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**
(12:06 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated April 26, 2011, regarding amendments to the charter of the County's Oversight Committee on Drinking and Driving.

Supervisor Smyth asked unanimous consent that the Board direct staff to request the Committee to consider adding distracted driving as part of its mission. Without objection, it was so ordered.

Supervisor Gross moved approval of the amendments to the charter of the County's Oversight Committee on Drinking and Driving. Supervisor Foust seconded the motion.

Supervisor Gross raised a question regarding how to ensure that the majority of the individuals serving on the committee are County residents, with input from Jerry Stemler, DWI Coordinator, Police Department, and Jeffrey Levy, Chairman, Oversight Committee on Drinking and Driving.

Supervisor Gross said that she would highly recommend that there be some monitoring of the activities to ensure that actions taken have a quorum of County residents weighing in on the recommendation. Discussion ensued, with input from Mr. Levy, who stated that a sentence could be added to the charter regarding this issue.

Supervisor Gross asked to amend her motion to defer action on this item, and this was accepted.

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

22. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-L11-1, T-MOBILE NORTHEAST LLC (LEE DISTRICT)** (12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2011, announcing the PC's approval of Application 2232-L11-1. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to construct a telecommunications facility consisting of a 125-foot monopole (treepole design) and related equipment at 5419 Oakwood, Alexandria, to accommodate up to three collocated wireless providers, Tax Map 81-2 ((3)) 33. The PC also noted that the site plan was amended to show that the proposed staggered row of evergreen trees at the southern boundary of the property will be planted at a height of 10-feet rather than the 6-feet originally shown to improve screening for the facility.

23. **I-2 – CONTRACT AWARD – STRATTON WOODS PARK ATHLETIC FIELD LIGHTING, SITE LIGHTING AND RELATED ELECTRICAL WORK (HUNTER MILL DISTRICT)** (12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2011, requesting authorization for staff to award a contract to Dalton Electric Services, Incorporated, in the amount of \$369,519 for the installation of athletic field lighting, site lighting, and related electrical work at Stratton Woods Park, in Project 004567, Stratton Woods Monopole, in Fund 371, Park Capital Improvement Fund.

The staff was directed administratively to proceed as proposed.

24. **I-3 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-D11-3, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY IN CONJUNCTION WITH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (DRANESVILLE DISTRICT)** (12:15 p.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2011, announcing the PC's denial of Application 2232-D11-3. The PC noted in its discussion that the application did not meet the criteria of character, location, and extent, and therefore was not in conformance with Section 15.2-2232 of the *Code of Virginia*. The application had sought approval to construct a train control room, with a communication room, at a revised location needed to house equipment for the safe operation of Metrorail trains on the site of an existing Traction Power Substation. The previous location for these rooms had been approved by the PC on January 18, 2007, under Application 2232-MD06-10. The

requested site is located south of Fisher Avenue in the Virginia Department of Transportation Right-of-Way, Falls Church, Tax Map 40-4.

25. **I-4 – INTERNATIONAL BUILDING SAFETY MONTH** (12:15 p.m.)

(NOTE: Earlier in the meeting, the Board proclaimed May as Building Safety Month in Fairfax County. See Clerk's Summary Item #5.)

The Board next considered an item contained in the Board Agenda dated April 26, 2011, announcing that in observance of International Building Safety Month, May 2011, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in the County. This is in keeping with DPWES' mission to enforce building codes and related County ordinances to ensure the construction of safe buildings in the County.

26. **I-5 – QUARTERLY STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:15 p.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2011, regarding the quarterly status report on the Board's Four-Year Transportation Program and other active transportation projects.

27. **I-6 – LAKE FAIRFAX PARK - STREAM RESTORATION IMPROVEMENTS (HUNTER MILL DISTRICT)** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2011, announcing that staff negotiated an agreement between Northern Virginia Stream Restoration, LC and the Park Authority to participate in the Northern Virginia Stream Restoration Bank for a portion of an unnamed tributary of Colvin Run near Lake Fairfax Park.

NV:nv

ADDITIONAL BOARD MATTERS

28. **ORDERS OF THE DAY** (12:16 p.m.)

Chairman Bulova noted the time and, after conferring with David P. Bobzien, County Attorney, regarding the expected length of closed session, stated that the Board would recess at 1 p.m. for lunch and immediately proceed into closed session. Any remaining Board Matters would be presented at the end of the meeting.

29. **RECOGNITION OF GROUPS AND INDIVIDUALS** (12:17 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite the following to appear before the Board to receive proclamations:

- Representatives of the Health Department to receive a proclamation recognizing “*Direct Support Professionals Appreciation Month*” in Fairfax County.
- Representatives of the Department of Public Works and Environmental Services to receive a proclamation recognizing “*Public Works Week*” in Fairfax County.
- Former George Mason University (GMU) men's basketball coach, Jim Larranaga, to receive a resolution thanking him for his role in transforming the GMU basketball program and for his many contributions to GMU and the County.

Chairman Bulova asked unanimous consent that the Board direct staff to prepare and send proclamations to the following organizations:

- The Salvation Army recognizing “*National Salvation Army Week*” in Fairfax County.
- The Health Department recognizing “*HIV Testing Day*” in Fairfax County.
- The Health Department recognizing “*Food Safety Education Month*” in Fairfax County.

Without objection, it was so ordered.

30. **NATURALIZATION CEREMONY** (12:19 p.m.)

(NOTE: Earlier in the meeting, the Board declared May as “*Asian/Pacific American Heritage Month*” in Fairfax County. See Clerk’s Summary Item #7.)

Chairman Bulova said that on May 6, the County will be hosting the third naturalization ceremony in the Fairfax County Government Center. Members of the Fairfax County Asian American History Project Task Force have been working with US Citizenship and Immigration Services to ensure that this event will be special for all involved. The ceremony is a contribution by the task force to the County's celebration of National Asian/Pacific American Heritage Month.

Chairman Bulova noted that the event is scheduled for 11 a.m. in the Board Auditorium, and she invited the Board to this ceremony designed to welcome 75

new American citizens and provide information about voting and other rights of American citizens. It will be followed by a reception and light refreshments.

Chairman Bulova asked unanimous consent that the County support this effort and direct the Office of Public Affairs to help to publicize this event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

31. **BRADDOCK DISTRICT ENVIRONMENTAL LEADERSHIP INSTITUTE**
(12:20 p.m.)

Supervisor Cook said that promoting awareness and equipping County homeowner associations with information that they can then relay to their communities is a critical step in improving the environment. He asserted that there is no easy way to measure the impact of nitrogen reduction generated by a single outreach campaign on proper fertilizer use, but the cumulative impact of such individual 'small steps' will be enormous.

In the fourth of his ongoing series of community engagement initiatives, Supervisor Cook announced that experts in the fields of recycling and litter control, stormwater and erosion management, planting of native trees and shrubs, alternatives to conventional lawn care, and home energy efficiency will present the most up-to-date information on these topics.

After describing the event as noted in his written Board Matter, Supervisor Cook called the Board's attention to a promotional flyer on the Environmental Leadership Institute, which is limited to 30 participants. He said that limited seating remains, and he asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

32. **ESTABLISHING A PROGRAM FOR THE ALL INCLUSIVE CARE OF THE ELDERLY (PACE) AT BRADDOCK GLEN (BRADDOCK DISTRICT)** (12:24 p.m.)

- (A) Supervisor Cook noted that for almost a decade, the County has been attempting to initiate a public private partnership that would allow the operation of a PACE to serve the County's low income seniors.

This effort appears to be coming to fruition, and the County is in the last stages of negotiating an agreement with Inova Health Care Services to operate both a PACE and an Adult Day Health Care Program at Braddock Glen. Inova expects to hear favorably from the State's Department of Medical Assistance Services at the end of this week and will then submit an application to the Federal government to establish Virginia's sixth PACE.

As part of this partnership, Inova intends to provide adult day health care services to residents of the County at Braddock Glen at no cost to the County. Clients of the County who are currently participating in the Braddock Glen Adult Day Health Care Center program at the premises shall continue to receive services at their current level for as long as they remain eligible. Inova shall gradually transition the services at the premises to a Medicare-Medicaid-funded program.

In this partnership, the County will provide Inova with a three-year sublease for the facility at Braddock Glen at nominal rent, with two one-year extensions at commercial market rent. The Office of the County Attorney has been working with the Fairfax County Redevelopment and Housing Authority (FCRHA) and Inova to structure the terms of this lease, which must come before the Board to be considered after a public hearing.

Supervisor Cook encouraged the FCRHA to endorse and consent to this important project, and to meet the deadlines for the various approval processes (including state and federal regulations) associated with the opening and operations of a PACE facility. Accordingly he moved that the Board authorize the advertisement of a public hearing to be held before the Board to consider the proposed Operation by Inova Health Care Services of PACE including the Adult Day Health Care Program at Braddock Glen. Supervisor Herrity seconded the motion, which carried by unanimous vote.

33. **REQUESTING A PUBLIC HEARING ON COUNTY PARTICIPATION IN PHASE II OF DULLES RAIL** (12:26 p.m.)

At the request of Chairman Bulova, Supervisor Cook agreed to defer until closed session his Board Matter requesting a public hearing on County participation in Phase II of Dulles Rail.

(NOTE: Later in the meeting, Supervisor Cook presented this Board Matter. See Clerk's Summary Item #77.)

34. **COMMUNITY ACTION MONTH** (12:26 p.m.)

(BACs) In a joint Board Matter with Supervisor Hudgins and Chairman Bulova, Supervisor Foust stated that the Community Action Partnership, the national association of community action agencies, annually declares May as National Community Action Month. It is a time for Community Action Agencies to reinforce the importance and scope of the work they do each day helping low-income families change their lives.

Following the presentation of information related to the purpose and significance of the commemoration, on behalf of Supervisor Hudgins and Chairman Bulova, Supervisor Foust moved that the Board proclaim May 2011 as "*Community Action Month*" in Fairfax County and direct staff to invite members of the Fairfax

County Community Action Advisory Board to appear before the Board on May 10 to receive the proclamation. Chairman Bulova seconded the motion.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, who indicated that this is the ninth presentation scheduled for May 10, the question was called on the motion, which carried by unanimous vote.

35. **STUDYING THE ECONOMIC IMPACT OF TOLL INCREASES IN THE DULLES CORRIDOR** (12:29 p.m.)

At the request of Chairman Bulova, Supervisor Herrity deferred the presentation of his Board Matter on the economic impact of toll increases in the Dulles Corridor until later in the meeting, following closed session.

(NOTE: Later in the meeting, Supervisor Herrity presented this Board Matter. See Clerk's Summary Item #78.)

36. **HONORING EDWARD L. LONG, JR., DEPUTY COUNTY EXECUTIVE** (12:31 p.m.)

Supervisor Herrity noted that Chief Financial Officer (CFO) Edward L. Long, Jr., will soon retire after a long distinguished career with the County. Mr. Long began his career with the County in 1977 as a budget analyst and, in addition to his current role, he has served as a senior budget analyst, deputy budget director, and budget director. As CFO for the past 14 years, Mr. Long has skillfully and successfully managed the County's finances through times of boom and bust. Supervisor Herrity predicted that years from now Mr. Long will be remembered for his steady and able leadership during the Great Recession.

Accordingly, Supervisor Herrity moved that the Board direct staff to invite Mr. Long to appear before the Board to receive a resolution honoring him for his distinguished years of service to the County. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

37. **HONORING JAMES PERCOCO FOR BEING NAMED TO THE NATIONAL TEACHERS HALL OF FAME FOR 2011** (12:32 p.m.)

Supervisor Herrity announced that James Percoco, a Social Studies teacher at West Springfield High School, was named to the National Teachers Hall of Fame at a surprise announcement at West Springfield High School on April 12. This prestigious achievement has only been awarded to 95 educators ever, and those who qualify must be selected by a national selection committee which evaluates the nominees on responses to questions regarding their professional profile, their teaching both inside and outside the classroom, educational issues, and accountability.

Following a recap of Mr. Percoco's achievements as noted in the written Board Matter, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mr. Percoco to a future Board meeting to receive a resolution in recognition of being named to the National Teachers Hall of Fame for 2011. Without objection, it was so ordered.

38. **RECOGNITION OF CHRISTIAN DESCHAUER OF THE SPRINGFIELD DISTRICT OFFICE** (12:34 p.m.)

Supervisor Herrity announced that Christian Deschauer of his staff will be leaving to accept the position of Director of Government Relations for the Fairfax County Chamber of Commerce and expressed appreciation for his service. Chairman Bulova also commended Mr. Deschauer's service and the Board gave him a round of applause.

39. **DEFERRAL OF PUBLIC HEARING (LEE DISTRICT)** (12:35 p.m.)

Supervisor McKay announced his intent to defer, at the appropriate time later in the meeting, the public hearing on Rezoning Application RZ 2010-LE-013 scheduled for 3:30 p.m.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #66.)

40. **BUS STOPS** (12:35 p.m.)

(BACs) Supervisor McKay noted that the County has approximately 4,000 bus stops, many of which do not fully meet appropriate accessibility standards. The responsibility for the accessibility of these bus stops belongs to the County. The Fairfax Area Disability Services Board has written to the Board of Supervisors requesting its advocacy with the Virginia Department of Transportation (VDOT) to streamline the accessibility compliance process for bus stop improvements.

The cost of installing a bus stop/bus shelter and ensuring it is fully accessible can take a full year and cost up to \$25,000. It appears that the lengthy timeframe and high costs could both be reduced if VDOT and the Department of General Services, as is recommended in the Governor's Commission on Government Reform and Restructuring in its December 2010 Report, allow localities to review and issue permits for bus shelters and bus stop improvements.

As mentioned in the Disabilities Services Board letter, County staff shall explore the Federal Programmatic Categorical Exclusion (PCE) process which may be used to further expedite this procedure.

Reducing the time and costs involved in making bus stops accessible has another significant benefit. Because many of these bus stops do not meet accessibility

standards, people with disabilities, as well as older residents, cannot use them. Instead, they must rely on MetroAccess—further increasing paratransit costs.

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

- Refer this matter to the Board’s Transportation Committee for review.
- Prepare an update of the status of this issue for the Board.
- Write a letter supporting the implementation of the recommendations, about bus stops improvements, contained in the Governor’s Commission on Government Reform and Restructuring.

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

41. **JEFFERSON FUNERAL HOME PLAN AMENDMENT (LEE DISTRICT)**
(12:37 p.m.)

Supervisor McKay stated that Jefferson Development, LLC (the “applicant”) owns approximately 36,000 square feet of land located on the south side of Castlewellan Drive to the east of its intersection with South Van Dorn Street in the Lee District. The property is identified as Tax Map 81-4 ((1)) 56A (the “subject property”) and is zoned to the R-1 District. The Subject Property currently operates as the Jefferson Funeral Chapel pursuant to SE 97-L-059 that was approved on January 12, 1998.

The subject property is within Area IV of the Fairfax County Comprehensive Plan (the “Plan”) and is within the Rose Hill Planning District. More specifically, the subject property is in the Lehigh Community Planning Sector. The Plan map shows that this parcel is planned for residential use at 3-4 dwelling units/acre; however, there is no site specific text that addresses the subject property.

Supervisor McKay said that the applicant now seeks a change of use from a funeral chapel to a funeral home to allow an additional service on the Subject Property. The additional service will be provided as a convenience to the funeral home’s patrons. No additional intensity building or site modifications will be required. To allow a change of use from a funeral chapel to a funeral home, the applicant proposes to rezone the subject property to the C-6 District. Unfortunately because of a zoning ordinance and Plan complication to achieve this goal which requires no site changes, an amendment to the Plan and a rezoning is necessary.

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

- Process an Out-of-Turn Plan Amendment to the Lehigh Community Planning Sector of Area IV of the Plan for the subject property. The Out-of-Turn Plan Amendment should be considered to allow a funeral home use on the subject property.
- Allow concurrent processing of a rezoning application, and any related applications, as may be necessary to implement the authorized Plan amendment.

Supervisor McKay 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 applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

42. **SPRINGFIELD DAYS (LEE AND SPRINGFIELD DISTRICTS)**
(12:40 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity, and Chairman Bulova, Supervisor McKay announced that this year will be the twenty-third annual Springfield Days celebration from Thursday, June 2, through Sunday, June 5. Springfield Mall will be the site of the FamilyFest during all four days and will feature children's entertainment, games, rides, food, and music.

As noted in the written Board Matter, on Friday, June 3, there will be a spaghetti dinner; on Saturday, June 4, the 15K/5K race, PetFest, and Paws on Parade at Springfield Mall; and a Party in the Park with an outdoor movie at the South Run RECenter. Also on Saturday, the Springfield Art Guild will exhibit the works of local artists at the Springfield Mall venue. On Sunday, June 5, the Cardboard Boat Regatta returns to Lake Accotink Park.

Supervisor McKay stated that this celebration has many partners that make this event possible, including the Greater Springfield Chamber of Commerce, Safford Chrysler Jeep Dodge, Burger King, Springfield Toyota, the Fairfax County Park Authority - Lake Accotink Park and South Run RECenter, the Springfield Art Guild, Colonial Animal Hospital, Leith Graphics, Springfield Mall, the Springfield Civic Association, the Fairfax County Police Department, and other generous sponsors.

Accordingly, jointly with Supervisor Cook, Supervisor Herrity, and Chairman Bulova, Supervisor McKay moved that the Board direct staff to prepare a proclamation declaring Springfield Days on June 2–5 and invite the Springfield Days Steering Committee to appear before the Board on May 24 to be recognized and receive the proclamation. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

43. **MARK CENTER** (12:41 p.m.)

Supervisor McKay said that he would defer until after closed session a Board Matter regarding the Mark Center.

(NOTE: Later in the meeting, the Board took action. See Clerk's Summary Item #60.)

PMH:pmh

44. **FALLS CHURCH CONSIDERS WATER RATE INCREASE OF 30 PERCENT OVER THE NEXT FIVE YEARS** (12:43 p.m.)

In a joint Board Matter with Supervisor Foust, Supervisor Gross, Supervisor Hudgins, and Chairman Bulova, Supervisor Smyth said that the water rates charged by the City of Falls Church continue to be a source of ongoing concern for the approximately 100,000 customers who reside or have businesses in the County and for this Board.

Last night, the Falls Church City Council was scheduled to vote on a commodity charge water rate increase from \$3.03 to \$3.27 per thousand gallons of water, beginning July 1, 2011. The City also contemplates raising its water rates an additional eight percent per year for Fiscal Years (FY) 2013 and 2014, with an additional three percent per year increase in FYs 2015 and 2016.

The City asserts that such increases are needed to cover \$34 million in system infrastructure improvements that the City incurred during the past five years and projected capital improvements expenditures for the system of \$3 million in FY 2012 and \$5–7 million in the three FYs thereafter. These figures are apparently based upon recommendations contained in a study performed by an outside consultant hired by the City.

Supervisor Smyth noted that on May 25, 2010, the Board adopted a series of sound principles for water rate-making, which were to be applied and adhered to by all entities that provide water within the County. Those rate-making principles were derived from the comprehensive 18-month study of water rates charged to County customers undertaken by the County Consumer Protection Commission and included as part of the Commission's final report to the Board at that meeting.

Supervisor Smyth said that it is imperative for the Board to know whether those rate-making principles were considered and applied by the City of Falls Church in adopting the described water rate increases.

Accordingly, jointly with Supervisor Foust, Supervisor Gross, Supervisor Hudgins, and Chairman Bulova, Supervisor Smyth moved that the Board refer this matter to the County Consumer Protection Commission and direct that the

Consumer Protection Commission, with assistance from the Consumer Affairs Branch of the County's Department of Cable and Consumer Services, undertake a comprehensive review of the described water rate-making actions of the City of Falls Church, including the water rate study conducted by the City's outside consultant, and report to the Board by September 27, 2011, with its findings and/or recommendations regarding the following questions:

- What were the bases underlying each of the City's above-described water rate increases?
- In determining its water rate increases for fiscal year 2012 and beyond, did the City faithfully comply with all of the water rate-making principles adopted by the Board on May 25, 2010?
- What was the precise nature, total cost, and exact locations of the capital improvements that the City of Falls Church made to its water system during the past five years, and how were those improvements funded when made?
- What is the precise nature, total cost, and exact locations of all projected capital improvements to the City of Falls Church's water system that formed the basis for the City's projected water rate increases for FYs 2012, 2013, 2014, 2015 and thereafter, and do any such improvements involve anything other than the maintenance, improvement, and/or upgrading of the City's existing water system?

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

45. **SCHEDULING OF PUBLIC HEARINGS FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-07 AND SPECIAL EXCEPTION APPLICATION SE 2010-PR-023 (CITYLINE PARTNERS) (PROVIDENCE DISTRICT)** (12:46 p.m.)

Supervisor Smyth said Cityline Partners, the applicant for Proffered Condition Amendment Application PCA 92-P-001-07 and Special Exception Application SE 2010-PR-023, has requested that its public hearings be scheduled. These applications propose to shift previously approved density resulting in the development of a new 340,000 square foot office building that would be integrated into the Mitre office complex as the Mitre 4 building. She added that Planning Commissioner Lawrence and planning staff has been consulted about this request. Additionally, the applicant's agents indicated that they fully understand and accept the risks associated with date certain scheduling of their Planning Commission and Board public hearings.

Therefore, Supervisor Smyth moved that the Board direct staff to schedule a public hearing to be held before the:

- Planning Commission regarding Proffered Condition Amendment Application PCA 92-P-001-07 and Special Exception Application SE 2010-PR-023 on June 2, 2011.
- Board regarding Proffered Condition Amendment Application PCA 92-P-001-07 and Special Exception Application SE 2010-PR-023 on June 7, 2011.

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

46. **REQUEST FOR A FEE WAIVER, EXPEDITED AND CONCURRENT PROCESSING FOR REZONING APPLICATION/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2010-MA-017 (MASON DISTRICT)** (12:47 p.m.)

- (A) Supervisor Gross said that UPIA, LLC, the applicant in Rezoning Application/Final Development Plan Amendment Application RZ/FDP 2010-MA-017, would like to amend its application to add seven parcels of land to the application, which parcels are identified on the Tax Map Numbers 71-1 ((40)) parcels 1,2, 3, 4, 5, 6, and A, so that, as part of its development project, it can repair an existing County storm water facility and make other much needed storm water improvements on these parcels, all of which will benefit the residents of the County and save the County the cost of having to make the improvements. She said that the applicant has contacted her office and requested that the County waive the filing fee to amend its application. Given that the County will benefit directly as a result of the proposed amendment, Supervisor Gross moved that the Board waive the filing fee to amend Rezoning Application/Final Development Plan Application RZ/FDP 2010-MA-017, as requested by the applicant. Supervisor Foust seconded the motion and it carried by unanimous vote.

Supervisor Gross said that the applicant also has a rezoning from the R-1 District to the PDH-5 District to permit residential development at a density of 4.89 units per acre. The property is located at 4724 and 4735 Backlick Road in Annandale. This property is in an area that has known flooding problems, and the applicant has been working with staff and the community to alleviate some of those problems through stormwater management improvements as part of the proposed rezoning package. The Planning Commission public hearing is currently scheduled for June 2.

For the applicant to address the stormwater management engineering details as early as possible in the process, Supervisor Gross moved that the Board direct

staff to schedule a public hearing to be held before the Board on **June 21, 2011, at 3:30 p.m.** and that all plans associated with this application be concurrently processed. The applicant is aware that the expediting of this application should not be construed to prejudice the consideration of this application in any way. Supervisor Foust seconded the motion and it carried by unanimous vote.

47. **NATIONAL EMPLOYEE HEALTH AND FITNESS MONTH (NEH&F)**
(12:51 p.m.)

Supervisor Gross said that May 2011 is NEH&F month, which is a national health observance founded by the National Association for Health and Fitness. The purpose of NEH&F Month is to engage all employers (and employees) from all sectors in encouraging America's workforce to be physically active in their daily lives. Prior to this year the observance was celebrated as a single day; now it is the entire month of May.

The County Live Well Workforce Wellness Program will celebrate employee health and fitness during the week of May 16–20. Events are planned throughout the week at worksites across the County. On Thursday, May 19, the keynote address, "How to Add 10-20 Years to Your Life," presented by Dr. Steve Aldana, will be cablecast to employee desktops for those employees unable to attend in person. Within the past year, the employee directed Live Well Advisory Council has received approval to re-allocate its existing funding to support additional wellness offerings including weight management, smoking cessation, online training, and a farmer's market initiative. Information about all Live Well Program offerings for employees is available on the Infoweb.

Therefore, Supervisor Gross moved that the Board proclaim May 16-20, 2011, as "*Employee Health and Fitness Week*" in Fairfax County and that the proclamation be presented to the Live Well Advisory Council on May 19. Chairman Bulova seconded the motion and it carried by unanimous vote.

48. **FAIR OAKS VOLUNTEER FIRE DEPARTMENT (SULLY DISTRICT)**
(12:53 p.m.)

- (A) Supervisor Frey said The Fair Oaks Volunteer Department plans to purchase a 2011 pumper truck. For the volunteers to finance the purchase through a local bank, and for the IRS to determine the financing to be tax-exempt, the County must approve the financing. Approval of the resolution does not make the County responsible for the repayment of the financing.

Therefore, Supervisor Frey moved that the Board authorize a public hearing on this matter, to occur on **May 10, 2011, at 3:30 p.m.** to facilitate the timely acquisition of the truck. Supervisor Herrity and Supervisor Cook jointly seconded the motion and it carried by unanimous vote.

49. **CHANTILLY HIGH SCHOOL INDOOR PERCUSSION ENSEMBLE**
(12:54 p.m.)

Jointly with Supervisor Herrity, Supervisor Frey announced that the Chantilly High School Indoor Percussion Ensemble has completed an undefeated season by winning the Winter Guard International Percussion Scholastic A Class World Championship in Dayton, Ohio. It also won the Indoor Percussion Ensemble Atlantic Indoor Association Championships at Virginia Beach.

Supervisor Frey asked unanimous consent that the Board direct staff to invite them to appear before the Board to be recognized for these accomplishments. Without objection, it was so ordered.

50. **REQUEST TO POSTHUMOUSLY RECOGNIZE MR. JOHN ARIAIL**
(MOUNT VERNON DISTRICT) (12:56 p.m.)

Supervisor Hyland announced the death of Mr. John Ariail who was an avid philanthropist and supporter of the arts. He referred to his written Board Matter which outlined Mr. Ariail's many accomplishments.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Mrs. Leslie Smith Ariail and the Ariail family to appear before the Board to recognize Mr. Ariail's vision, dedication, leadership, and significant contributions to the Lorton Arts Foundation's Workhouse Arts Center and to the County. Without objection, it was so ordered.

51. **BIKE TO WORK DAY** (12:57 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Foust, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova, Supervisor Hudgins announced that Friday, May 20, is Bike to Work Day in the County and the Washington Metro area. This is an exciting opportunity for bicycle commuters as well as those who have thought about getting out of their cars and onto their bikes. Bicycle commuting is an effective means to improve air quality, reduce traffic congestion, and promote wellness.

There will be nine Bike to Work events in the County this year. The locations are Reston, Vienna, Springfield Metro Park, Tyson's Corner, Fairfax City, Fairfax Corner, Herndon, Burke, and Merrifield.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim May 20 "*Bike to Work Day*," in Fairfax County.
- Direct the Office of Public Affairs to publicize the event, and to invite staff from the Department of Transportation and members of the bicycling community to appear before the Board on May 24 to be recognized for their hard work in making this day possible.

Without objection, it was so ordered.

52. **BUDDHIST TZU CHI FOUNDATION OF THE GREATER WASHINGTON AREA (HUNTER MILL DISTRICT)** (12:58 p.m.)

Supervisor Hudgins said the Buddhist Tzu Chi Foundation chose Reston as the location of its offices for the Greater Washington area. The Buddhist Tzu Chi Foundation, whose name means "compassion and relief," is an international humanitarian organization which conducts many of the same relief and rescue operations as does the American Red Cross. Founded in 1966, the organization has nearly 10 million volunteers and supporters in 50 countries and has provided aid in 70 countries. Tzu Chi's work spans the fields of charity, medicine, education, environmental protection, and disaster relief. It also established what is now the world's fifth largest bone marrow donor registry, and promotes humanistic values and community volunteerism.

This month, *TIME* magazine named Dharma Master Cheng Yen, the founder of Buddhist Tzu Chi Foundation, as one of the 100 most influential people in the world in its the 2011 *TIME* 100 annual list. Dharma Master Cheng Yen founded the Buddhist Tzu Chi Foundation at the age of 29.

Since coming to Reston, the Tzu Chi Foundation has joined in supporting the Southgate Community Center, the homeless programs, and embraced the spirit of environmental stewardship in Reston. The commitment of the Foundation to Mother Earth has led them to recycle plastic into threads that are made into clothing and hypothermia blankets, which will be added to the retail sales of Lake Anne. On May 8, coincidentally on the birthday of Buddha, the Hunter Mill District will join the Buddhist Tzu Chi Foundation in its forty-fifth anniversary celebration to be held at the Lake Anne Village Center in Reston, from 10 a.m. until 2 p.m.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the Buddhist Tzu Chi Foundation Anniversary Celebration to be held May 8 from 10 a.m. until 2 p.m. at the Lake Anne Village Center. Without objection, it was so ordered.

53. **RECOGNITION OF DISTRICT BUDGET COMMITTEES** (1 p.m.)

(NOTE: Earlier in the meeting, the Board adopted the annual budget. See Clerk's Summary Item #11.)

In a joint Board Matter with Chairman Bulova, Supervisor Hudgins said that each year, during the County's budget process, residents, organizations, and businesses all have many opportunities to comment individually or collectively on the County's budget priorities. Like many of the other magisterial districts, the Hunter Mill District had a citizen budget committee. In fact, seven of the nine districts had citizen committees.

Supervisor Hudgins expressed her appreciation to Susan Datta and the Department of Management and Budget staff for meeting with the committees prior to and during the budget process, for being available daily to answer questions, and for attending community budget meetings.

The committee reports were most informative and useful with guidance not only for this fiscal year, but direction for future years.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the chair (or designee) of each district budget committee to appear before the Board on May 10 to be recognized for their outstanding contributions and continued commitment to all residents of the County. Without objection, it was so ordered.

54. **SEKAS HOMES, LTD (HUNTER MILL DISTRICT)** (1:01 p.m.)

Supervisor Hudgins said that Sekas Homes, Ltd (the applicant) has filed Rezoning Application RZ 2010-HM-006 to rezone from R-1 to R-3 Conventional for Tax Map 28-4 ((1)) 1, Parcel 20/ 8900 Old Courthouse Road, Vienna. The proposed subdivision will consist of six single family houses. The applicant is requesting an expedited Board public hearing. The application has received support from staff, the Hunter Mill Land Use Committee and has also received a recommendation of approval from the Planning Commission.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule an expedited Board date for Rezoning Application RZ 2010-HM-006. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Chairman Bulova seconded the motion and it carried by unanimous vote.

55. **RECESS/CLOSED SESSION** (1:03 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Record No. 110052 (Va. Sup. Ct.) (Dranesville District)
 2. *Jermaine Ridgley v. Fairfax County Department of Family Services*, Record No. 110201 (Va. Sup. Ct.)
 3. *Tori Lakshia Day v. Russell B. Milam, et al.*, Civil Action No. 1:11-CV-97 (E.D. Va.)
 4. *Charles E. Harris, Jr. v. Dr. Michael J. Shuster, Robert Adele, and K. Comas*, Case No. CL 11001712, (Alex. City Cir. Ct.) (Mt. Vernon District)
 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonel A. Romero and Nora E. Martinez*, Case No. CL-2009-0012157 (Fx. Co. Cir. Ct.) (Braddock District)
 6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2009-0015518 (Fx. Co. Cir. Ct.) (Providence District)
 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel Angel Alvarez and Delmi Aurora Alvarez*, Case No. CL-2010-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 8. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
 9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Eller and Barbara D.*

- Eller*, Case No. CL-2006-0014177 (Fx. Co. Cir. Ct.) (Providence District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nina Catherine Ford and Aubrey L. Lane*, Case No. CL-2009-0015972 (Fx. Co. Cir. Ct.) (Mason District)
 11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2008-0014600 (Fx. Co. Cir. Ct.) (Mason District)
 12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones*, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)
 13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul D. Robertson*, Case Nos. GV10-0021259, GV10-0021260 and GV10021260-01 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2010-0007947 (Fx. Co. Cir. Ct.) (Lee District)
 15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Samuel A. Velasquez*, Case No. CL-2010-0013919 (Fx. Co. Cir. Ct.) (Sully District)
 16. *Eileen M. McLane, Fairfax County Zoning Administrator v. David F. Nichols and Linda A. Nichols*, Case No. CL-2011-0002314 (Fx. Co. Cir. Ct.) (Lee District)
 17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sang Yong Choi, L.C., and Wara Wara, Inc.*, Case No. CL-2010-0016244 (Fx. Co. Cir. Ct.) (Mason District)
 18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vincent James Gioielli, II, and*

Susan M. Savage, Case No. CL-2011-0000505
(Fx. Co. Cir. Ct.) (Dranesville District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marvin Bermudez and Elsa Bermudez*, Case No. CL-2011-0001456 (Fx. Co. Cir. Ct.) (Providence District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2010-0011467 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bonnie June Speakman*, Case No. CL-2010-0011818 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0004119 (Fx. Co. Cir. Ct.) (Providence District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad F. Azimi and Farida Azimi*, Case No. CL-2011-0003450 (Fx. Co. Cir. Ct.) (Sully District)
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George T. Hertig and Patricia R. Hertig*, Case No. CL-2011-0003451 (Fx. Co. Cir. Ct.) (Braddock District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gholamreza Khamesi and Fariba Vahdani*, Case No. CL-2011-0003523 (Fx. Co. Cir. Ct.) (Dranesville District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Charles Jones, Gabrielle Clara Jones, and Catherine C. Mitchell*, Case No. CL-2011-0003538 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. MD S. Alam Elahee*, Case No. CL-2011-0003735 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Syed Sharafat Ali and Syed Parveen Ali*, Case No. CL-2011-0003808 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Robert L. Travers Charitable Remainder Annuity Trust*, Case No. CL-2011-0003809 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2011-0003849 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Soledad Marreros*, Case No. CL-2011-00003848 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia Soledad Nina*, Case No. CL-2011-0003916 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johan Cardenas Lanchipa and Carlota Lanchipa*, Case No. CL-2011-0004000 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Ayala and Olimpia T. Amaya, a/k/a Olimpia T. Ayala*, Case No. CL-2011-0004001 (Fx. Co. Cir. Ct.) (Springfield District)

35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmed R. Bizri*, Case No. CL-2011-0004073 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael B. Jones and Ann W. Jones*, Case No. CL-2011-0004074 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emad M. Elseiedy*, Case No. CL-2011-0004075 (Fx. Co. Cir. Ct.) (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. William L. Matson, Trustee Under the Trust Agreement dated August 31, 1979, Designated as Trust Number 56.304*, Case No. CL-2011-0004241 (Fx. Co. Cir. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Loc D. Le and Dung N. Le*, Case No. CL-2011-0004305 (Fx. Co. Cir. Ct.) (Providence District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul E. Smith, Sr.*, Case No. CL-2011-0004306 (Fx. Co. Cir. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Inocente I. Giron*, Case No. CL-2011-0004644 (Fx. Co. Cir. Ct.) (Mount Vernon District)
42. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ali Raza*, Case No. CL-2011-0004736 (Fx. Co. Cir. Ct.) (Dranesville District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dao Gi Trieu and Phuong Hien Tran Trieu*, Case No. CL-2011-0005001 (Fx. Co. Cir. Ct.) (Mason District)

44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Margaret Ann Carey*, Case No. 11-0003343 (Fx. Co. Gen. Dist. Ct.) (Sully District)
45. *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)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chung Kim and Hyunkil H. Kim*, Case Nos. 11-0007714 and 11-0007715 (Fx. Co. Gen. Dist. Ct.) (Mason District)
47. *Board of Supervisors of Fairfax County, Virginia v. Oak Street, LLC*, Case No. CL-2010-0004599 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

- Dunn, McCormack & MacPherson v. Gerald E. Connolly
- Craig J. Blakeley and Kathleen M. McDermott v. Board of Supervisors of Fairfax County, Virginia
- Dr. Rose C. Merchant v. Fairfax County, Virginia, Sharon Bulova, Officer Robert M. Bauer, Officer Jonathan Nytes, Lieutenant Gervais Reed and John Doe 1 Through John Doe 20
- Religious Land Use and Institutionalized Persons Act
- Proposed Marketing Agreement Between Milestone Communications, Inc. and VACo Services, Inc.
- Department of Defense Inspector General Report on BRAC #133, Mark Center
- Dulles Rail Funding Agreement

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

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At 3:53 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

56. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:54 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."

57. **MOTION APPROVING THE APPROPRIATION OF MONEY FOR PRIVATE LEGAL COUNSEL TO BRIEF THE BOARD OF ZONING APPEALS (BZA) ON LEGAL ISSUES RELATED TO THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT** (3:54 p.m.)

Supervisor Hyland moved that the Board appropriate sufficient funds for the BZA to retain a private attorney acceptable to both the BZA and the County Executive to brief the BZA on legal issues and matters related to the Religious Land Use and Institutionalized Persons Act. Supervisor Smyth seconded the motion and it carried by unanimous vote.

58. **AUTHORIZATION TO APPEAL TO THE UNITED STATES COURT OF APPEALS** (3:55 p.m.)

Supervisor Hyland moved that the Board authorize an appeal to the United States Court of Appeals for the Fourth Circuit of the refusal of the United States District Court for the Eastern District of Virginia in *Dr. Rose c. Merchant v. Fairfax County, Virginia, et al.*, Case No. 1:10cv376-TSE-TRJ, to grant qualified immunity to Officer Robert M. Bauer of the Fairfax County Police Department for the reasons outlined by the County Attorney in closed session. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

59. **STOP WORK ON SERVICE AGREEMENT EXTENSION WITH COVANTA** (3:56 p.m.)

Supervisor Cook said that on March 29, 2011, the Board accepted the terms of a Service Agreement extension with Covanta pursuant to Covanta's February 9,

2011, Term Sheet, and two letters from Covanta to the County dated March 25 and March 28, 2011. Covanta has now advised the County that it is no longer willing to implement this agreement, and instead now wishes to renegotiate the deal. The County does not do business this way. The County had a deal and Covanta broke it, and this is unacceptable.

Therefore, Supervisor Cook moved that the Board direct staff to stop work on the extension amendment, and explore all options, including legal and legislative options, for addressing the disposal of waste generated in the County. Supervisor Hyland seconded the motion.

A brief discussion ensued regarding the terms on the service agreement.

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

60. **TRAFFIC IMPACT OF THE DEPARTMENT OF DEFENSE FACILITY AT THE MARK CENTER IN ALEXANDRIA ON THE COUNTY** (4 p.m.)

Supervisor McKay said that the County and others have been concerned about increased traffic and the implementation of a transportation management plan related to the opening of the new Department of Defense Facility at the Mark Center in Alexandria. Those concerns were heightened and validated earlier this month when the Inspector General of the Department of Defense published a report that was critical of the environmental assessment completed by the United States Army Corps of Engineers in 2008.

He said that following the release of that report by the Inspector General, it was suggested that the County should consider taking legal action to force the Army to address the traffic management issues raised by the Inspector General. The County has reviewed the matter, and while it remains concerned about the significant traffic impact expected from that new facility, it has been determined that federal law does not give the County an opportunity to challenge that environmental assessment at this time.

Therefore, Supervisor McKay moved that the Board continue to explore all options both legally and legislatively with the federal legislative delegation. Chairman Bulova, Supervisor Gross, and Supervisor Herrity jointly seconded the motion.

Discussion ensued regarding the issue and evaluating all possible alternatives available to solve the traffic impact.

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

ADDITIONAL BOARD MATTER

61. **DRAFT TESTIMONY FOR THE PUBLIC HEARING ON THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX YEAR IMPROVEMENT PROGRAM** (4:06 p.m.)

Chairman Bulova said that VDOT released its draft Six Year Interstate Urban Primary and Transit Improvement Program for Fiscal Years 2012 – 2017 on April 20, 2011. By law, the Commonwealth Transportation Board (CTB) has a responsibility to hold a public hearing this Spring and adopt a final program based on the official revenue forecast by July 1, 2011. The public hearing for Northern Virginia will be held on Wednesday, May 4, 2011, at 7 p.m.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board approve the proposed testimony to Secretary Sean Connaughton and authorize the Chairman to present the Board's comments to the CTB. Supervisor McKay seconded the motion.

Following discussion regarding the draft testimony, Chairman Bulova withdrew her motion to allow Board Members time to read the draft testimony.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #76.)

AGENDA ITEMS

62. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX P, RELATING TO THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (PROVIDENCE DISTRICT)**

AND

A-6 – APPROVAL OF BOND RESOLUTION, APPROVAL OF AMENDMENTS TO MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY – CDA BYLAWS, AND ENDORSEMENT OF SPECIAL ASSESSMENT REPORT (PROVIDENCE DISTRICT)
(4:08 p.m.)

(BONDS)

(R) (O)

(NOTE: Earlier in the meeting, the Board deferred action on Item A-6. See Clerk's Summary Item #20.)

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 8 and April 15, 2011.

Barbara Byron, Director, Office of Community Revitalization and Reinvestment, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved that the Board concur in the recommendation of staff and:

- Adopt the Mosaic District Community Development Authority Bond Resolution.
- Approve the amendments to the CDA bylaws approved by the CDA Board.
- Endorse the Special Assessment Report.

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

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix P, relating to the Mosaic District Community Development Authority. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity being out of the room.

63. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-LE-025 (COSTCO WHOLESALE CORPORATION) (LEE DISTRICT)**
(4:14 p.m.)

The application property is located at 7940 Richmond Highway, Tax Map 101-2 ((6)) A.

Mr. David Gill reaffirmed the validity of the affidavit for the record.

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

- Stephen W. Robinson, McGuire Woods LLP

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

- Carlson Lee Fifer, McGuire Woods LLP

- Jonathan Rak, McGuire Woods LLP
- Gregory Riegle, McGuire Woods LLP

Kellie-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Supervisor Hyland acknowledged the presence of Mr. Jube Shiver, Jr., son of Mr. Jube Shiver, Sr., owner of the Spring Garden Apartments, the first federally subsidized housing complex for low income residents in Northern Virginia, who died last November. Supervisor Hyland, on behalf of the Board, commended him on his incredible contribution to the County and the Mount Vernon community.

Discussion ensued, with input from Ms. Goddard-Sobers regarding the details of the application, whether the application takes away any residential unit, and dedication of a right-of-way included in the application.

Following the testimony of Ms. Sheila Hunt (Speaker Three), discussion ensued with input from Ms. Goddard-Sobers, regarding whether any of the apartment complex property is being taken as a result of the application or whether any road improvement is proposed for Richmond Highway.

Following the testimony of Mr. Donald Vincent (Speaker Four), discussion ensued with input from Mr. Shiver, regarding the median break in the highway in front of the apartment complex and the ability of senior citizens to get around.

Discussion ensued, with input from Ms. Goddard-Sobers and Mr. Gill, regarding by-right use of the existing property, transportation improvement recommendations, and the impact on the surrounding communities.

Further discussion ensued, with input from Daniel B. Rathbone, Chief, Transportation Planning Division, Department of Transportation, and Ms. Goddard-Sobers, regarding the impact of closing the median (the alternative to using U-turns as part of traffic safety concern).

Discussion ensued with input from Mr. Gill, regarding outreach efforts made by the applicant to the surrounding neighbors.

Following the public hearing, which included testimony by six speakers, Ms. Goddard-Sobers presented the staff and Planning Commission recommendations.

Supervisor McKay submitted items for the record.

Supervisor McKay moved:

- Approval of Special Exception Application SE 2010-LE-025, subject to the development conditions dated April 26, 2011.
- Waiver of the service drive requirement along Richmond Highway.
- Modification of the transitional screening, barrier, and peripheral parking lot landscaping requirements along the eastern property line in favor of the vegetation and barrier shown on the SE Plat.
- Modification of the transitional screening and peripheral parking lot landscaping requirements and waiver of the barrier requirements along the southern property line in favor of the vegetation shown on the SE Plat.
- Modification of the transitional screening, barrier, and peripheral parking lot landscaping requirements along the western property line in favor of the vegetation and seven-foot wall shown on the SE Plat.
- Modification of the Richmond Highway Corridor Streetscape requirements along Richmond Highway to that shown on the SE Plat.
- Deviation from the tree preservation target requirement of the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance) and the Public Facilities Manual.
- To direct staff to send a written request to the Virginia Department of Transportation (VDOT) urging them to keep the existing median break open for southbound left turns into the Spring Garden Apartment Complex, located at Tax Map 101-2((1))45, until such time as the feasibility study for providing direct access from Ladson Lane into the Springfield Garden Complex is complete.

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

64. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-026 (GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP) (MASON DISTRICT)** (5:29 p.m.)

(NOTE: On February 8, 2011, the Board deferred this public hearing until March 8, 2011. On March 8, 2011, the Board deferred this public hearing until April 26, 2011.)

Also under the Board's Consideration will be the applicant's Resource Protection Area (RPA) Encroachment Exception Request Number 25172-WRPA-001-2, accompanied by a Water Quality Impact Assessment Number 25172-WQ-001-4 under the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), Section 118-6-7, to permit encroachment within an RPA to allow modifications to a single family detached dwelling unit.

The application property is located at 3404 Hockett Street, Tax Map 60-1 ((1)) 58A.

Mr. John W. Farrell reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Gross moved to defer decision only on Special Exception Application SE-2009-MA-026 until **May 10, 2011, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor McKay and Supervisor Frey being out of the room.

65. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-S-012-03 (COUNTRY CLUB OF FAIRFAX, INCORPORATED AND T-MOBILE NORTHEAST, LLC) (SPRINGFIELD DISTRICT)** (5:50 p.m.)

The application property is located at 5110 Ox Road, Tax Map 68-1 ((1)) 17, 18 and 20.

Mr. Frank Stearns reaffirmed the validity of the affidavit for the record.

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

- Frank Stearns, Donahue and Stearns, PLC
- Susan Maraghy, President, County Club of Fairfax

Chairman Bulova announced that if Supervisor Frey was in the room, he would disclose a campaign contribution.

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

Upon his return to the Board Auditorium, Supervisor Frey disclosed a campaign contribution which he had received in excess of \$100 from the following:

- Edward Donahue, Donahue & Stearns, PLC

Chairman Bulova relinquished the Chair to Vice-Chairman Gross.

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

Following the public hearing, which included testimony by five speakers, Ms. Bader presented the staff and Planning Commission recommendations.

Discussion ensued with input from Mr. Stearns, regarding a letter from the Country Club to T-Mobile on the location of the cell towers.

Supervisor Herrity submitted items for the record.

Supervisor Herrity moved:

- Approval of Special Exception Amendment Application SEA 99-S-012-03, subject to the development conditions dated January 26, 2011.
- Reaffirmation of the following waivers and modifications:
 - Modification of the transitional screening requirements along all property boundaries in favor of that depicted on the SE Plat.
 - Waiver of the barrier requirements along all property boundaries in favor of that depicted on the SE Plat.

- Waiver of the service drive requirements along Route 123.
- Modification of Paragraph 2, Section 9-528, of the Zoning Ordinance to permit the location of three structures and tennis courts within 50 feet of a lot line.
- To direct staff to waive the required construction of frontage improvements on Route 123 in association with this application.

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

(NOTE: On March 23, 2011, the PC approved Public Facilities Application 2232-S09-26 to construct a telecommunications facility on the property of the Country Club of Fairfax. It noted that the application satisfies the criteria of character, location, and extent, as set forth in Section 15.2-2232 of the *Code of Virginia*, as amended.)

66. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-013 (WPPI SPRINGFIELD HS, LLC) (LEE DISTRICT)** (6:34 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ-2010-LE-013 until **May 24, 2011, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hyland and Chairman Bulova being out of the room.

67. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-009 (MR LEWIN PARK CAPITAL, LLC) (LEE DISTRICT)** (6:35 p.m.)

- (O) (NOTE: On March 8, 2011, the Board deferred this public hearing until March 29, 2011. On March 29, 2011, the Board deferred this public hearing until April 26, 2011.)

The application property is located in the northwest quadrant of the intersection of Franconia-Springfield Parkway and Beulah Street, Tax Map 91-1 ((4)) 1-11, 13-25, 500, and 501.

Mr. Greg Riegle reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed:

- That he attended the Inova Health System Foundation's 2010 Annual Gala with complimentary tickets that have a face value in excess of \$100 each.

- Campaign contributions in excess of \$100 which he had received from the following:
 - Dean Morehouse, trustee, Inova Health Care Services Board
 - Barbara J. Fried, Metro Park LLC

Supervisor McKay disclosed:

- That he attended the Inova Health System Foundation's 2010 Annual Gala with complimentary tickets that have a face value in excess of \$100 each.
- A campaign contribution in excess of \$100 which he had received from Leah Fried Sedwick, LRF Holdings, LLC.

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

- Stephen M. Cumbie, Chairman and Trustee of the Inova Health System Foundation Board.

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

- Stephen W. Robinson, McGuire Woods LLP
- Jon Peterson, Trustee of Inova Health Care Services

Supervisor Frey disclosed that he:

- Is a Member of the Inova Health Care Services Board representing the County.
- Received a gift of baseball tickets with a value in excess of \$100 from James M. Scott, an agent of Inova Health Care Services.

Supervisor Hudgins disclosed that she attended, with her spouse, the Inova Health System Foundation's 2010 Annual Gala with complimentary tickets that have a face value in excess of \$100 each.

Supervisor Gross disclosed that she:

- Is a trustee on the Inova Health System Foundation Board representing the County.

- Attended the Inova Health System Foundation's 2010 Annual Gala with complimentary tickets that have a face value in excess of \$100 each.

Chairman Bulova disclosed:

- That she attended the Inova Health System Foundation's 2010 Annual Gala with complimentary tickets that have a face value in excess of \$100 each.
- Campaign contributions in excess of \$100 which she had received from the following:
 - Stephen M. Cumbie, Chairman and trustee, Inova Health System Foundation
 - Carson Lee Fifer, Jr., McGuire Woods LLP
 - Jonathan P. Rak, McGuire Woods LLP
 - Supervisor Gerald W. Hyland, a trustee on the Inova Health Care Services Board
 - Gregory A. Riegler, McGuire Woods LLP

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

Mr. Riegler 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 two speakers, Mr. Williams, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-LE-009, from the R-1 District to the PDC District, and approval of the associated Conceptual Development Plan, subject to the proffers dated March 4, 2011.
- Modification of the loading space requirement for hotel and office uses.

- Waiver of the transitional screening and barrier requirements between uses within the PDC District.
- Waiver of the maximum 600-foot private street length requirement.
- Modification of the transitional screening requirement and waiver of the barrier requirement along the southern and eastern boundaries of the site in favor of that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
- Waiver of the peripheral parking lot landscaping requirements for the subject site in favor of that shown on the CDP/FDP.

Supervisor Hyland 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.”

(NOTE: On March 2, 2011, the Planning Commission approved Final Development Plan Application FDP 2010-LE-009.)

68. **4 P.M. – PH ON REZONING APPLICATION RZ 2009-BR-015 (COLLEGE TOWN ASSOCIATES, LP) (BRADDOCK DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-083-02 (COLLEGE TOWN ASSOCIATES, LP) (BRADDOCK DISTRICT)

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-A-086-02 (COLLEGE TOWN ASSOCIATES, LP) (BRADDOCK DISTRICT) (6:57 p.m.)

- (O) The Rezoning Application RZ 2009-BR-015 property is located on the east side of Ox Road approximately 400 feet south of its intersection with Braddock Road, Tax Map 68-1 (91)) 9A.

The Proffered Condition Amendment Application PCA C-083-02 property is located in the southeast quadrant of the intersection of Ox Road and Braddock Road, Tax Map 68-1 ((1)) 9.

The Special Exception Amendment Application SEA 87-A-086-02 property is located at 10697 Braddock Road, Tax Map 68-1 ((1)) 9A and 9 pt.

Mr. Keith Martin reaffirmed the validity of the affidavit for the record.

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the applications and site location.

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

Following the public hearing, Mr. O'Donnell, presented the staff and Planning Commission recommendations.

Supervisor Cook submitted items for the record.

Supervisor Cook moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-BR-015, from the R-1 District to the C-6 District, subject to the proffers dated April 5, 2011.
- Approval of Proffered Condition Amendment Application PCA C-083-02, subject to the proffers dated April 5, 2011.
- Approval of Special Exception Amendment Application SEA 87-A-086-02, subject to the development conditions dated March 23, 2011.
- Modification of the peripheral parking lot landscaping requirements to provide a 10-foot minimum distance along the frontage of the northern and western property lines in favor of the landscaping shown on the GDP/SEA Plat.
- Modification of the lot area, lot width, and open space requirements (for the R-1 zoned property of Rezoning Application RZ 2009-BR-015) to permit consolidation of this lot into the existing shopping center site.
- Modification of the transitional screening and barrier requirements along the western and southern property lines in favor of the landscaping shown on the GDP/SEA Plat.

Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay,

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

69. **4 P.M. – PH ON AREA PLANS REVIEW (APR) ITEM 09-III-1FC, LOCATED SOUTH OF LEE-JACKSON MEMORIAL HIGHWAY (ROUTE 50), NORTH OF INTERSTATE 66, AND EAST OF LEGATO ROAD (SPRINGFIELD DISTRICT) (7:17 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 8 and April 15, 2011.

Meghan Van Dam, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of APR Item 09-III-1FC, as shown on pages 1-8 of the handout dated April 26, 2011, and recommended by the Planning Commission. Supervisor McKay seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Frey, Supervisor Gross, and Supervisor Hyland being out of the room.

70. **4 P.M. – PH FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (DRANESVILLE AND PROVIDENCE DISTRICTS) (7:25 p.m.)**

(Rs) 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 8 and April 15, 2011.

Terry Czarny, Management Analyst II, Department of Public Works and Environmental Services (DPWES) presented the staff report.

Discussion ensued, with input from Jeffrey M. Smithberger, Director, Division of Solid Waste Collection and Recycling, DPWES, regarding the process of enlargement/de-creation/re-creation of sanitary districts and the option to opt out.

Following the public hearing, which included testimony by four speakers, Supervisor Foust moved adoption of the Resolutions approving the proposed petitions within Dranesville District with the opt out option available to those who

voted against the expansion of the District for those who did not respond to the request as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (Arbor Lane)	Enlarge	Refuse, Recycling	Approve
Small District 7 Within the Dranesville District (Lily Pond Drive)	Enlarge	Refuse, Recycling, Leaf	Approve

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

Supervisor Smyth moved adoption of the Resolution approving the proposed petitions within Providence District, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 1 Within Providence District (Timberlane Village Condominiums)	De-create/ Re-create	Remove from leaf	Approve

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

A brief discussion ensued, with input from Mr. Smithberger, regarding the cost of refuse collection in the County.

Mr. Smithberger announced that Mr. Czarny will be retiring in June. On behalf of the Board, Chairman Bulova congratulated him for his years of service.

71. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON GEORGETOWN PIKE (EASTERN SECTION) AND BALLS HILL ROAD (NORTHERN SECTION) AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT) (7:49 p.m.)**

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2011.

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

Following the public hearing, which included testimony by one speaker, Supervisor Foust moved adoption of the Resolution prohibiting through truck traffic on the following roads as part of RTAP:

- Georgetown Pike between Interstate 495 and Dolly Madison Boulevard.
- Balls Hill Road between Georgetown Pike and Old Dominion Drive.

Supervisor Smyth seconded the motion.

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

72. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON BALLS HILL ROAD (SOUTHERN SECTION) AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT) (7:57 p.m.)**

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2011.

Steven Knudsen, Transportation Planner, Department of Transportation, and Officer Paul Anderson, Traffic Division, Police Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Foust moved adoption of the Resolution prohibiting through truck traffic on Balls Hill Road between Old Dominion Drive and Lewinsville Road, as

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

73. **4:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON FRANKLIN STREET AND PICKETT STREET AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE AND MOUNT VERNON DISTRICTS)** (8 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2011.

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

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the Resolution prohibiting through truck traffic on Franklin Street and Pickett Street between Richmond Highway and South Kings Highway, as part of RTAP. Supervisor Gross and Supervisor Smyth jointly seconded the motion.

Supervisor Gross suggested that the photographs from Mr. Edward Walker's (Speaker One) testimony be attached with the Resolution.

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

74. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE)** (8:13 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2011.

Edward E. Rose, Assistant County Attorney presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care), to bring the code section providing for the exception of service animals to the County Leash law into compliance with the Americans with Disabilities Act regulations. The provisions of these amendments will become effective

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

75. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (8:13 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 8 and April 15, 2011.

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

There were no speakers.

NV:nv

ADDITIONAL BOARD MATTERS

76. **APPROVAL OF TESTIMONY FOR THE PUBLIC HEARING ON THE SIX YEAR IMPROVEMENT PROGRAM** (8:16 p.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #61.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved:

- Approval of the testimony to Transportation Secretary Sean Connaughton to be presented at the May 4 public hearing regarding the six year improvement program.
- That the Board authorize the Chairman to present the Board's comments to the Commonwealth Transportation Board at the hearing on the six year program.

Supervisor Foust, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

77. **REQUEST FOR A PUBLIC HEARING ON COUNTY PARTICIPATION
IN PHASE II OF DULLES RAIL** (8:17 p.m.)

(NOTE: Earlier in the meeting, the Board deferred this Board Matter. See Clerk's Summary Item #33.)

Supervisor Cook said that Phase II of Dulles Rail is an important part of the County's economic development strategy, but like any project, it must make sense from a cost-benefit standpoint. He asserted that Rail to Dulles, including Phase II, was originally sold to the people of the County as having *no cost* to the taxpayers. Then, that position was modified so Phase I had *no cost*, and most of Phase II was funded, but with a gap to be covered by Fairfax County, Loudoun County, and toll road users. The projected cost of Phase II, at the time the project was approved, was \$2.5 billion. The County is responsible for 16 percent of that cost. Though much of that cost is covered by the Phase II special tax district, the tax district is capped, however, and the rest of the cost currently lacks a funding mechanism.

Now, as engineering studies hone in on actual costs, and after the Metropolitan Washington Airports Authority (MWAA) decided in favor of a tunnel and against an aerial alignment at the North Garage, Supervisor Cook said that the estimated project is closer to \$3.5 billion. He stated that the tunnel itself increases the cost to taxpayers by at least \$330 million. Additionally, by implementing a Project Labor Agreement (PLA), Supervisor Cook asserted that MWAA will increase construction costs by 10 to 30 percent according to most estimates, likely driving the price tag up even further.

Supervisor Cook noted that the Phase II funding agreement gives the Board an opportunity to review project costs through an 'opt-out' provision. The County has the option to withdraw from the Phase II funding agreement by a vote held within 90 days of receiving a complete preliminary engineering study, currently expected for the end of the summer. While **not** suggesting that the County opt out, Supervisor Cook suggested that the Board hear from its constituents on this subject. While the County Executive promised to provide the Board with a briefing prior to the end of the 90 day period, Supervisor Cook asserted that is not enough. With the potential cost of the project and the amount that must be borne by County taxpayers increasing, he stated his belief that the Board has an obligation to brief the public, and the Board should answer the questions of and receive comments and recommendations from County residents before making a decision.

Consequently, Supervisor Cook moved that the Board hold a public hearing on Phase II financing at least 30 days before the Board's deadline for a vote to withdraw from Phase II. At the beginning of the public hearing, the County Executive, or his designees, should make a detailed presentation covering

financing costs and options. He said that the hearing should be held on a weeknight for the convenience of County citizens, and televised on Channel 16. Supervisor Herrity seconded the motion.

Discussion ensued regarding the premise of the motion, value engineering, the long history of the project, the differences between public hearings and informational meetings, and the timing of Phase II, with input from David P. Bobzien, County Attorney, and Richard Stevens, Dulles Rail Project Coordinator, Department of Transportation (DOT).

Supervisor Cook asked to amend his motion to, within 60 days of the receipt of MWAA's preliminary engineering and financing plan (due this summer), the Board would hold a public informational meeting in the Board Auditorium at the end of a regular Board meeting. The meeting would:

- Include a presentation from staff on the status of the project and financing options
- Permit the public to speak.
- Be televised on Channel 16.

This was accepted by the Supervisor Herrity as seconder.

Following further discussion regarding the process and the exclusion of the original motion's "preamble," Supervisor McKay moved to hold a public open house where a small presentation can be given, displays can be set up, and people can circulate and talk to staff and ask questions. This is similar to formats that other public agencies, such as the Virginia Department of Transportation (VDOT), do on projects of this magnitude. Chairman Bulova seconded the motion.

Following further discussion regarding deficiencies in the VDOT process for information sharing, Supervisor Foust asked to amend the main motion to direct staff to propose a process for Board consideration.

Following input from Anthony H. Griffin, County Executive, the amendment was accepted.

Chairman Bulova restated the motion, as amended, to direct the County Executive to try to capture the sense of the Board for the process as expressed during the discussion. The process will inform the citizens and give them an opportunity to ask questions.

Following input from Mr. Griffin, Chairman Bulova stated that, without objection, the County Executive will present the Board with a process for how it can receive a briefing on progress on the (financing of the) Phase II of the Rail to

Dulles Project and how the Board can provide a forum or format for sharing information with the public in such a way that they can receive information and ask questions and weigh in. Without objection, it was so ordered.

78. **STUDYING THE ECONOMIC IMPACT OF TOLL INCREASES IN THE DULLES CORRIDOR** (9 p.m.)

(NOTE: Earlier in the meeting, the Board deferred this Board Matter. See Clerk's Summary Item #35.)

Supervisor Herrity noted that the Dulles Corridor and Tysons Corner are the economic engines of the County, Northern Virginia, and the entire Commonwealth of Virginia. The Dulles Toll Road is a key component of that corridor. He asserted that protecting the health of this corridor is critical to the County's future in everything from jobs to tax base.

Supervisor Herrity said that early predictions are for a \$1.2 billion overrun on Phase II of the Dulles Rail project and recent decisions by the Metropolitan Washington Airports Authority will likely cause that dollar amount to rise. The primary source, as well as the only uncapped source, of revenue for the project is the Dulles Toll Road. He asserted that tolls are already projected to exceed \$10 - excluding the Greenway—even before the overruns are factored in.

For some time Supervisor Herrity said that he raised concerns that these major toll increases could have an adverse impact on the corridor. Before the Board makes major decisions regarding Phase II, he stated his belief that it must look at the impact of the tolls on the future of its economic engine. He noted that he was aware of at least three companies that have chosen to locate outside the corridor because of the tolls and MWAA's projection shows a decrease in activity on the toll road.

Accordingly, Supervisor Herrity moved that the Board direct the County Executive to:

- Commission a study of the economic impact on the County and its tax base of the increased tolls in the Dulles Corridor in 15 and 20 year windows and a range of projected tolls.
- Conclude the study no later than 30 days after the release of the project's cost estimate.

Supervisor Cook seconded the motion.

Following discussion regarding the premise, the multiple variables that would affect the outcome, and the cost of a study, Supervisor Smyth moved to call the question. This motion, the second to which was indistinguishable, **CARRIED** by

a recorded vote of eight, Supervisor Cook voting “**NAY**,” Supervisor Frey being out of the room.

The question was called on the motion, which **FAILED** by a recorded vote of seven, Supervisor Cook and Supervisor Herrity voting “**AYE**,” Supervisor Frey being out of the room.

79. **ADJOURNMENT** (9:13 p.m.)

The Board adjourned.

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