



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 8, 2011**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 8, 2011, at 9:36 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst, 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** (9:36 a.m.)

For recognition during the moment of silence, Supervisor Cook announced that Governor Bob McDonnell designated February 6, 2011, as Ronald Reagan Day in recognition of the one-hundredth anniversary of his birth. He commended the accomplishment of a truly historical figure.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO MR. MIKE PALLONE** (9:37 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Mr. Mike Pallone for his years of involvement and service in the Lee District and the County. Supervisor Foust, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO CARDINAL PLAZA SHELL** (9:46 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to Cardinal Plaza Shell for the fundraiser it organized to benefit the Fisher House Foundation. Supervisor McKay seconded the motion and it carried by unanimous vote.

3a. **CERTIFICATES OF RECOGNITION PRESENTED TO DR. GLORIA ADDO-AYENSU AND THE HEALTH DEPARTMENT** (9:52 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to Dr. Gloria Addo-Ayensu and the Health Department for the selection of Fairfax County as the healthiest county in Virginia by the Robert Wood Johnson Foundation — in collaboration with the University of Wisconsin Population Health Institute. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. GERALD GORDON** (10:09 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Mr. Gerald L. “Jerry” Gordon for his selection as the 2010 Business Person of the Year by *Virginia Business* magazine. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. RODNEY L. LUSK (LEE DISTRICT)** (10:29 a.m.)

(BACs) Supervisor McKay moved approval of the Certificate of Recognition presented to Mr. Rodney L. Lusk for his years of service as the Lee District Representative to the Planning Commission. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING FEBRUARY 20-26, 2011, AS "ENGINEERS WEEK" IN FAIRFAX COUNTY** (10:41 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate February 20-26, 2011, as "*Engineers Week*" in Fairfax County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **10:30 A.M. – PRESENTATION ON ENDING HOMELESSNESS IN THE FAIRFAX-FALLS CHURCH COMMUNITY – SNAPSHOT 2010** (10:49 a.m.)

Michael O'Reilly, Chairman, Governing Board of the Partnership to Prevent and End Homelessness, gave a presentation on ending homeless in the Fairfax-Falls Church Community. More information can be found on the website at: www.fairfaxcounty.gov/homeless.

Discussion ensued, with input from Dean Klein, Director, Office to Prevent and End Homelessness, regarding the homeless enumeration project and whether the numbers have changed over the years.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information on this year's homeless enumeration project to the Board's Housing Committee. Without objection, it was so ordered.

Further discussion ensued, with input from Mr. Klein, regarding the exact number of homeless people that were served throughout the system.

DET:det

8. **10:45 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (11:21 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, said that the committee met on Friday, January 29, and he noted that updates of the report were

in Board Members' red folders. He stated that "crossover" is in the General Assembly today and thanked the Board Members who were able to attend meetings of various regional groups, including the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), the Northern Virginia Transportation Authority (NVTA), the Northern Virginia Regional Commission (NVRC), and the Northern Virginia Transportation Commission (NVTC) in Richmond last Thursday.

Supervisor McKay briefed the Board on the status of select legislation initiated by the County, noting that two of the initiatives have made significant progress since the Board last met:

- The administration of medication and locally-regulated childcare passed the Senate and awaits committee assignment in the House.
- Revenue sharing legislation has been incorporated into the Omnibus bill containing the bulk of the Governor's transportation plan.

He noted that the County's legislation on the financial exploitation of the elderly or vulnerable adults will not proceed this year; however, House and Senate patrons have both indicated their willingness to continue to work on this critical issue in the off-season.

Supervisor McKay stated that on Sunday the House Appropriations and Senate Finance Committees reported their respective budgets which will likely be approved by the full House and Senate on Thursday. He noted that there were substantial differences between the two versions and that staff is currently reviewing the committee budgets and will report their findings at the Legislative Committee meeting this Friday.

Supervisor McKay reminded Board Members that the County's annual reception in Richmond is scheduled for Tuesday, February 15, at 5:30 p.m. in Old City Hall, and asked that any transportation concerns or need for assistance be addressed to him to minimize the number of vehicles going to Richmond.

Supervisor McKay moved that the Board adopt Legislative Report Number Two. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Discussion ensued with requests for information at the next Legislative Committee meeting on towing, fireworks, and recordation fee legislation.

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

9. ADMINISTRATIVE ITEMS (11:26 a.m.)

Supervisor Gross moved approval of Admin 1 – 5 noting that Admin 6 had been withdrawn at her request and will come back at the next meeting. Supervisor Hyland seconded the motion.

Supervisor Herrity called the Board's attention to Admin 2 – Authorization to Advertise Public Hearings on Proposed Amendments to Chapter 112 (Zoning Ordinance), Regarding Zoning Fees and Admin 5 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance), Regarding Adjustment of the Fees Charged by Land Development Services (LDS) for Plan Review, Permits, and Inspection Services

Discussion ensued identifying County cost increases with input from Michelle Brickner, Director, LDS, Department of Public Works and Environmental Services, concerning:

- The Board's previous directive of increasing fees more frequently to avoid large increases as done in the past.
- An increase in incidental costs, i.e. fuel, supplies, etc.
- Non-achievement of a 90 percent recovery rate.

Ms. Brickner noted that the fee increase would go into effect July 2011, but should carry the County for two years or until the fees are amended again.

Supervisor Herrity noted that he may have additional questions for staff prior to the public hearing. Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the questions and answers be shared with Board Members. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion continued concerning whether employee benefits were recovered as a part of this with additional input from Ms. Brickner.

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

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P10-64	T-Mobile Northeast Antenna collocation on existing tower I-66 and Nutley Street Providence District	April 21, 2011
2232-D10-24	Department of Public Works and Environmental Services McLean Governmental Center and Police Station Expansion 1437 Balls Hill Road Dranesville District	August 7, 2011
2232-Y10-22	Upper Occoquan Sewage Authority Sewer line replacement Cub Run and Braddock Road Sully District	August 14, 2011

ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO CHAPTER 112 (ZONING ORDINANCE), REGARDING ZONING FEES

(A) (R) (NOTE: Earlier in the meeting, this item was discussed. See page 5.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 2, 2011, and before the Board on **March 29, 2011, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to increase filing fees for zoning applications and zoning compliance letters by approximately 3.1 percent with a \$5 minimum increase.

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cascades Estate Lots Section 12-B	Dranesville	Sinegar Place (Route 10382)
		Peacock Hill Way
		Hearth Court
		Antrim Court
		Seneca Road (Route 602) [Additional Right-of-way (ROW) Only]
Westfields Parcel 33A (Phase 1 and 2)	Sully	Seneca Road (Route 602) (Additional ROW Only)
		Old Lee Road (Route 661) (Additional ROW Only)
		Conference Center Drive (Route 8461) (Additional ROW Only)

**ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART
OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM
(RTAP) (PROVIDENCE DISTRICT)**

- Endorsed the following traffic calming measures in the Providence District:
 - One speed hump on Lawrence Drive
 - One speed hump on Rogers Drive
 - One speed hump on Stuart Drive
 - One multi-way stop at the intersection of Rogers Drive and Elmwood Drive
 - One multi-way stop at the intersection of Lawrence Drive and Fenwick Drive

- Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTERS 2 (PROPERTY UNDER COUNTY CONTROL), 61 (BUILDING PROVISIONS), 101 (SUBDIVISION ORDINANCE), 104 (EROSION AND SEDIMENTATION CONTROL), AND 112 (ZONING ORDINANCE), REGARDING ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES (LDS) FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES

(A) (R) (NOTE: Earlier in the meeting, this item was discussed. See page 5.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 2, 2011, and before the Board on **March 29, 2011, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 2 (Property Under County Control), Chapter 61 (Building Provisions), Chapter 101 (Subdivision Ordinance), Chapter 104 (Erosion and Sedimentation Control), and Chapter 112 (Zoning Ordinance), regarding the adjustment of fees charged for plan review, permits, and inspection services in the Department of Public Works and Environmental Services.

ADMIN 6 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 1110 FOR THE OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE SUBGRANT AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

(NOTE: Earlier in the meeting, this item was withdrawn. See page 5.)

10. **A-1 – APPROVAL OF A PARKING REDUCTION FOR MOSAIC DISTRICT – PHASE I DEVELOPMENT OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (11:31 a.m.)

Supervisor Smyth asked unanimous consent that this item be deferred until later in the meeting after the public hearing on Proffered Condition Amendment Application PCA 2005-PR-041. Without objection, it was so ordered.

(Note: Later in the meeting, this item was considered. See Clerk's Summary Item #34.)

11. **A-2 – ADOPTION OF THE LITTLE ROCKY RUN/JOHNNY MOORE CREEK WATERSHED MANAGEMENT PLAN (SULLY AND SPRINGFIELD DISTRICTS) AND THE ACCOTINK CREEK WATERSHED MANAGEMENT PLAN (HUNTER MILL, PROVIDENCE, MASON, BRADDOCK, LEE, AND MOUNT VERNON DISTRICTS)** (11:32 a.m.)

Supervisor Gross and Supervisor Hudgins jointly moved that the Board concur in the recommendation of staff and adopt the Little Rocky Run/Johnny Moore Creek Watershed Management Plan and the Accotink Creek Watershed Management Plan. The motion was multiply seconded.

Supervisor Smyth noted that Accotink is one of the County's biggest and most impaired watersheds and that projects in the report for Providence District that are proposals should be the start of discussions with the neighborhoods that will be involved.

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

12. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-B09-31, T-MOBILE NORTHEAST, LLC (BRADDOCK DISTRICT)** (11:34 a.m.)

The Board next considered an item contained in the Board Agenda dated February 8, 2011, announcing the PC's approval of Public Facilities Application 2232-B09-31, T-Mobile Northeast, LLC. The PC noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*, as amended. The application sought approval to construct a telecommunications facility consisting of a 137-foot simulated evergreen tree monopole, with collocation for up to three service providers and related equipment, located at the Shurgard Storage Center facility, 5797-5801 Burke Centre Parkway, Burke, Tax Map 77-1 ((1)) 74A. T-Mobile, with 9 panel antennas, and Verizon, with 12 antennas, will be located on the tree monopole when constructed and an unidentified carrier may be located in the future subject to a separate 2232 review action.

NV:nv

ADDITIONAL BOARD MATTERS

13. **BOARD RECOGNITIONS** (11:35 a.m.)

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

- Human Rights Commission to receive a proclamation recognizing April as "Fair Housing Month" in Fairfax County.

- The Office of Neighborhood and Community Services to receive an award from the Environmental Protection Agency.
- The Foster Parents Association to receive a proclamation recognizing “*Foster Parents Recognition Month*” in Fairfax County.
- Medical Care for Children Partnership Foundation to receive a proclamation recognizing its twenty-fifth anniversary of good works. (This is a joint request with Supervisor Hudgins.)

Without objection, it was so ordered.

14. **I-95/I-395 HIGH OCCUPANCY TOLL (HOT) LANES PROJECT (LEE, MASON, AND SPRINGFIELD DISTRICTS)** (11:36 a.m.)

In a joint Board Matter with Supervisor McKay, Chairman Bulova reported that on February 2, she received a letter from Secretary of Transportation Sean Connaughton outlining proposed changes to the scope of the I-95/395 HOT lanes projects. She provided copies to the Board. She stated that, essentially, the project scope has been reduced to construct HOT lanes on I-95 only from Garrisonville Road in Stafford County to Edsall Road in Fairfax County just inside the Capital Beltway. The project no longer includes HOT lanes on I-395 inside the Beltway as had previously been planned. These revisions are due both to an inability to finance the larger project which had initially been proposed, as well as the litigation between Arlington County and the Commonwealth, primarily involving issues within Arlington County.

In addition, Chairman Bulova said that the Secretary has committed to advance the construction of a new reversible High Occupancy Vehicle (HOV) ramp to Seminary Road to serve the Mark Center Base Realignment and Closure (BRAC) 133 development. Further, the Secretary has committed to work with the localities to fund park-and-ride facilities and transit service to maximize the use of the HOT lanes by high occupancy vehicles.

Chairman Bulova said that the Board welcomes the Secretary's efforts to break loose a financially viable project that can be constructed in the near-term that will address the major impending congestion. However, a number of issues previously expressed by the Board on March 30, 2009, and transmitted to the Commonwealth in a letter dated April 13, 2009 (copies of which were distributed to the Board), still need to be addressed. Therefore, Chairman Bulova moved that the Board forward to following comments to the Secretary of Transportation:

1. The Board of Supervisors is encouraged that the Commonwealth has developed a proposal to proceed with the I-95 HOT Lanes project, but is interested in seeing more specific details on the public's financial share of the

project, the park-and-ride locations, and the proposed transit service.

2. The Board is pleased that this option retains the connection to the Beltway HOT Lanes Project. This connection is important to ensuring that transit service can effectively access Tysons Corner.
3. The Board is also encouraged that the State has committed to provide a direct HOV ramp to Seminary Road to assist buses and carpoolers in accessing the Mark Center.
4. Although the Board previously opposed terminating the I-95 HOT Lanes project at the Beltway, time is of the essence in terms of finding ways for non-single occupant vehicles to access the Mark Center. There is no other proposal that will provide equal or greater benefits to traffic accessing the BRAC 133 site in the near term.
5. The Board encourages the Commonwealth and Arlington County to settle the pending litigation so that the other components of the original larger proposed project can move forward expeditiously-especially the I-395 portion north of the Beltway.
6. The Board seeks the Secretary's commitment that the Commonwealth will work with Fairfax County to address traffic issues on primary and secondary roads in the County that result from ending the project at the Beltway and to address other issues previously outlined in the April 13, 2009, letter.

Supervisor McKay seconded the motion.

Following discussion of item 5, Chairman Bulova asked to amend the motion to substitute the word "settle" with "**resolve**," and this was accepted.

Supervisor Herrity asked to amend the motion to reaffirm Board support for the I-95 HOT lanes project and for the Seminary Road ramp (Alternative F) and communicate that support to the Transportation Planning Board (TPB).

Discussion ensued regarding support of the VDOT position and the process relating to the TPB.

Chairman Bulova clarified her motion as offering support for the new project and to make it clear. She referred to her written Board Matter where she would add a sentence to the paragraph that begins with "We welcome the Secretary's efforts to

break loose a financially viable project that can be constructed in the near-term that will address the major impending congestion.” The sentence would read, “Our Board is supportive in concept of the new proposal.” The letter would then state the details that need to be resolved. This was accepted.

Supervisor Smyth referred to a news article in *The Washington Post* this morning regarding a new study for Congress that concluded that the military should be paying more for road improvements resulting from BRAC and discussion ensued.

Supervisor McKay asked to amend the motion by sending another letter to piggyback the study by reemphasizing the points that are already in the Board’s federal legislative program. He noted that this is but one of the many BRAC-related projects. He said that the letter should be a reiteration of the Board’s legislative priorities. This was accepted.

Discussion continued regarding progress, long range plans, and financing of this gridlocked I-395 corridor.

Further discussion ensued regarding impending problems at Edsall Road as the endpoint for the HOT lanes as well as the Arlington County lawsuit.

Chairman Bulova noted that, with this motion, the Board is going on record in support of a new proposal to reactivate the HOT lanes project and the issue of transitioning from the HOT lanes project, which would end at the Beltway, to the Mark Center is a major obstacle in making the traffic flow sufficiently.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

15. **APPOINTMENT OF MR. LINWOOD GORHAM AS THE MOUNT VERNON DISTRICT REPRESENTATIVE TO THE PARK AUTHORITY**
(12 noon)

(APPT) Supervisor Hyland announced that after 18 years of invaluable service to Mount Vernon District, Mr. Gil McCutcheon asked not to be reappointed to the Park Authority Board. Mr. McCutcheon served as vice chairman of the Park Authority Board from February 9, 2000, through January 12, 2005. He has been honored for his numerous accomplishments and dedicated service with a 2008 Distinguished Volunteer Service Award from the Virginia Recreation and Parks Society as well as the prestigious Lawrence V. Fowler Award, presented by the Board of Supervisors. While he will no longer make the trek to Fairfax for Park Authority Board meetings, he will still run the popular Mount Vernon Farmers’ Market, which is moving to Wednesdays starting this May.

To find a successor, Supervisor Hyland said that he appointed a seven member committee to interview candidates for the position of Mount Vernon representative. Eight people applied and subjected themselves to questions from the committee as well as the public. After over an hour of discussion and deliberation, the committee recommended two candidates. While he would have been comfortable selecting either candidate, Betsy Martin, Chair of the Mount Vernon Council's Environment and Recreation Committee, or Linwood Gorham, Chair of the South County Federation's Land Use Committee, he finally settled on Mr. Gorham.

Supervisor Hyland noted that Mr. Gorham was the 2010 Lord Fairfax for the Mount Vernon District and was instrumental in working with the Northern Virginia Regional Park Authority to transform the Pohick Park pool into the exciting and thriving Pirates Cove waterpark. He has been active in his community for many years and will be a wonderful addition to the Park Authority Board.

Accordingly, Supervisor Hyland moved the appointment of Mr. Linwood Gorham as the Mount Vernon District Representative to the Park Authority Board. Chairman Bulova seconded the motion, which carried by unanimous vote.

16. **RECOGNITION OF ENVIROSOLUTIONS, INCORPORATED (MOUNT VERNON DISTRICT)** (12:03 p.m.)

Supervisor Hyland stated that recently Envirosolutions, Incorporated donated \$2 million to the Lorton Community Action Center (LCAC) to help it fulfill its mission to improve the quality of life for underprivileged families and children in Lorton. This donation, along with the support of the Board to expedite LCAC's special exception amendment, allowed the construction of a new food storage room and office space in a building next to its existing facility. Prior to the completion of this facility, LCAC had to store donations in a cramped basement. Never in his 24 years as a Supervisor had Supervisor Hyland seen a donation of this magnitude, which will improve the lives of so many needy families and children.

Therefore, Supervisor Hyland moved that the Board direct the Office of Public Affairs to invite Envirosolutions and LCAC staff to appear before the Board to be recognized for their generosity and service to the community. Supervisor Herrity seconded the motion, which carried by unanimous vote.

17. **MOUNT VERNON DISTRICT'S TWENTY-FOURTH ANNUAL TOWN MEETING** (12:04 p.m.)

Supervisor Hyland reported that on Saturday, February 5, more than 250 people attended Mount Vernon District's Twenty-Fourth Annual Town Meeting. Sixty-two exhibitors, from Fairfax County Government to Fort Belvoir to community non-profits and various other organizations all packed the exhibit hall. The

Health Department vaccinated 29 people from the flu. He expressed appreciation to Chairman Bulova, County Executive Anthony H. Griffin, and Garrison Commander Colonel John Strycula for giving excellent presentations on the state of the County, current budget challenges, and an update on the Base Realignment and Closure (BRAC), respectively. Channel 16 staff once again sacrificed one of their Saturdays to film and provide technical support as they have done for two dozen years.

Supervisor Hyland also thanked his Visioning Task Force Committee Chairs for briefing the community on their draft reports. He encouraged everyone to visit his website and read the eight committee reports which provide a vision of what the community should have in the next 25 years. The task force would like to receive comments and incorporate them into the final version of the reports.

Supervisor Hyland announced that he continues to enjoy taking on the challenges of a vocal and diverse constituency and, because retirement is an anathema to him, he will once again be a candidate for the office of Mount Vernon District Supervisor.

Supervisor Hyland said that he typically gives a virtual bus tour of the Mount Vernon District. This year, given Visioning Task Force's recommendations for mass-transit down Richmond Highway and because of the Southeast Fairfax Development Corporation's staff's advocacy for streetcars, he "parked the bus and jumped on a virtual streetcar named Desire." All the meeting materials, including the Streetcar Named Desire Tour, are posted on the Mount Vernon District website.

18. **RAMP AT SEMINARY ROAD** (12:07 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding this item. See Clerk's Summary Item #14.)

Supervisor Herrity announced that his written Board Matter regarding the ramp at Seminary Road was discussed as part of the Chairman's Board Matters.

19. **GRADUATE OF WEST SPRINGFIELD HIGH SCHOOL PLAYS IN SUPERBOWL XLV (SPRINGFIELD DISTRICT)** (12:07 p.m.)

Supervisor Herrity announced that West Springfield High School graduate and punter Jeremy Kapinos of the Pittsburgh Steelers played in Superbowl XLV, which was won by the Green Bay Packers. Mr. Kapinos played college football for Penn State under Coach Joe Paterno. He also worked for the Park Authority at Burke Lake Park as recently as this past December.

20. **FEBRUARY 22 BOARD MEETING SCHEDULE AND AUTHORIZATION TO ADVERTISE THE TAX RATE** (12:08 p.m.)

Supervisor Smyth noted the heavy agenda for the next Board meeting on February 22 and suggested that Board Members strive to shorten their Board Matters for that meeting.

Chairman Bulova noted that the Board must authorize its advertised tax rate (ceiling) at that meeting and that the County Executive will also present his proposed annual budget.

Discussion ensued about the calendar and undesirable outcome that the tax rate advertisement authorization and the County Executive's budget proposal coincide this year.

Discussion continued regarding a 2007 amendment to the Virginia Code that requires a 30 day notice of the public hearing (formerly 7 days), with input from David P. Bobzien, County Attorney, and Anthony H. Griffin, County Executive.

Following further discussion regarding the agenda for February 22, Chairman Bulova announced that she would work with the Office of Public Affairs to reschedule presentations as applicable.

21. **REMOVAL OF TREE AND STORM DEBRIS** (12:17 p.m.)

Supervisor Gross stated that a number of residents contacted her office requesting removal of trees and debris in the wake of the recent storm that blanketed the area. On private property, removal is the property owner's responsibility. There are some instances, however, when local or state government is responsible as follows:

- If the tree is located adjacent to public roads or streets, contact the Virginia Department of Transportation at 1-800-FOR-ROAD (367-7623).
- If the tree is located on parkland, contact the County Park Authority at 703-324-8594.
- For trees that pose a hazard to public areas, contact the County Urban Forestry Division at 703-324-1770.

All refuse collection companies operating in the County must collect brush placed at their customers' curbsides as long as the brush is: in bundles of less than 4 feet in length and less than 50 pounds; and no piece is larger than 6 inches in diameter.

Residents with County collection service receive **five** no-additional-cost special collections of debris or brush annually. Residents must call 703-802-3322 to

schedule the collection. Each special collection is limited to 12 cubic yards per special collection - roughly a pile 5 feet x 6 feet x 10 feet. If the County declares an emergency or disaster from a storm event, these thresholds may be waived.

The County also offers a MegaBulk collection service, at a charge, for large amounts of brush or bulk debris.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to disseminate information about tree and storm debris removal through the County's regular channels of communication. Without objection, it was so ordered.

22. **AUTHORIZATION OF THE CONSIDERATION OF A COMPREHENSIVE PLAN AMENDMENT FOR 3236 PEACE VALLEY LANE (MASON DISTRICT)** (12:18 p.m.)

Supervisor Gross reminded the Board that on September 14, 2010, the Board adopted her motion to declare 3236 Peace Valley Lane a blighted property under the County's Blight Ordinance. The two-acre parcel has been a source of contention for some time, and the blight declaration allowed for the demolition of the single family home and outbuildings, which happened last month. The property in the Seven Corners area near JEB Stuart High School is planned for 2-3 dwelling units per acre (du/ac) and is located adjacent to single family homes on the south and west, townhouses on the north, and a church and multifamily condominiums on the east. An Area Plans Review nomination requesting a residential density of 5-8 du/ac was put forward in 2005, but was later withdrawn prior to full consideration by staff and the community. Now that the blighted structure has been removed, this property represents an opportunity, as well as a challenge, for compatible infill residential development.

Supervisor Gross said that there is considerable interest locally in the future of this parcel. A Plan amendment would provide a structure for discussion and consideration by the community and staff that did not happen in 2005. Therefore, she moved that the Board authorize the consideration of a Comprehensive Plan Amendment for 3236 Peace Valley Lane (Tax Map Number 61-1 ((2) 7) to determine the appropriate residential density for this infill site. Given its location between and among single family detached, townhomes, institutional uses, and condominiums, access and other issues should be examined as part of this proposed amendment. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

PMH:pmh

23. **OVERNIGHT PARKING RESTRICTIONS ON WHITTIER AVENUE IN McLEAN (DRANESVILLE DISTRICT)** (12:20 p.m.)

Supervisor Foust said that during the past several years, he has received many complaints about the overnight parking of large commercial vehicles, semi-tractor trailers, and buses on Whittier Avenue. Although this area is zoned commercial, it is also adjacent to residential areas to the south along several perpendicular roadways.

Supervisor Foust noted that several of the vehicles have out-of-state license plates and are not registered to the businesses in the adjacent area. After consulting with Department of Transportation (DOT) staff, the most reasonable option currently available is to restrict overnight parking on both sides of Whittier Avenue where there are no existing vehicle restrictions. This would mitigate the concerns of nearby residents and business owners, allow parking for customers during the day, and prevent the overnight and long-term storage of industrial and commercial vehicles on this roadway.

Supervisor Foust moved that the Board direct DOT to take the necessary steps to install signs restricting overnight parking, from 10 p.m. until 6 a.m., on Whittier Avenue from Tennyson Drive to Laughlin Avenue. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

24. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2010-LE-017 (LEE DISTRICT)** (12:21 p.m.)

Supervisor McKay announced his intent, later in the meeting, to defer the public hearing on Special Exception Application SE 2010-LE-017 until February 22, 2011, at 3:30 p.m.

Supervisor McKay asked unanimous consent that the Board direct the Clerk to notify speakers who had signed up to testify that the public hearing will not be held this afternoon. Without objection, it was so ordered.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #35.)

25. **TAX RELIEF ASSISTANCE FOR ELIGIBLE SENIOR CITIZENS (LEE DISTRICT)** (12:23 p.m.)

Supervisor McKay said that on Tuesday, March 8, and Thursday, March 10, the Department of Tax Administration will be providing tax relief assistance for eligible senior citizens. No appointments will be necessary. The hours will be

from 10 a.m. until 2 p.m. in the community room of the Franconia Governmental Center.

Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to issue a press release informing the community about this service. Without objection, it was so ordered.

26. **REPLACING THE OUTDATED TERM “MENTAL RETARDATION” IN COUNTY DOCUMENTS** (12:24 p.m.)

Supervisor Cook said that over the last century, many medical terms used to describe intellectual disability or mental illness became insults in the common vernacular, leading to a disparaging view of the underlying condition. In the last few years, society has been working to correct that negative circle. Led by last year's Braddock District Community Champion, Nancy Mercer, and her co-executive director of the ARC of Northern Virginia, Jill Egle, the Commonwealth of Virginia and other jurisdictions have made a concerted effort to use the term *intellectual disability* instead of *mental retardation* in all communications.

This transition in terminology is reinforced by changes in federal and state legislation and reaffirmed through actions taken by organizations such as the American Association of Mental Retardation, which has changed its name to the American Association on Intellectual and Developmental Disabilities and the Associated Press, which replaced the term in its stylebook. Years ago, the ARC of Northern Virginia was called the Association of Retarded Children (sic). The County has also made this change in many of its ordinances and regulations.

Therefore, given that *intellectual disability* is the currently preferred term for the disability historically referred to as *mental retardation*, Supervisor Cook proposed the County embark on an effort aimed toward the complete replacement of the term "Mental Retardation" with the term "Intellectual Disabilities" in all County policies, codes, media, and materials. Such a change in terminology in no way alters the eligibility requirements for services and supports for individuals formerly eligible for services.

Therefore, Supervisor Cook moved that the Board direct:

- Staff to complete this change within the next year.
- The County Executive to report to the Board next February on the County's progress in this regard.

Supervisor Hudgins seconded the motion.

Following discussion regarding the proposal's fiscal impact, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

27. **HONORING MARK BENDORF FOR HIS EXCELLENCE IN THE COUNTY ON AND OFF THE FOOTBALL FIELD (BRADDOCK DISTRICT)** (12:28 p.m.)

Jointly with Supervisor Herrity, Supervisor Cook announced that Coach Mark Bendorf, head football coach, Robinson Secondary School, has decided to retire.

Supervisor Cook referred to his written Board Matter outlining Coach Bendorf's many accomplishments. He asked unanimous consent that the Board direct staff to invite Coach Bendorff to appear before the Board at a date to be determined, so that he may be recognized for his ceaseless dedication to the sport of football and the invaluable contributions he has made to the County. Without objection, it was ordered.

28. **LOSS BY THE PITTSBURGH STEELERS IN THE SUPER BOWL** (12:31 p.m.)

Supervisor Frey consoled Supervisor Foust on the loss by the Pittsburgh Steelers in the Super Bowl. He put on a Steelers' cap to honor the team. He also told Supervisor Foust that he would provide him with a Philadelphia Phillies cap for baseball season.

29. **ZERO TOLERANCE POLICY** (12:33 p.m.)

Jointly with Supervisor Gross, Supervisor Hudgins said that recently, a sophomore at W.T. Woodson High School was found dead in his home from an apparent suicide. It was noted that the student had gone through Fairfax County Public Schools (FCPS) disciplinary procedures. While it is only speculation that he was distraught over his experience with the FCPS disciplinary process and his subsequent expulsion, no one will ever know why the young man took his own life. This is not the first time that a FCPS disciplinary action has been associated with the loss of life by a student. In March of 2009 a South Lakes High School student chose to end his life while also going through the FCPS disciplinary process.

Suicide is an extreme reaction to a difficulty that a person is unable to see past. Many parents and students are asking whether the Zero Tolerance disciplinary policy of FCPS lacks the ability to recognize the emotional difficulties students experience and intervene with the appropriate support. Are school personnel missing the very signs that the County Human Service System is designed to intervene and support families?

Supervisor Hudgins noted that student behavior that violates rules and standards must be met with clear consequences. But this process must include a path that supports students and their families such that they learn from the consequences of their actions, become better decision makers, recognizing that failure must always be recognized and is not the end, but the beginning of the process to maturity.

The County and FCPS are partners in many programs working to support families: School-Aged Child Care program, the Middle School After-School program, County Youth Survey, and many others. Currently, the Department of Family Services and the Fairfax-Falls Church Community Services Board (CSB) are engaged in working with FCPS on several pilot programs to respond to the needs of at-risk students and families. The responsibilities for the youth and their families are sandwiched between FCPS serving K through 12 and the County serving birth through pre-K on one side and after school and adult services on the other end.

Supervisor Hudgins noted that on February 3, the School Board added an upcoming work session on FCPS disciplinary policy and support services. The County should not be left out of this discussion.

Therefore, Supervisor Hudgins moved that the Board direct:

- The Deputy County Executive for Human Services, DFS and CSB to engage FCPS on how best to partner in addressing the disciplinary process.
- Staff to invite the Fairfax Partnership for Youth, parent groups, and other community stakeholders to work together on how the student disciplinary system may be improved and report to the Board of Supervisors its finding of facts, with options and alternatives to the current policy.

Supervisor Cook, Supervisor Gross, and Supervisor Herrity jointly seconded the motion.

Following discussion of the proposal, Chairman Bulova clarified the motion as follows:

- The Board (BOS) directs the County Executive and the Deputy County Executive for Human Services, together with the agencies necessary such as DFS and CSB, to make outreach efforts to the FCPS to engage in a discussion on how best to partner in addressing the disciplinary process holistically in a supportive way.
- The Board directs staff to invite the Fairfax Partnership for Youth and parent groups to put together a forum to have a broader discussion between the schools and the County.
- Continue the aligning of priorities and goals to ensure that the BOS and the School Board are working together in the area of transportation and health including this issue in a supportive way rather than separately.

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

30. **RECESS/CLOSED SESSION** (12:53 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. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Record No. 092272 (Va. Sup. Ct.) (Dranesville District)
 - 2. *FFW Enterprises v. Fairfax County, et al.*, Record No. 091883; *FFW Enterprises v. Fairfax County Economic Development Authority*, Record No. 091930 (Va. Sup. Ct.)
 - 3. *T-Mobile Northeast LLC v. Fairfax County, Virginia, and the Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:10cv117 (E.D. Va.) (Dranesville District)
 - 4. *Tori Lakshia Day v. Russell B. Milam, et al.*, Case No. CL-2010-0015072 (Ffx. Co. Cir. Ct.)
 - 5. *Mary Getts Bland v. Fairfax County, Virginia*, Case No.1:10cv01030 (E.D. Va.)
 - 6. *Gary Pisner v. Board of Supervisors of Fairfax County, Virginia*, Record No. 213-10-4 (Va. Ct. App.) (Springfield District)

7. *Stephen Weidman and Cynthia Weidman v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0018037 (Fx. Co. Cir. Ct.) (Providence District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0001725 (Fx. Co. Cir. Ct.) (Mason District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler*, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Forouzanfar*, Case No. CL-2010-0009636 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin M. Ferguson and C. Nicole Ferguson*, Case Nos. CL- 2010-0007746 and CL-2010-0012837 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gertrude M. Jenkins*, Case No. CL-2010-0015885 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tiffany Chau and Tom Bui*, Case No. CL-2010-0014135 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge Berrios*, Case No. CL-2010-0016329 (Fx. Co. Cir. Ct.) (Lee District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v.*

Toetie Jones, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)

17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harvey Ray Williams, Jr., and Jason Williams*, Case No. CL-2010-0017992 (Fx. Co. Cir. Ct.) (Braddock 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. Chang Ai Gregory*, Case No. CL-2011-0000625 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- Reaffirmation Procedure for Land Use Application Affidavits
- Discussion Pursuant to *Virginia Code* Section 2.2-3711.A.19

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

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At 4:11 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

31. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:11 p.m.)

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

AGENDA ITEMS**32. 3:30 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-020 (HIGHER HORIZONS DAY CARE CENTER, INCORPORATED) (MASON DISTRICT) (4:12 p.m.)**

(NOTE: On January 25, 2011, the Board held a public hearing regarding this item and deferred decision until February 8, 2011.)

The application property is located at 5201 Leesburg Pike, Tax Map 51-3 ((23)) Cpt. and C1pt.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2010-MA-020, subject to the development conditions dated January 24, 2011.
- Modification of the transitional screening yard and barrier requirements along the north, south, and east boundary lines in favor of that shown on the SE Plat.
- That the Board direct the Director of the Department of Public Works and Environmental Management (DPWES) to approve up to a 20 percent parking reduction of the parking requirements in the C-7 District, as permitted in a Commercial Revitalization District.
- Approval of the addition of development condition number 14 which states: “Notwithstanding that shown on the SE Plat, parking may be modified in accordance with a parking reduction as approved by the director of DPWES.”

Supervisor McKay seconded the motion.

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

33. 3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-041 (ESKRIDGE (E & A) LLC) (PROVIDENCE DISTRICT) (4:15 p.m.)

(NOTE: On January 25, 2011, the Board deferred the public hearing on this item until February 8, 2011.)

The application property is located on the south side of Lee Highway, east of Eskridge Road and west of the terminus of Strawberry Lane, Tax Map 49-3 ((1)) 80E pt., 81A, 82A, and 82B.

Mr. Steven F. Teets reaffirmed the validity of the affidavit for the record.

Supervisor Foust disclosed that he is a member of the Board of Directors of the Mosaic District Community Development Authority (CDA) which encompasses several parcels of land, a portion of which is identified in the affidavit.

Supervisor Smyth disclosed that she is also a member of the Board of Directors of the Mosaic District CDA which encompasses several parcels of land, a portion of which is identified in the affidavit.

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

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

Following the public hearing, which included testimony by one speaker, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2005-PR-041, subject to the proffers dated February 1, 2011.
- Approval of Conceptual Development Plan Amendment Application CDPA 2005-PR-041, subject to the development conditions dated December 29, 2010.

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

Supervisor Smyth further moved:

- Modification of the private street limitations of Section 11-302 of the Zoning Ordinance.
- Modification of the loading space requirement for multi-family dwelling units and office space in favor of that depicted on the CDPA/Final Development Plan Amendment (FDPA).
- Modification of the transitional screening and a waiver of the barrier requirements to the south, east, and internal to the site in favor of the treatments depicted on the CDPA/FDPA.

- Modification of the transitional screening and waiver of the barrier requirements between the uses within the site zoned PDC and PRM in favor of the treatments depicted on the CDPA/FDPA.
- Waiver of the four-foot peripheral parking lot landscaping requirement north of Parcel G, west of Parcel C and E, and along the southerly and easterly property lines.
- Approval of the waiver to locate underground facilities for all residential development, subject to Waiver Number 0561-WPFM-002-3.
- Waiver of the service drive along the Lee Highway frontage.
- To direct the Director of the Department of Public Works and Environmental Services (DPWES) to approve a modification of the parking geometric standards to allow for 75-degree angled parking spaces within parking structures.
- Approval of a modification to allow residential as a secondary use consisting of up to 76 percent of the principal uses in the PDC District, pursuant to Section 6-206 of the Zoning Ordinance.
- Modification of Paragraph 3 of Section 18-201 of the Zoning Ordinance which would require the provisions of further interparcel access in addition to that indicated on the CDPA/FDPA.
- Modification of Paragraph 4 of Section 17-201 of the Zoning Ordinance for dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads along Lee Highway, as indicated in the Comprehensive Plan or as required by the Director, to that shown on the CDPA/FDPA and as proffered.
- Modification of the proposed trail along Lee Highway shown on the Comprehensive Plan Trails Map to that shown on the CDPA/FDPA.
- To direct the Director of DPWES to approve a modification of the Public Facilities Manual (PFM) and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more than four percent of the stall area, of structural columns into parking stalls in parking structures.

- To direct the Director of DPWES to waive the PFM onsite stormwater detention requirements, in favor of providing stormwater management offsite in the Merrifield Town Center vault.

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

(NOTE: On January 13, 2011, the Planning Commission approved Final Development Plan Amendment Application FDPA 2005-PR-041, subject to the development conditions dated January 10, 2011.)

34. **A-1 – APPROVAL OF A PARKING REDUCTION FOR MOSAIC DISTRICT – PHASE I DEVELOPMENT OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (4:28 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #10.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a parking reduction of 24.0 percent or 621 fewer parking spaces in required parking for Mosaic District – Phase I Development of the Merrifield Town Center, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a parking reduction study on the conditions as outlined in the Board Agenda Item dated February 8, 2011. Supervisor Foust seconded the motion and it carried by unanimous vote.

35. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-LE-017 (ISKALO CBR LLC) (LEE DISTRICT)** (4:28 p.m.)

(NOTE: On January 25, 2011, the Board deferred the public hearing on this item until February 8, 2011.)

Supervisor McKay moved to defer the public hearing on Special Exception Application SE 2010-LE-017 until **February 22, 2011, at 3:30 p.m.** Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

36. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-026 (GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP) (MASON DISTRICT)** (4:29 p.m.)

Supervisor Gross said she just received some information regarding this item and asked unanimous consent to defer the public hearing on Special Exception Application SE 2009-MA-026 until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item #38.)

37. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-033-03 (VIRGINIA ELECTRIC AND POWER COMPANY D/B/A DOMINION VIRGINIA POWER) (DRANESVILLE DISTRICT)** (4:30 p.m.)

The application property is located on the west side of Dulles Access Road and north of Curtis Memorial Parkway – West Falls Church Rail Yard, Tax Map 40-3 ((1)) 86 pt.

Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

Supervisor Hudgins disclosed that she is a Principal Director for the Washington Metropolitan Area Transit Authority (WMATA).

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

- Mr. Stephen W. Robinson, McGuire Woods LLP

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

- Ms. Carolyn Moss, Dominion Virginia Political Action Committee
- Mr. Carson Lee Fifer, Jr., McGuire Woods LLP
- Mr. Jonathan P. Rak, McGuire Woods LLP
- Mr. Gregory A. Riegle, McGuire Woods LLP

Supervisor McKay disclosed that he is an Alternate Director for WMATA.

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

Mr. Fifer 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.

Discussion ensued, with input from Mr. Fifer, regarding the application's approval process.

Following the public hearing, which included testimony by two speakers, Supervisor Foust submitted items for the record.

Following rebuttal by Mr. Fifer, discussion ensued regarding the site.

Mr. Williams presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 85-D-033-03, subject to the development conditions dated February 8, 2011.
- Modification of the transitional screening requirements and waiver of the barrier requirements, in favor of that shown on the SEA Plat.
- Waiver of the Comprehensive Plan trail requirement along Idylwood Road.
- Approval of a deviation of the tree preservation target, in favor of that shown on the SEA Plat.

Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

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

(NOTE: On January 13, 2011, the Planning Commission approved Public Facilities Application 2232-D10-12. The Commission 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* and is substantially in accord with the provisions of the Comprehensive Plan.)

38. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-026 (GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP) (MASON DISTRICT)** (5:17 p.m.)

(NOTE: Earlier in the meeting, the Board deferred this public hearing. See Clerk's Summary Item #36.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2009-MA-026 until **March 8, 2011, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

39. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT (PA) S10-IV-FS1, LOCATED NORTH OF OLD KEENE MILL ROAD AND WEST OF AMHERST AVENUE (LEE DISTRICT)** (5:25 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 January 21 and January 28, 2011.

Meghan D. 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 McKay moved approval of the Planning Commission recommendation for Plan Amendment S10-IV-FS1, as found on pages 6–7 of the staff report, dated January 20, 2011. The amendment would increase the amount of hotel planned square feet from 110,000 to 120,000 square feet within the plan option. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

40. **BOARD ADJOURNMENT** (5:25 p.m.)

The Board adjourned.