



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
November 1, 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, November 1, 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 II, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Hyland asked everyone to keep in thoughts the family of Douglas Woodward, a former employee of the Health Department, whose father Mr. Edgar F. Woodward, Jr. died recently in Mount Vernon. Mr. Woodward was a retired Air Force Colonel and a Mount Vernon District resident.

Supervisor Foust asked everyone to keep in thoughts the family of Karen Avvisato, an employee of the Department of Neighborhood and Community Services, whose father Mr. Alward Vincent Burch died recently. Mr. Burch was a principal at Bishop Denis J. O'Connell High School of Vienna and a baseball coach for many years.

Chairman Bulova asked everyone to keep in thoughts the family of Firefighter Horace Christopher "Teddy" Pendergrass who died recently.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Edwin N. Prugh, IV, who died recently. He was a board member and executive committee member of the Chamber of Commerce.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2068**
(9:39 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the International Association of Firefighters Local 2068 for its success during the 2011 Fill the Boot Campaign. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE JAMES MADISON HIGH SCHOOL GIRLS' LACROSSE TEAM**
(9:51 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the James Madison High School Girls' lacrosse team for its accomplishments. Supervisor Smyth seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LANGLEY HIGH SCHOOL GOLF TEAM** (9:56 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Langley High School golf team for its accomplishments. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. RON CHRISTIAN** (10:03 a.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Mr. Ron Christian for his years of service to the County. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE PENNYWISE THRIFT SHOP** (10:14 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Pennywise Thrift Shop for its fiftieth anniversary. Supervisor Hyland seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING NOVEMBER 6-12, 2011, AS "ANIMAL SHELTER APPRECIATION WEEK" IN FAIRFAX COUNTY** (10:21 a.m.)

Supervisor Frey moved approval of the Proclamation to designate November 6-12, 2011, as "*Animal Shelter Appreciation Week*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING NOVEMBER 2011 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:34 a.m.)

Supervisor Cook moved approval of the Proclamation to designate November 2011 as "*American Indian Heritage Month*" in Fairfax County. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING DECEMBER 1, 2011, AS "AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:41 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate December 1, 2011, as "*AIDS Awareness Day*" in Fairfax County. Supervisor Foust seconded the motion and it carried by unanimous vote.

10. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:55 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard November 1, 2011,” as distributed around the dais with an addition of appointment of Mr. Kenneth Mark Deal as the Mason District #2 Representative to the Human Services Council. Supervisor Foust seconded the motion, and it carried by unanimous vote.

Appointments are as follows:

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.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Reappointment of:

- Ms. Frieda A. Tatem as the At-Large #1 Representative

ATHLETIC COUNCIL

Reappointment of:

- Mr. Chip Chidester as the Member At-Large Alternate Representative

Appointment of:

- Mr. Terry D. Adams as the Mason District Alternate Representative

The Board deferred the appointment of the Dranesville District Principal Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Design Professional #6 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the At-Large #2, Providence, and Sully District Representatives.

CHILD CARE ADVISORY COUNCIL

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

COMMISSION FOR WOMEN

Appointment of:

- Ms. Miriam Swydan Erickson as the Providence District Representative

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

Confirmation of:

- Mr. Robert Schwaninger as the Redevelopment and Housing Authority Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Appointment of:

- Ms. Barbara Hughes Sullivan as a Long Term Care Provider Representative

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #6 and Provider #3 Representatives.

HUMAN RIGHTS COMMISSION

Appointment of:

- Mr. Pranshu Verma as the At-Large #9 Representative

The Board deferred the appointment of the At-Large #11 Representative.

HUMAN SERVICES COUNCIL

Appointments of:

- Mr. Steven Bloom as the Dranesville District #1 Representative
- Mr. Kenneth M. Deal as the Mason District #2 Representative

The Board deferred the appointment of the At-Large #1 Chairman's Representative.

SMALL BUSINESS COMMISSION

Reappointment of:

- Dr. Suchada Langley as the At-Large #2 Representative

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the At-Large Chairman's Representative.

TREE COMMISSION

Reappointment of:

- Mr. Lyle C. McLaren as the At-Large Chairman's Representative

[NOTE: Later in the meeting, the Board made additional appointments. See Clerk's Summary Items #11 (Admin 10 on page 11) and #20.]

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11. **ADMINISTRATIVE ITEMS** (10:56 a.m.)

Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 8. Supervisor Smyth 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 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS FOR THE BENEFIT OF AMERICAN COLLEGE OF RADIOLOGY

(BONDS)
(R)

Adopted the Resolution authorizing the EDA to issue up to \$18 million in revenue bonds pursuant to the plan of financing of acquisition, construction, and equipping of facilities for use by organizations.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, HUNTER MILL, LEE, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232A-Y05-10-1	AT&T Mobility Antenna collocation on existing treepole/monopole 10922 Vale Road Sully District	January 7, 2012
FS-Y11-33	AT&T Mobility Antenna collocation on existing tower 15717 Lee Highway Sully District	January 7, 2012
FS-B11-31	AT&T Mobility Antenna collocation on existing tower 4400 University Drive Braddock District	January 8, 2012

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S11-34	T-Mobile Northeast LLC Antenna collocation on church rooftop 4025 Kings Way Springfield District	January 8, 2012
FSA-Y96-17-2	AT&T Mobility Antenna collocation on building rooftop 3600 Joseph Siewick Drive Sully District	January 13, 2012
FSA-P05-10-1	AT&T Mobility Antenna collocation on building rooftop 8401 Arlington Boulevard Providence District	January 13, 2012
FSA-V09-173-1	AT&T Mobility Antenna collocation on building rooftop 2501 Parkers Lane Mount Vernon District	January 13, 2012
456A-S93-7-1	AT&T Mobility Antenna collocation on existing tower 6140 Rolling Road Springfield District	January 14, 2012
FS-S11-32	AT&T Mobility Antenna collocation on existing tower 6199 Old Arrington Lane Springfield District	January 14, 2012
FSA-S00-121-1	AT&T Mobility Antenna collocation on existing electrical pole 11116 Henderson Road Springfield District	January 14, 2012

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-60-2	AT&T Mobility Antenna collocation on building rooftop 6911 Richmond Highway Mount Vernon District	January 14, 2012
FSA-L08-105-1	Fibertower Antenna collocation on building rooftop 6320 Augusta Drive Lee District	January 26, 2012
2232A-L09-13-1	AT&T Mobility Antenna collocation on existing monopole 6500 Byron Avenue Lee District	January 27, 2012
FSA-S96-12-1	AT&T Mobility Antenna collocation on existing monopole 4643 West Ox Road Springfield District	January 28, 2012
FSA-76-2	AT&T Mobility Antenna collocation on building rooftop 4100 Chain Bridge Road Providence District	January 29, 2012
456A-V97-18-2	AT&T Mobility Antenna collocation on existing tower 9128 Belvoir Court Mount Vernon District	February 3, 2012
2232-H11-18	Department of Public Works and Environmental Services North County Governmental Center and Police Station renovation 12000 Bowman Towne Drive Hunter Mill District	May 29, 2012

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEES

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on December 8, 2011, at 8:15 p.m., and before the Board on **January 10, 2012, at 4 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to consider increasing the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM, and PTC Districts from \$1600 to \$1700.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY TO EASTWOOD PROPERTIES, INCORPORATED

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2011, at 4 p.m.** to convey Board-owned property to Eastwood Properties and waive County policy requiring notification of adjacent property owners of the public hearing by certified mail.

ADMIN 5 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE AND SULLY DISTRICTS)

- (Rs)
- Endorsed traffic calming measures for West Street and Westwood Hills Drive consisting of the following:
 - Two speed tables and parking lane striping on West Street (Providence District)
 - Four speed humps on Westwood Hills Drive (Sully District)
 - Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12062 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EDUCATION (VDOE) TO CONTINUE THE VIRGINIA PRESCHOOL INITIATIVE PROGRAM

- (SAR) Approved SAR AS 12062 for DFS to accept grant funding from VDOE in the amount of \$3,409,000 to provide preschool programs for at-risk four-year-olds.

ADMIN 7 – APPROVAL OF A STREET NAME CHANGE FOR A PORTION OF OX ROAD TO SAUNAS COURT (MOUNT VERNON DISTRICT)

Approved a street name change in the Official County Digital Property Map and the Master Addressing Repository for a portion of Ox Road to Saunas Court on Tax Map Number 106-2, effective 30 days following Board approval, in accordance with the Code of the County of Fairfax, Chapter 102 (Streets and Sidewalks), Section 102-1-9.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS), TO CONSIDER ESTABLISHMENT OF EXCLUSIVE SERVICE AREA AND MAXIMUM ALLOWABLE RATES, FEES, AND CHARGES FOR WATER SERVICE

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 7.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #35.)

ADMIN 9 – AUTHORIZATION FOR THE OFFICE TO PREVENT AND END HOMELESSNESS TO APPLY FOR AND ACCEPT FUNDING FROM THE FREDDIE MAC FOUNDATION FOR HOUSING LOCATOR SERVICES

Authorized the Office to Prevent and End Homelessness to apply for and accept funding, if received, from the Freddie Mac Foundation in the amount of \$150,000 to increase nonprofit capacity in the Housing Locator Program to assist homeless individuals and families to more rapidly locate housing opportunities. No positions will be created by this grant and no local cash match is required.

ADMIN 10 – APPOINTMENT OF MEMBERS TO THE FAIRFAX-FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT)

(BACs)

Appointed the following as parent representative members to the CPMT:

- Ms. Susan E. Lydick
- Ms. Irene M. Moore
- Ms. Carmen Patricia Ojeda

12. **A-1 – AUTHORIZATION TO REFINANCE SECTION 108 LOAN (NEIGHBORHOOD IMPROVEMENTS)** (10:57 a.m.)

(R) Supervisor Gross and Supervisor Hyland jointly moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing refinancing of Loan B-95-UC-51-0001-A (Series 2001-A, Neighborhood Improvements) with the US Department of Housing and Urban Development. Supervisor Foust seconded the motion.

A brief discussion ensued, with input from Paula Sampson, regarding the savings which will be achieved from the refinancing.

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.”

13. **I-1 – QUARTERLY STATUS REPORT ON THE BOARD’S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (10:58 a.m.)

The Board next considered an item contained in the Board Agenda dated November 1, 2011, regarding the quarterly status report on the Board’s Four-Year Transportation Program and other active transportation projects.

Chairman Bulova noted that this program is from Fiscal Year (FY) 2008 through FY 2011, and that most of the funding was supported by a \$110 million transportation bond which was approved by the voters in November 2007. She also noted that at the last Board meeting on October 18, 2011, she asked staff to schedule some time on the Board’s Transportation Committee meeting of November 29 for discussion of the Board’s four-year and ten-year Countywide transportation agenda.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation, regarding funding for traffic calming measures.

A brief discussion continued regarding the quarterly status report.

Mr. Biesiadny announced that staff is expecting some information today from the Office of Economic Adjustment on a grant application for \$180 million for the Richmond Highway project between Woodlawn Road and Telegraph Road.

14. **I-2 – FAIRFAX COUNTY GOVERNMENT CHANNEL 16 AWARDED FIRST EMMY AND NAMED BEST GOVERNMENT CABLE TV STATION IN TWO NATIONAL COMPETITIONS** (11:04 a.m.)

The Board next considered an item contained in the Board Agenda dated November 1, 2011, announcing that Channel 16 received an Emmy Award from the National Capital – Chesapeake Chapter of the National Academy of Television Arts and Sciences, for “Juggling in a Struggling Economy: The FY

2012 Budget Process,” produced in cooperation with the Department of Management and Budget. “Check It Out,” produced in cooperation with the Fairfax County Public Library, also received a nomination in the Emmy competition. Channel 16 was also recognized this year as the best government access cable television station in the country in two national competitions.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to share the information broadly.

Supervisor Hyland asked to amend the request and direct staff to invite staff of Channel 16 to appear before the Board to receive recognition. Without objection, the request, as amended, was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

NV:nv

ADDITIONAL BOARD MATTERS

15. **BEST WORKPLACES FOR COMMUTERS** (11:05 a.m.)

Chairman Bulova said that the Department of Transportation's (DOT) transportation services group has been working in concert with staff at the University of South Florida's Center for Urban Transportation Research (CUTR) to identify County employers who are potential candidates for the nationally acclaimed “Best Workplaces for Commuters” (BWC) award. She said that several County employers received this designation last year, and she announced that additional employers have since qualified for this award. Continued growth is envisioned for this program, with the aim to include multiple employers per year with one annual awards presentation.

Chairman Bulova asserted that it benefits the County to motivate employers to offer transportation alternatives such as ridesharing, transit, biking, walking, teleworking, and other Transportation Demand Management (TDM) strategies to improve mobility in the County.

The BWC award also recognizes employers who have excelled with implementing green commuter programs. These sustainability programs are proven to help the environment and reduce congestion in the County and region, thus improving the quality of life for all the citizens and businesses of the County.

DOT has worked directly with many businesses and organizations to implement the full range of commuter and trip reduction programs which comprise the characteristics of “Best Workplaces” - programs. They help to attract and retain the best employees and boost the bottom line.

Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives

from the Transportation Services Group to appear before the Board to receive the BWC Award from the Center for Urban Transportation Research. Without objection, it was so ordered.

16. **GREATER WASHINGTON GIVE TO THE MAX DAY** (11:07 a.m.)

Chairman Bulova said that the Metropolitan Washington Council of Governments (COG) is co-sponsoring the Greater Washington Give to the Max Day on November 9, 2011. Give to the Max Day is a one-day online fundraising event to encourage support for local nonprofit organizations that are participating in the event. Several County foundations, including the Parks, Library, and Life Circle, are registered to be included in the event.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public Private Partnerships work with the Office of Public Affairs to publicize this unique opportunity to local business partners and County residents and to encourage local nonprofits to register to participate in the event. Without objection, it was so ordered.

There was a brief discussion regarding the County's partnership with this event, the timing, focus on reaching the philanthropy of younger people who are technologically savvy, and directing publicity to County non-profits and agencies.

17. **DIWALI FESTIVAL OF LIGHTS** (11:10 a.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to prepare and send a proclamation recognizing the Diwali Festival taking place in the County on November 4, 2011. There will be a presentation in Reston. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR JOHN FOUST** (11:11 a.m.)

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

19. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA O. SMYTH** (11:11 a.m.)

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

20. **RESTON MASTER PLAN SPECIAL STUDY TASK FORCE (HUNTER MILL DISTRICT)** (11:11 a.m.)

(APPTs) Supervisor Hudgins said that on May 18, 2009, the Board directed the Department of Planning and Zoning to begin a special study of Reston starting with the review of the Reston-Dulles Corridor, to include a review of the 20 deferred North County Area Plans Review (APR) nominations in the Hunter Mill District. The

study is to be conducted in the context of the planning process outlined for the review of the Reston Master Plan. At the December 7, 2009, Board meeting representatives were appointed to serve on the Reston Master Plan Special Study Task force as primary members and alternate members. Colin Mills, President, Reston Citizens Association, requested a membership update.

Accordingly, Supervisor Hudgins moved the confirmation of the following appointments to the Reston Master Plan Special Study Task Force:

- Mr. Terry Maynard as the Primary Reston Citizens Association Representative
- Mr. John Bowman as the Alternate Reston Citizens Association Representative

Supervisor Hudgins noted that the alternate members participate and vote only in the absence of the primary member. Supervisor Gross seconded the motion, which carried by unanimous vote.

21. **WASHINGTON WEST FILM FESTIVAL (HUNTER MILL DISTRICT)**
(11:13 a.m.)

Supervisor Hudgins circulated copies of a letter from the Reston Association announcing its partnership with the Washington West Film Festival (Washington West). This partnership will increase the artistic landscape of Reston and create a cultural opportunity that is one of the seven goals established by founder Robert E. Simon.

Washington West screens and premieres some of the finest independent films from all around the world, in three in-competition categories: dramatic feature length, documentary, and short films. Supervisor Hudgins said that as Washington West matures, local residents should watch their programming schedule for occasional Hollywood-studio red carpet premieres.

The Washington West Film Festival's motto is "Story Can Change the World" with the goal of bringing quality films to Reston that provide opportunities for positive social change. On November 3 the festival will be screening "The Loving Story," recounting the arrest and prosecution of Richard and Mildred Loving. Their interracial marriage led to a landmark court case that overturned anti-miscegenation laws in Virginia. The closing film, "Sun City Picture House," addresses the aftermath of the earthquake in Haiti and how the building of a simple plywood movie theatre provided a place for people to relax and laugh after such devastation.

Activities are planned from November 3–5. Additional information can be accessed at www.washingtonwestfilmfestival.com.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to publicize this significant community event. Without objection, it was so ordered.

22. **WINTER COAT CLOSET (HUNTER MILL DISTRICT)** (11:15 a.m.)

Supervisor Hudgins called the Board's attention to a written announcement about the Winter Coat Closet, copies of which were distributed around the dais. In a joint initiative with Reston Interfaith, her office will begin accepting winter coats on November 12 continuing through March 10, 2012.

23. **INITIATIVE FOR PUBLIC ART - RESTON (HUNTER MILL DISTRICT)** (11:16 a.m.)

Supervisor Hudgins announced that the Initiative for Public Art is holding its annual fundraising reception on Thursday, November 10 at the Midtown Reston Town Center.

24. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE A. GROSS** (11:16 a.m.)

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

PMH:pmh

25. **POLITICAL SIGNS** (11:16 a.m.)

Supervisor Herrity announced that he was preparing a Board Matter to present at the December 6 Board meeting regarding political signs.

26. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (11:17 a.m.)

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

27. **MULLIGAN ROAD PHASE II PROJECT (LEE DISTRICT)** (11:17 a.m.)

Supervisor McKay said that the County was recently informed by the Federal Highway Administration (FHWA) that a second bid protest has been filed with the Government Accountability Office (GAO) by the same company that filed an earlier unsuccessful protest on the Mulligan Road Phase II Project. He asserted that this news is devastating for South County, Base Realignment and Closure (BRAC), Fort Belvoir, and the thousands of County residents who have been suffering in endless gridlock since Woodlawn Road was closed in 2001.

The FHWA had re-awarded the construction contract to the originally selected contractor on September 16 and even issued a Notice to Proceed (NTP) for construction on October 11.

Because of the protest, the FHWA now has 30 days to prepare a report, and the GAO has 100 days to issue a decision based on this report. The full 100 days would take the resolution of the protest into January 2012. The FHWA is hopeful that its earlier re-evaluation will be considered as a positive factor in the GAO review and facilitate an expedited resolution of the issue. The FHWA also plans a GAO appeal requesting an expedited decision based on the importance and significance of Mulligan Road for the region and the urgency for immediate construction.

Since the NTP was already issued, the FHWA has sent a suspend work order to Shirley Contracting. The first bid protest has already seriously delayed construction of Mulligan Road and the GAO's 100 day review will delay the start of construction even further. In spite of this delay, utility relocations by independent contractors are ongoing and will continue despite the protest.

The Mulligan Road Connector and the widening of Telegraph Road from Beulah to Leaf are critical connections for the region, especially the South County area. Now that the BRAC relocations are underway, it is critically important that this road construction project be expedited.

Therefore, Supervisor McKay moved that the Board direct staff to prepare a letter to the FHWA urging it to use every opportunity to minimize further construction delays on this project and that the Board call on its congressional delegation to ensure that the FHWA can get construction moving as soon as possible. Supervisor Hyland and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

28. **BUCKMAN ROAD - (LEE DISTRICT)** (11:22 a.m.)

Supervisor McKay said that in July of 2005, the Board approved a rezoning application for a 17 acre property located at the intersection of Richmond Highway and Buckman Road. It was supported by the staff, as well as by the surrounding homeowners association and was endorsed by both the Lee and Mount Vernon Land Use Committees. The economy intervened in late 2005 and early 2006 and neither the office/retail nor the residential condominium portion of the project was viable anymore.

Supervisor McKay explained that he is asking the Board to support a Plan amendment so that new Plan language removing the 80,000 square feet of office and retail from the site and converting that area into residential can be considered, thereby making it a much more appropriate overall residential project.

Therefore, Supervisor McKay moved that the Board direct the Department of Planning and Zoning to evaluate re-planning the area bounded by Buckman Road, Richmond Highway, and Janna Lee Avenue as a single Plan amendment that does not include office and retail uses and converts the previously recommended office and retail area to residential at an appropriate density. This motion in no way prejudices the full review of the Plan amendment by the Board and does not relieve the applicant of adherences to all applicable conditions and adapted

standards in any way. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

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

29. **REQUEST FOR EXPEDITED PROCESSING, FEE WAIVER, AND DUAL PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-MV-037-06 (LORTON STATION MEDICAL CENTER (MOUNT VERNON DISTRICT))** (11:26 a.m.)

Supervisor Hyland said that as part of Proffered Condition Amendment Application PCA 1996-MV-037-06, Rezoning Applications RZ 2002-MV-002, and RZ 2002-MV-018, South Station LLC was subject to a proffer that required them to provide a 5,000 square foot space, four times a month, upon request for community group meetings. At the time of this rezoning, the Lorton community and the South County Federation had limited access to schools and community centers for meeting space. However, with the construction of new facilities in Lorton, this is no longer a concern. Additionally, no tenant will occupy the space given the restrictions in the proffer.

Supervisor Hyland noted that the applicant, Foulger-Pratt, has been working with the South County Federation during the past year to find a way to remove the proffer's restriction while fulfilling the proffer's intent of providing an offsetting community benefit. The South County Federation queried the community by asking for other community use projects that could satisfy the proffer. After reviewing several options, the South County Federation determined that working with the South County Little League to build a concession stand at Lower Potomac Ball fields presented the best community use. The South County Federation endorsed this alternative to satisfy the proffers and the Lorton Station Community President also gave verbal consent to this project.

The South County Little League has been using Lower Potomac Fields since it was first created in the 1980s. During this time, they have been operating with a portable concession trailer and now a concession shed with limited services, no restrooms or electricity. The Little League has been working for years to build a concession stand that offers the same amenities offered at other little league fields around the County.

The applicant intends to deposit \$166,000 (\$150,000 + \$16,000) in an escrow account with South County Little League to be used for the construction of a one-story masonry structure to be located at the Lower Potomac Park baseball complex at 9519 Richmond Highway. If the proffered condition amendment (PCA) fees are waived, the applicant has agreed to put those additional funds of \$16,000 toward the escrow account for a total amount of \$166,000. Staff, including the County Attorney's office, has concurred that these fees can be waived with good cause shown pursuant to Section 18-106 of the Zoning Ordinance.

Therefore, Supervisor Hyland moved that the Board direct the Director of the:

- Zoning Evaluation Division to waive the zoning application filing fees and expedite the processing and scheduling of the necessary public hearings for the zoning application.
- Department of Public Works and Environmental Services to allow for concurrent processing of the PCA and the Little League site plans.

This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Supervisor Foust seconded the motion and it carried by unanimous vote.

30. **RECOGNITION OF MR. GARRETT EVANS (SULLY DISTRICT)**
(11:29 a.m.)

Supervisor Frey announced that Garrett Evans, a teacher at Rachel Carson Middle School in Herndon, has been named the Virginia Middle School Technology Education Teacher of the Year for 2011 by the Virginia Technology and Engineering Education Association.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Evans and staff from Rachel Carson Middle School to appear before the Board at its December 6 meeting to be honored for receiving this prestigious award. Without objection, it was so ordered.

31. **RECESS/CLOSED SESSION** (11:30 a.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. *Stacey Bailey v. Fairfax County, Virginia*, Case No.1:11cv624 (E.D. Va.)
2. *Amir M. Taha v. Master Police Officer J. A. Woolf*, Case No. GV11025203 (Fx. Co. Gen. Dist. Ct.)
3. *Franconia Two, LP v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0018302 (Fx. Co. Cir. Ct.) (Lee District)
4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Pinehills Properties, LLC*, Case No. CL-2011-0002805 (Fx. Co. Cir. Ct.) (Providence District)
5. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0017148 (Fx. Co. Cir. Ct.) (Mason District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hiep V. Nguyen and Thu T. T. Nguyen*, Case No. CL-2010-0011200 (Fx. Co. Cir. Ct.) (Mason District)
8. *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)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)

10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mounir Badawy*, Case No. CL-2010-0010675 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Dean Lucht*, Case No. CL-2007-0012235 (Fx. Co. Cir. Ct.) (Providence District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jae Hyung Cho and Chung Hee Cho*, Case No. CL-2011-0006991 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vandana Sareen*, Case No. CL-2011-0011743 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gelman Fenwick Shopping Center, LLC*, Case No. CL-2011-0001922 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Grace Lee*, Case No. CL-2011-0007214 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Isabel Vasquez and Calixto M. Alfaro*, Case No. CL-2011-0006974 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aminullah A. Arsala*, Case No. CL-2011-0014040 (Fx. Co. Cir. Ct.) (Mason District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frederick L. Yontz and Kay L. Yontz*, Case No. CL-2011-0013839 (Fx. Co. Cir. Ct.) (Hunter Mill District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robin Potter*, Case No. CL-2011-0014039 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Virgilio Rodriguez and Clara Garcia Cossio*, Case No. CL-2011-0014042 (Fx. Co. Cir. Ct.) (Braddock District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Farid Azimi, Trustee Under Title Holding Trust Agreement Dated October 4, 2010*, Case No. CL-2011-0014230 (Fx. Co. Cir. Ct.) (Dranesville District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Taleb Khallash and Affra Khallash*, Case No. CL-2011-0014328 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John N. Lockard*, Case No. CL-2011-0014282 (Fx. Co. Cir. Ct.) (Lee District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven G. Rocca*, Case No. CL-2011-0014327 (Fx. Co. Cir. Ct.) (Lee District)

And in addition:

- Personal Injury Claim of Jonathan Repass
- *Denise Hopson v. David M. Rohrer*, Case Number 2001-0014875
- Discussions Under Virginia Code Section 2.2-3711 (6)
- Administrative Item 8 - Authorization to Advertise a Public Hearing Regarding Chapter 65 County Code Amendment for the Establishment of Exclusive Service Area and Maximum Allowable Rates, Fees, and Charges for Water Service

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

DET:det

At 3:31 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

32. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:31 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 Hyland 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."

33. **AUTHORIZATION TO ACQUIRE PROPERTY** (3:32 p.m.)

Supervisor Gross moved that the Board authorize the acquisition of the property located at 6613 Dearborn Drive, Falls Church, Virginia, Tax Map Number 060-4-15-0005, and that the Board direct the County Executive and the County Attorney to take the necessary steps to acquire this property as outlined in closed session. Supervisor McKay seconded the motion and it carried by unanimous vote.

34. **SETTLEMENT OF PERSONAL INJURY CLAIM** (3:33 p.m.)

Supervisor Hyland moved that the Board authorize settlement of the claim for personal injury made by Jonathan Repass according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Frey seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

35. **ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS), TO CONSIDER ESTABLISHMENT OF EXCLUSIVE SERVICE AREA AND MAXIMUM ALLOWABLE RATES, FEES, AND CHARGES FOR WATER SERVICE** (3:33 p.m.)

(A) (NOTE: Earlier in the meeting, the Board deferred consideration of this item. See Clerk's Summary Item #11.)

Chairman Bulova announced that there had been a discussion during closed session regarding legal issues associated with Admin 8 – Authorization to

Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 65 (Plumbing and Gas Provision), to Consider Establishment of Exclusive Service Area and Maximum Allowable Rates, Fees, and Charges for Water Service.

Supervisor Smyth moved approval of the proposed *Ordinance*. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Supervisor Cook raised a question concerning the motion and Supervisor Smyth clarified that the motion was to*authorize advertisement of the public hearing.*

Discussion ensued, with input from James W. Patteson, Director, Department of Public Works and Environmental Services, concerning:

- The cost of new infrastructure at Tysons Corner and who will pay for it.
- The cost of new infrastructure as the result of the County being the sole provider and who will pay for it.

Discussion continued concerning new service to an infill lot, with input from Mr. Patteson and Anthony H. Griffin, County Executive, concerning the utility-based reason provision.

Discussion continued concerning the cost of rate reviews, with input from Mr. Patteson.

Additional discussion ensued concerning:

- Discussions with other jurisdictions
- Equity to County residents

Discussion continued, with input from Cynthia L. Tianti, Deputy County Attorney, concerning:

- Rates
- The County's record of respecting other jurisdictions
- Jurisdictions' notification of the proposed Ordinance
- The years of jurisdictional discussions on water

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

36. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-LE-008
(LOISDALE 24, LLC) (LEE DISTRICT)** (4:03 p.m.)

(O) (NOTE: On October 18, 2011, the Board deferred the public hearing on this item until November 1, 2011.)

The application property is located in the northeast quadrant of the intersection of Loisdale Road and Newington Road, Tax Map 99-2 ((1)) 7A and 8.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

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

Mr. Looney 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 concerning contributions for traffic calming, with input from Mr. Looney and Alan Kessler, Transportation Planner II, Department of Transportation, regarding proffer modifications and other funding mechanisms for traffic calming on Newington Road.

Discussion continued regarding the transportation analysis, with additional input from Mr. Looney concerning attributable traffic on Newington Road.

Supervisor McKay identified additional transportation needs which were addressed in the proffers.

Following the public hearing, Ms. Grayson presented the staff and Planning Commission recommendations.

Supervisor McKay, noting the economic stimulation this application gives to the southeast part of the County, moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-LE-008, from the R-1 District to the C-3 District, and the associated General Development Plan, subject to the proffers dated October 27, 2011.
- Waiver of the construction of road improvements associated with the Newington Road property frontage.

Supervisor Foust seconded the motion.

Supervisor Hyland stated that he had items for the record.

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."

37. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-C-016 (FAIRFAX COUNTY SCHOOL BOARD, A BODY CORPORATE) (SULLY DISTRICT) (4:18 p.m.)**

- (O) The application property is located on the north side of McLearen Road approximately 400 feet west of its intersection with Centreville Road, Tax Map 24-4 ((1)) 11A.

Susan K. Yantis reaffirmed the validity of the affidavit for the record.

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

- Francis A. McDermott, attorney for the applicant and a partner at Hunton and Williams

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

- Francis A. McDermott, attorney for the applicant and a partner at Hunton and Williams

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

- Francis A. McDermott, attorney for the applicant and a partner at Hunton and Williams
- Jane K. Strauss, School Board Member

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

- Brad Center, School Board Member

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

- Francis A. McDermott, attorney for the applicant and a partner at Hunton and Williams
- Thomas P. Murphy, a partner at Hunton and Williams

- John C. McGranahan, Jr., attorney for the applicant and a partner at Hunton and Williams

Brent M. Krasner, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Ms. Yantis had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Mr. Krasner presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 82-C-016, subject to the proffers dated October 17, 2011. 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."

38. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-PR-027 (TCR MID ATLANTIC PROPERTIES, INCORPORATED AND FAIRFAX RIDGE CONDOMINIUM UNIT OWNERS ASSOCIATION) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-P-050 (TCR MID ATLANTIC PROPERTIES, INCORPORATED) (PROVIDENCE DISTRICT) (4:25 p.m.)

- (O) The Rezoning Application RZ 2006-PR-027 property is located on the south side of I-66, west side of Waples Mill Road, and north side of Lee Jackson Memorial Highway, Tax Map 46-4 ((19)) All Parcels; 56-2 ((27)) All Parcels except Parcel C and 56-2 ((1)) 18A.

The Special Exception Amendment Application SEA 00-P-050 property is located in the northwest quadrant of the southern intersection of Waples Mill Road and Fairfax Ridge Road, Tax Map 56-2 ((1)) 18A.

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

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Discussion ensued concerning the date of the affidavit for the rezoning application, with input from Ms. Strobel.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by one speaker, the date of the affidavit for the rezoning application was reaffirmed as being August 17, 2011.

Ms. Strunk presented the staff and Planning Commission (PC) recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-PR-027, from the PDH-20 and HC Districts to the PDH-30 and HC Districts, subject to the proffers dated October 31, 2011.
- Approval of Special Exception Amendment Application SEA 00-P-050, subject to the development conditions dated September 22, 2011.
- Waiver of the loading space requirement for Land Bay A only.
- Modification of transitional screening requirements and waiver of the barrier requirements along the I-66 right-of-way.
- Waiver of the service drive requirement along Route 50 and I-66.
- Waiver of on-site stormwater management requirements, in favor of the regional pond constructed on Land Bay A.
- Waiver of the open space requirement, in favor of that shown on the Conceptual/Final Development Plan (CDP/FDP).

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.

(NOTE: On October 20, 2011, the PC approved Final Development Plan Application FDP 2006-PR-027.)

39. 3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-L-074 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY) (LEE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-L-083-02 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY) (LEE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-L-093-03 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY) (LEE DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2011-LE-005 (CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY) (LEE DISTRICT) (4:41 p.m.)

Supervisor McKay moved to defer the public hearing on:

- Proffered Condition Amendment Application PCA 83-L-074
- Proffered Condition Amendment Application PCA 82-L-083-02
- Proffered Condition Amendment Application PCA 81-L-093-03
- Special Exception Application SE 2011-LE-005

until December 6, 2011, at 3:30 p.m., or January 10, 2012, at 3:30 p.m., depending on the Board's composition. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

ADDITIONAL BOARD MATTER

40. WELCOMING THE WEBELOS FROM PACK 1131 (BRADDOCK DISTRICT) (4:43 p.m.)

Supervisor Cook recognized Webelos from Pack 1131, through Saint Stephens United Methodist Church in Burke, and warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

41. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2008-MD-034 (METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (HUNTER MILL AND PROVIDENCE DISTRICTS)** (4:44 p.m.)

(NOTE: On October 18, 2011, the Board deferred the public hearing on this item until November 1, 2011.)

The application property is located in the northwest and southwest quadrant of the intersection of Leesburg Pike and Spring Hill Road and a portion of Leesburg Pike right-of-way, Tax Map 29-3 ((1)) 53 pt., 53A, 57H pt., 57J and portions of the right-of-way associated with Route 7.

Ms. Lori R. Greenlief 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 a campaign contribution in excess of \$100 that he had received from the following:

- Mr. Theodore J. Georgelas

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

- Mr. Theodore J. Georgelas

Supervisor Smyth disclosed a campaign contribution in excess of \$100 that she had received from the following:

- Tysons West Assemblage LLC, which is not a party to this application; however Mr. Theodore J. Georgelas and Mr. Aaron J. Georgelas, listed in paragraph 1(a) of the affidavit as Agents for Tysons Spring Hill Station, LLC, the Contract Purchaser, are both members and/or managers of Tysons West Assemblage LLC

Supervisor McKay disclosed that he is:

- An Alternate Director for WMATA

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

- Mr. Jonathan K. Cherner
- Tysons West Assemblage LLC

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Discussion ensued concerning approval by the Federal Transportation Administration (FTA) and the Virginia Department of Transportation (VDOT), with input from Ms. Strunk.

Ms. Greenlief had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Supervisor Foust submitted an item for the record.

Ms. Strunk presented the staff and Planning Commission (PC) recommendations.

Supervisor Smyth moved approval of Special Exception Amendment Application SEA 2008-MD-034, subject to the development conditions dated October 17, 2011. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

(NOTE: On October 20, 2011, the PC approved Public Facilities Application 2232-P11-11, as meeting the criteria of character, location, and extent as specified in Section 15.2-2232 of the *Code of Virginia* and being in accord with the adopted Comprehensive Plan.)

42. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-CW-1CP, REGARDING UPDATES TO THE COMPREHENSIVE LAND USE PLAN MAP AND THE COUNTYWIDE TRANSPORTATION PLAN MAP (COUNTYWIDE)** (4:54 p.m.)

Supervisor McKay moved to defer the public hearing on Plan Amendment S11-CW-1CP indefinitely. Supervisor Hyland and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

43. **4 P.M. – PH ON REZONING APPLICATION RZ 2011-LE-020 (BELL GROUP GENERAL PARTNERSHIP) (LEE DISTRICT)** (4:55 p.m.)

- (O) The application property is located on the north side of Oakwood Road and south of Capital Beltway (I-95), Tax Map 81-2 ((3)) 26A and 28.

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

Regina Coyle, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application 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, Ms. Coyle presented the staff and Planning Commission recommendations.

Supervisor McKay moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-LE-020, be amended from the I-1 District to the I-4 District, subject to the proffers dated September 13, 2011. 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.”

44. **4 P.M. – PH ON REZONING APPLICATION RZ 2011-LE-007 (GEORGE TSENTAS) (LEE DISTRICT)** (4:58 p.m.)

- (O) The application property is located on the north side of Oakwood Road, south side of Capital Beltway (I-95), Tax Map 81-2 ((3)) 26.

Mr. James D. Turner reaffirmed the validity of the affidavit for the record.

Regina Coyle, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Turner 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, Ms. Coyle presented the staff and Planning Commission recommendations.

Supervisor McKay moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-LE-007, be amended from the I-1 District to the I-4 District, subject to the proffers dated September 12, 2011. Supervisor Herrity and Supervisor Hyland 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."

45. **4 P.M. – PH ON A PROPOSAL TO ABANDON PART OF THE RIGHT-OF-WAY OF WILLARD ROAD (SULLY DISTRICT)** (5:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 14 and October 21, 2011.

Donald E. Stephens, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the resolution [Order of Abandonment] in Attachment 1 of the Board Agenda Item dated November 1, 2011, to abandon part of the right-of-way of Willard Road. Supervisor Herrity and Supervisor Hyland 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."

(NOTE: Later in the meeting, additional action was taken on this item. See Clerk's Summary Item #47.)

46. **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)** (5:04 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 October 14 and October 21, 2011.

Jeffrey S. Hatterick, Public Works Environmental Specialist, Division of Solid Waste Collection and Recycling, Solid Waste Management Program, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the Resolutions approving changes to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (Wemberly Way)	Enlarge	Refuse, Recycling	Approve
Local District 1A61 Within Dranesville District (Elliott Avenue)	Enlarge	Refuse, Recycling, Leaf	Approve
Local District 1A61 Within Dranesville District (MacArthur Drive)	Enlarge	Refuse, Recycling, Leaf	Approve
Small District One Within Providence District (Idylwood Road)	Enlarge	Refuse, Recycling, Leaf	Approve

Supervisor Hyland and Supervisor Smyth 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 Herry being out of the room.

47. **CORRECTION TO MOTION: THE ABANDONMENT OF PART OF THE RIGHT-OF-WAY OF WILLARD ROAD (SULLY DISTRICT)** (5:06 p.m.)

(NOTE: Earlier in the meeting, the public hearing was held. See Clerk's Summary Item #45.)

Supervisor Frey asked unanimous consent to clarify his motion for adoption of the resolution [Order] in Attachment 3, to abandon part of the right-of-way of Willard Road. Without objection, it was so ordered.

48. **4:30 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2012 VIRGINIA GENERAL ASSEMBLY** (5:06 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 October 14 and October 21, 2011.

Following the presentation by Mr. Greg Lannes (Speaker 1), and Ms. Donna Lannes (Speaker 2), regarding the process following drug overdoses, discussion ensued concerning legislative efforts by State Senator David W. Marsden.

Supervisor Gross asked unanimous consent that the Board direct staff to provide the legislative information to the Northern Virginia Regional Commission Legislative Committee. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide the Board with information regarding the diversion program as it exists today. Without objection, it was so ordered.

Supervisor McKay asked unanimous consent that the Board direct staff to prepare that information, including existing programs, as well as identifying gaps, for the next Legislative Committee meeting.

Following the public hearing, which included testimony by five speakers, Supervisor McKay presented a recap of the proposed legislative program and announced that the Board will:

- Consider adoption of the program on December 6.
- Conduct the annual legislative work session with the County delegation to the General Assembly on December 7.

ADDITIONAL BOARD MATTER

49. **NOVEMBER 8 GENERAL ELECTION** (5:34 p.m.)

Chairman Bulova reminded those listening to remember to vote on November 8.

50. **BOARD ADJOURNMENT** (5:34 p.m.)

The Board adjourned.

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