



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 20, 2012**

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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, March 20, 2012, at 9:33 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville 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 Linda Q. Smyth, Providence District

Supervisor Michael Frey, Sully District, arrived at 9:35 a.m.

Supervisor Jeffrey C. McKay, Lee District, arrived at 9:38 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Cynthia L. Tianti, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; 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 Clerk to the Board of Supervisors.

BOARD MATTERS1. **TORNADO DRILL** (9:33 a.m.)

Chairman Bulova announced that there will be a Tornado Drill at 9:45 a.m. this morning. She noted that the agenda will be interrupted for the drill at that time.

(NOTE: Later in the meeting, the Board participated in the tornado drill. See Clerk's Summary Items #3 and #4.)

2. **MOMENT OF SILENCE** (9:33 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family, as well as the dancers taught by Ms. Christina Heimlich, who died recently. Ms. Heimlich was a Mason District resident for many years and was the founder of the International School of Dance, a traditional ballet and dance group.

Supervisor Hyland asked everyone to keep in thoughts the family of Ms. Cynthia Hull, who died recently. She was the former Executive Director of United Community Ministries, a community based social service agency.

Jointly with Supervisor Hudgins, Supervisor Smyth asked everyone to keep in thoughts the family of Mr. Fred Crabtree, who died recently. She stated that Mr. Crabtree was "Mr. Vienna Youth Little League." He was involved in all of the leagues, was a member of the Park Authority Board, and was very involved with the parks.

Supervisor Hudgins said that Mr. Crabtree was very involved with the Park Authority and had a way of finding and acquiring property for the County. She noted that there is a park in the Foxmill area named the Fred Crabtree Park.

Supervisor Hyland noted that Mr. Crabtree and the former Mount Vernon District Park Authority Board member Gilbert McCutcheon (who also died recently) were "birds of a feather."

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Dick Hays, who died recently. Mr. Hays was one of the earlier settlers of the Reston community who contributed immensely in building it. He worked very hard to acquire the W&OD rail line for the trail. Mr. Hays founded the Reston Bicycle Club and co-founded the Reston Triathlon.

3. **2012 KATHERINE K. HANLEY PUBLIC SERVICE AWARD PRESENTED TO COUNTY EXECUTIVE ANTHONY H. GRIFFIN** (9:40 a.m.)

Chairman Bulova announced that, last week at the Annual Leadership Fairfax Board of Supervisors Breakfast, County Executive Anthony H. Griffin was

scheduled to receive the 2012 Katherine K. Hanley Public Service Award. She noted that Mr. Griffin was unavailable to receive the award so it is being presented today.

Therefore, Chairman Bulova invited the Honorable Katherine K. Hanley, and Leadership Fairfax Board of Directors representatives Rodney Lusk, Karen Cleveland, and Casey Veatch to the podium for presentation of the award.

Mr. Lusk briefly remarked on the presentation that was made at the annual breakfast. He noted that the award is being given to recognize the outstanding contributions of Mr. Griffin.

TORNADO DRILL (9:46 a.m.)

(NOTE: Earlier in the meeting, Chairman Bulova announced that the Board would participate in a tornado drill. See Clerk's Summary Item #1.)

The Board participated in the annual Statewide tornado drill. Chairman Bulova announced that the Board Auditorium is a shelter-in-place location and everyone in the Board Auditorium is safe. She stated that she would give further information on the drill later in the meeting.

(NOTE: Later in the meeting, additional information was provided regarding the tornado drill. See Clerk's Summary Item #4.)

The Honorable Katherine K. Hanley gave remarks regarding the recognition of Mr. Griffin and thanked him for his exceptional contributions and service. Leadership Fairfax Chairman Casey Veatch also congratulated and thanked Mr. Griffin.

4. **ADDITIONAL INFORMATION REGARDING THE TORNADO DRILL**
(9:53 a.m.)

(NOTE: Earlier in the meeting, the Board participated in a tornado drill. See Clerk's Summary Items #1 and #3.)

Chairman Bulova announced that the Tornado Drill, which the Board participated in earlier in the meeting, was an annual Statewide tornado drill, a joint effort of the National Weather Service and the Virginia Department of Emergency Management. County departments and agencies, along with businesses, schools and individual residents, registered to take part in this Statewide drill as a way to test shelter-in-place locations and verify plans and procedures. She stated that, if there had been an actual tornado, the auditorium is a shelter-in-place location and everyone in attendance would have been encouraged to remain there. Chairman Bulova also encouraged Channel 16 cable viewers to use this opportunity to

determine where the safest location is at their home or work and she provided further sheltering instructions.

Chairman Bulova noted that tornadoes are a possibility in the County and announced that the last tornado to strike the County occurred in Reston on April 27, 2011. She encouraged residents to:

- Remember to prepare, not only for tornadoes, but for any hazard. Preparedness is a shared responsibility between the government and its residents.
- Have preparedness kits in your home, car, and/or place of employment.
- Establish a communications plan.
- Register with the Community Emergency Alert Network (CEAN) online at www.fairfaxcounty.gov/cean.
- Follow the County on its social media channels: Twitter and Facebook, as well as the County's emergency blog www.fairfaxcounty.gov/emergency/blog to receive the latest emergency information from the County.

Chairman Bulova also announced that today's tornado drill occurred on day two of the County's three-day emergency exercise "Operation Enduring Collaboration," which is exercising County agencies on a tornado scenario.

David McKernan, Emergency Management Coordinator, updated the Board on the exercise.

Discussion ensued, with input from Mr. McKernan, regarding the emergency alert notification process.

5. **ORDERS OF THE DAY** (10:01 a.m.)

Chairman Bulova announced that since the Board is on a "preparedness theme" the next item will be the one listed as the last item on the presentations agenda.

AGENDA ITEMS

6. **PROCLAMATION DESIGNATING APRIL 8-13, 2012, AS "PUBLIC SAFETY TELECOMMUNICATIONS WEEK" IN FAIRFAX COUNTY**
(10:01 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 8-13, 2012, as "Public Safety Telecommunications Week" in Fairfax County and urges

all residents to show appreciation to members of this profession who assist 24//7, 365 days a year, to protect health and safety. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Steve Souder, Director, Department of Public Safety Communications announced that in the current issue of *Washingtonian Magazine*, page 26, is a full one page description of how 911 works in the County.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MARSHALL ROAD ELEMENTARY SCHOOL** (10:12 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition congratulating Marshall Road Elementary School for its fiftieth anniversary. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor McKay being out of the room.

Jennifer Heiges, Principal, Marshall Road Elementary School, announced the following:

- The sixth-graders created a piece of public art to commemorate the fiftieth anniversary celebration and she encouraged the Board to visit the school and see it.
- The school, in sponsorship with all of the sports organizations in Vienna, has built a track. She invited Board Members to wear their sneakers, join in at the Spring Sprint ribbon cutting ceremony, and run a lap.
- Marshall Road PTA is hosting a gala this Friday night, March 23, at Westwood Country Club, to celebrate the fiftieth anniversary.

8. **RESOLUTIONS OF RECOGNITION PRESENTED TO MS. SALLY MERTEN AND DR. ALAN MERTEN** (10:21 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Dr. Alan Merten for his noteworthy initiatives and outstanding service to the County. The motion was multiply seconded and it carried by unanimous vote.

Supervisor Herrity moved approval of the Resolution of Recognition presented to Ms. Sally Merten for her noteworthy participation and outstanding service to the County. This motion was multiply seconded and it carried by unanimous vote.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY MASTER GARDENERS ASSOCIATION** (10:40 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to the Fairfax County Master Gardeners Association for its thirty-fifth anniversary.

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

10. **PROCLAMATION DESIGNATING MARCH 2012 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (10:49 a.m.)

Supervisor Cook moved approval of the Proclamation to designate March 2012 as "*Alternative Dispute Resolution Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

11. **PROCLAMATION DESIGNATING APRIL 2012 AS "SEXUAL ASSAULT AWARENESS MONTH IN FAIRFAX COUNTY** (10:59 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 2012 as "*Sexual Assault Awareness Month*" in Fairfax County. Supervisor Cook and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

12. **PROCLAMATION DESIGNATING APRIL 2012 AS "DONATE LIFE MONTH" IN FAIRFAX COUNTY** (11:10 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate April 2012 as "*Donate Life Month*" in Fairfax County. Supervisor Herrity seconded the motion and it carried by unanimous vote.

13. **PROCLAMATION DESIGNATING APRIL 2-8, 2012, AS "PUBLIC HEALTH WEEK" IN FAIRFAX COUNTY** (11:19 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate April 2-8, 2012, as "*Public Health Week*" in Fairfax County. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

14. **PROCLAMATION DESIGNATING APRIL 2012 AS "FAIR HOUSING MONTH" IN FAIRFAX COUNTY** (11:28 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate April 2012 as "*Fair Housing Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Heather Lawson, Vice-Chairman, Human Rights Commission, announced that on April 24, 2012, the Office of Human Rights and Equity Programs, on behalf of the Commission, is again collaborating with the Northern Virginia Association of Realtors to host its annual Fair Housing Month event. She invited Board Members to attend.

15. **PROCLAMATION DESIGNATING APRIL 9-13, 2012, AS "PUBLIC SAFETY TELECOMMUNICATIONS WEEK" IN FAIRFAX COUNTY**

(NOTE: Earlier in the meeting, this proclamation was presented. See Clerk's Summary Item #6.)

ADDITIONAL BOARD MATTERS

16. **COUNTY WINS THE 2012 PLAN SPONSOR OF THE YEAR AWARD**
(11:37 a.m.)

Supervisor Gross announced that the County won the 2012 Plan Sponsor of the Year Award for the Public Sector Category from *Plan Sponsor Magazine*, the leading information resource about workplace retirement plans. The County was nominated by T. Rowe Price after the successful vendor consolidation and implementation in 2011.

Supervisor Gross noted that the reward has not been received yet, but stated that it would be appropriate to have staff appear before the Board for recognition when it is received.

17. **RECOGNITION OF AN AWARD NOMINATION FOR COUNTY ATTORNEY DAVID P. BOBZIEN** (11:37 a.m.)

Supervisor Gross announced that County Attorney David P. Bobzien received the Local Government Attorneys Pro Bono Award in 2011. Recently, Mr. Bobzien was nominated for the 2012 Lewis F. Powell, Jr. Pro Bono Award from the Virginia Bar Association. Although he did not win, Supervisor Gross read an excerpt about Mr. Bobzien from the nomination letter submitted by Spotsylvania County Attorney Jacob P. Stroman, IV.

On behalf of the Board, Supervisor Gross congratulated Mr. Bobzien on his nomination.

AGENDA ITEMS

18. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**
(11:40 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, briefed the Board on the Final Legislative Report distributed to Board Members at the dais. He noted that a draft copy had been distributed to Board Members last week and new additions have been tabbed in today's final report. He briefed the Board on select legislation.

Supervisor McKay announced that a Special Session is scheduled to convene pro forma tomorrow. He noted that staff will be closely monitoring these discussions and will keep the Board informed of any developments.

Supervisor McKay thanked legislative staff for their support.

Chairman Bulova thanked Supervisor McKay, Legislative Chair, for all of his hard work.

Supervisor Herrity also thanked staff for their work on the local government mandate review.

A brief discussion ensued regarding legislative items.

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19. **10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:48 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard March 20, 2012,” as distributed around the dais. Supervisor Foust seconded the motion, and it carried by unanimous vote.

Appointments are as follows:

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ANIMAL SERVICES ADVISORY COMMISSION

Reappointment of:

- Mr. Philip S. Church as the At-Large Chairman’s Representative

ATHLETIC COUNCIL

Reappointment of:

- Ms. Karin Stamper as the Lee District Representative

The Board deferred the appointments of the Braddock District Representative, the Dranesville District Principal Representative, and the Member-At-Large Principal Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Reappointment of:

- Mr. J. Christopher Fox as the Design Professional #5 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 At-Large Chairman's Representative, and the Mount Vernon and Providence District Representatives.

COMMUNITY ACTION ADVISORY BOARD

Confirmation of:

- Ms. Alissa Redding as the Junior Leave of Northern Virginia Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointments of the Hunter Mill and Mason District Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

Reappointment of:

- Mr. James D. Policaro as the At-Large #1 Representative
- Mr. Peter M. Rosen as the At-Large #2 Representative

The Board deferred the appointment of the At-Large #3 Representative.

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Dranesville District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Reappointment of:

- Mr. James M. Dougherty as the Citizen #2 Representative
- Mr. Paul Noursi as the Citizen #3 Representative

Confirmation of:

- Mr. James Clark as the Heave Construction Contractors Association's Representative
- Mr. Theodore D. Britt as the Northern Virginia Regional Council of Professional Engineers Representative
- Mr. Robert Scheller as the Washington Area Council of Engineering Laboratories Representative

The Board deferred the appointment of the Citizen #1 Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Mr. Joel Bednoski as a Long Term Care Provider Representative

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

Reappointment of:

- Ms. Esther McCullough as the Citizen #10 Representative

Appointment of:

- Ms. Anne G. Stuntz as the Historian #2 Representative

HUMAN RIGHTS COMMISSION

Appointment of:

- Mr. Shahid S. Malik as the At-Large #11 Representative

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

LIBRARY BOARD

Reappointment of:

- Mr. Flint H. Lewis as the Sully District Representative

The Board deferred the appointment of the Mount Vernon District Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointments of:

- Mr. Albert J. McAloon as the Lee District Representative
- Mr. Rod Solomon as the Providence District Representative

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Reappointments of:

- Ms. Janet E. Bradshaw as the Fairfax County #1 Representative
- Mr. Bob Dim as the Fairfax County #5 Representative
- Mr. Ram Singh as the Fairfax County #6 Representative
- Ms. Medelyn Ortiz Lopez as the Fairfax County #9 Student Representative
- Ms. Natasha Hoyte as the Reston Association #2 Representative
- Ms. Ellen A. Graves as the Reston Association #3 Representative

The Board deferred the appointment of the Fairfax County #2 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Tenant Member #3 Representative.

TRAILS AND SIDEWALKS COMMITTEE

Appointment of:

- Mr. Alan G. Young as the Springfield District Representative

WATER AUTHORITY

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

20. **ADMINISTRATIVE ITEMS** (11:49 a.m.)

Supervisor Gross moved approval of the Administrative Items, noting that Admin 5 was withdrawn by staff. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (LEE 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>
Gunnell Section Two	Lee	La Vista Drive (Route 1693) Clouds Mill Drive (Route 10361) James Gunnell Lane
McLearen Road Self Storage	Sully	McLearen Road (Route 668) [Additional Right-of-Way (ROW) Only]
Rugby Road Section Three	Sully	Rugby Road (Route 750) (Additional ROW Only)

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE AND PROVIDENCE 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>
FSA-P04-44-2	Sprint Antenna collocation on building rooftop 2600 Park Tower Drive, Vienna Providence District	June 4, 2012
FS-D09-208	District of Columbia Water and Sewer Authority Odor control facility Great Falls Dransville District	October 8, 2012

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- Endorsed a traffic calming plan for North Albemarle Street consisting of two speed humps on North Albemarle Street (Dranesville District)
- Directed the Department of Transportation to schedule the installation of the approved measures as soon as possible.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 1, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Culmore RPPD, District 9. The proposed district expansion includes Washington Drive (Route 794), from Tyler Street to the northern boundaries of 3407 and 3408 Washington Drive.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO ENACT CHAPTER 102.1 (STREET ADDRESSES AND NAMES) AND REPEAL CHAPTER 102 (STREETS AND SIDEWALKS) REGARDING ASSIGNING NEW STREET NAMES AND ADDRESSES TO PROPERTY AND BUILDINGS

(NOTE: This item was withdrawn by staff.)

21. **A-1 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE SALE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) FACILITIES REVENUE BONDS FOR THE WOODBURN REPLACEMENT CENTER PROJECT (MID-COUNTY CENTER) AND THE PROVIDENCE COMMUNITY CENTER PROJECT (PROVIDENCE DISTRICT)**
(11:49 a.m.)

- (R)
(BONDS) Supervisor Smyth moved that the Board concur in the recommendation of staff and adopt a Resolution which:
- Requests the EDA to issue bonds to finance the project.
 - Approves the form and authorizes the execution of the Installment Purchase Contract between the EDA and the Board which contract

sets out the terms and conditions for the County to make payments to the EDA to pay the debt service on the Bonds and the responsibilities of the parties relating to the project.

- Approves the form of the Second Supplemental Trust Agreement, between the EDA and a trustee, which agreement sets forth the terms for issuing the Bonds; the application of the proceeds of the Bonds; and the pledging of funds for the payment of the Bonds.

Supervisor Hyland seconded the motion.

A brief discussion ensued regarding the projects.

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

22. **A-2 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO LOAN UP TO \$2,725,900 TO PATHWAY HOMES, INCORPORATED FOR THE PURCHASE OF 13 SCATTERED SITE CONDOMINIUM, TOWNHOUSE, AND SINGLE FAMILY UNITS** (11:53 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize the FCRHA to loan up to \$2,725,900 to Pathway Homes for the acquisition of 13 scattered site units, and the expenditure of existing HOME Investment Partnerships Program funds for potential relocation costs. Supervisor Gross seconded the motion.

Discussion ensued, with input from Paula C. Sampson, Director, Housing and Community Development (HCD), regarding the changes to the item and clarifications on the process improvements.

Supervisor Gross asked unanimous consent that the Board direct staff, in the future when revising an item, to highlight any changes that have been made before distributing to the Board. Without objection, it was so ordered.

With regard to the process improvements, Supervisor Herrity asked to include it as part of the main motion.

Chairman Bulova clarified that the process improvements are part of the item and part of the record, therefore, it does not need to be included in the main motion.

Further discussion ensued, with input from John Payne, Deputy Director, HCD, and Ms. Sampson, regarding the process improvements, the differential in the appraisal and purchase price, and the appraised value of the property.

Discussion ensued, with input from Ms. Sampson, regarding the oversight of condominium associations, financing, and the appraisal process.

With regard to the process improvements, Supervisor Smyth asked unanimous consent that the Board direct staff to, as part of the appraisal process, also review the financial stability and viability of the association. Without objection, it was so ordered.

Discussion continued regarding the process improvements, with input from Ms. Sampson.

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

23. **A-3 – ADOPTION OF A RESOLUTION OPTING OUT OF THE LINE OF DUTY ACT FUND** (12:10 p.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution opting out of the Virginia Retirement System Line of Duty Act Fund. Supervisor McKay and Supervisor Smyth jointly seconded the motion.

Supervisor Gross noted that this item had been previously discussed in a Personnel Committee meeting and the recommendation was to opt out.

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

24. **A-4 – APPROVAL OF A PARKING REDUCTION FOR MOSAIC DISTRICT – PARCEL H OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (12:11 p.m.)

Supervisor Smyth announced that this item has been withdrawn.

25. **A-5 – APPROVAL OF AN AMENDED PARKING REDUCTION FOR MOSAIC DISTRICT – PARCELS I AND J OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (12:12 p.m.)

On motion of Supervisor Smyth, jointly seconded by Supervisor Foust and Supervisor McKay, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved a parking reduction of 28.7 percent (87 fewer parking spaces) in required parking for Mosaic District – Parcels I and J of the Merrifield Town Center, pursuant to

the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) paragraph 5, Section 11-102, based on an analysis of the parking requirements for each use on the site and a parking reduction study, Number 0561-PKS-04-1, on the conditions outlined in the Board Agenda Item dated March 20, 2012.

26. **A-6 – APPROVAL OF REVISIONS TO CHAPTERS 2, 4, 5, 7, 10, AND 16 OF THE PERSONNEL REGULATIONS UPDATING TERMINOLOGY, ALIGNING REGULATIONS WITH FOCUS SYSTEM REQUIREMENTS AND FEDERAL LAWS PROHIBITING DISCRIMINATION AND INCORPORATING ADMINISTRATIVE CHANGES** (12:13 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapters 2, 4, 5, 7, 10, and 16 of the Personnel Regulations updating terminology, aligning regulations with FOCUS system requirements and Federal law prohibiting discriminating and incorporating administrative changes. Chairman Bulova seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding best practices, and whether implementation of these changes are being made to improve the FOCUS system regarding future upgrades and changes.

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

27. **A-7 – APPROVAL OF THE SALE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) REVENUE REFUNDING BONDS FOR THE LAUREL HILL PUBLIC FACILITIES PROJECTS (SOUTH COUNTY SECONDARY SCHOOL AND LAUREL HILL GOLF COURSE)** (12:19 p.m.)

(R)

(BONDS)

On motion of Supervisor Hyland, seconded by Supervisor McKay, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution which:

- Requests the EDA to issue bonds to finance the Project.
- Approves the form and authorizes the execution of the Installment Purchase Contract between the EDA and the Board which sets out the terms and conditions for the County to make payments to EDA to pay the debt service on the Bonds and the responsibilities of the parties relating to the Project.
- Approves the form of the Second Supplemental Trust Agreement, between EDA and a trustee which sets forth the terms for issuing the Refunding Bonds; the application of the proceeds of the Bonds; and the pledging of funds for the payment of the Refunding Bonds.

- Approves amendments to Use and Funding agreements with the Park Authority and the School Board relating to the respective facilities.

28. **A-8 – APPROVAL OF A PROJECT AGREEMENT FOR THE DESIGN AND CONSTRUCTION OF BRADDOCK ROAD AND ROANOKE RIVER ROAD INTERIM IMPROVEMENTS (BRADDOCK DISTRICT)**
(12:20 p.m.)

On motion of Supervisor Cook, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a project agreement in substantial form, including \$1,192,000 in County and Regional Transportation Projects funding, for all activities related to the design and construction of the interim improvements at Braddock Road and Roanoke River Road.

29. **A-9 – APPROVAL OF A PROJECT AGREEMENT FOR THE CONSTRUCTION OF ESKRIDGE ROAD (PROVIDENCE DISTRICT)**
(12:20 p.m.)

On motion of Supervisor Smyth, jointly seconded by Supervisor Herrity and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved:

- A project agreement in substantial form, including \$1,692,851 in County and Regional Transportation Projects funding, for all activities related to construction of the Eskridge Road Extension.
- A funding increase for the project of \$1.5 million to reflect the current estimate.

30. **I-1 – CONSOLIDATED PLAN CERTIFICATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) PUBLIC HOUSING AND HOUSING CHOICE VOUCHER ANNUAL PLAN FOR FISCAL YEAR (FY) 2012** (12:21 p.m.)

The Board next considered an item contained in the Board Agenda dated March 20, 2012, announcing that the County Executive will sign the Consolidated Plan certification and provide it to the FCRHA for inclusion in the Public Housing and Housing Choice Voucher Annual Plan for FY 2012 to be submitted to the US Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

31. **I-2 – WASTE DELIVERY/DISPOSAL AGREEMENT WITH THE DISTRICT OF COLUMBIA (DC)** (12:22 p.m.)

The Board next considered an item contained in the Board Agenda dated March 20, 2012, announcing that the County Executive will proceed with execution of a waste delivery/disposal agreement with DC.

The staff was directed administratively to proceed as proposed.

32. **I-3 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-M11-24, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) (MASON DISTRICT)** (12:23 p.m.)

The Board next considered an item contained in the Board Agenda dated March 20, 2012, announcing the PC's approval of Public Facilities Application 2232-M11-24. 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*. The application sought approval by the Department of Public Works and Environmental Services to develop a County Indigent Cemetery, located at 6271 Lincolnia Road, Alexandria, Tax Map 72-2 ((1)) 39.

ADDITIONAL BOARD MATTERS

33. **REQUEST FOR RECOGNITIONS** (12:24 p.m.)

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

- Health Department to appear before the Board to receive a proclamation recognizing “Mosquito Control Awareness Week” in Fairfax County.
- Health Department to appear before the Board to receive a proclamation recognizing “Direct Support Professionals Appreciation Month” in Fairfax County.
- United Prevention Coalition to appear before the Board to receive a proclamation recognizing its “Parents Who Host, Lose the Most” public awareness campaign.
- Department of Public Works and Environmental Services to appear before the Board to receive a proclamation recognizing “Public Works Week” in Fairfax County.

- Prudential Spirit of Community Awards to appear before the Board to be recognized along with the two program finalists from Fairfax County.

Without objection, it was so ordered.

34. **ALLOWING EXTRA TIME FOR THE LOUDOUN COUNTY BOARD OF SUPERVISORS TO OPT OUT OF THE DULLES CORRIDOR METRORAIL PROJECT** (12:25 p.m.)

Chairman Bulova said that the Dulles Corridor Metrorail Project is a 23-mile extension of Metrorail from East Falls Church beyond Dulles International Airport to Loudoun County, with eight stops in Fairfax County and three in Loudoun County, including the stop at Dulles Airport. The funding partners, the County, Loudoun County, and the Metropolitan Washington Airports Authority (MWAA), agreed to a funding arrangement that includes a 90-day deadline to opt out of the project once preliminary engineering estimates were complete.

Chairman Bulova said that on March 7, 2012, MWAA released preliminary engineering estimates that are \$1 billion lower than previous estimates and are consistent with what the County has been working with during the past year. The 90-day opt out deadline is June 4, 2012.

Chairman Bulova noted that on March 7, 2012, the Loudoun County Board of Supervisors approved a letter asking Fairfax County and MWAA to extend the deadline an additional 30 days. In the letter, Loudoun County Board Chairman Scott York wrote that because the Loudoun County Board has experienced significant turnover as a result of the 2011 election, they have requested and would benefit from more time.

Chairman Bulova said that such an extension would not delay the Phase II project and that MWAA will continue to develop its Request for Proposals.

Therefore, Chairman Bulova moved that the Board direct staff to determine what is necessary to allow the Loudoun County Board of Supervisors an additional 30 days to decide whether to opt out of the Dulles Corridor Metrorail Project and report with information at the next meeting on April 10, 2012. Supervisor Cook seconded the motion, and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, the Board held a public hearing regarding Phase 2 of the Dulles Metrorail Project. See Clerk's Summary Item #64.)

35. **AUTHORIZATION OF FILING BY BAINBRIDGE COMMUNITIES ACQUISITION III, LLC (MOUNT VERNON DISTRICT)** (12:27 p.m.)

Supervisor Hyland said that this Board Matter involves authorization to file a rezoning on right of way owned by the Board. The right of way in question is a portion of Anderson Lane (Route 8445). This portion of Anderson Lane will become a private road within the proposed mixed use development providing residents and customers an alternative to accessing directly onto Richmond Highway. The rezoning in question will be filed by Bainbridge Communities Acquisition III, LLC and is the first rezoning to be filed pursuant to a Plan amendment for the Village of Accotink which was approved by the Board last June. The rezoning application to the PRM District consolidates a considerable number of parcels in a strategic location at the corner of Richmond Highway and Backlick Road.

Therefore, Supervisor Hyland moved that the Board authorize the filing of a rezoning on Anderson Lane (Route 8445) as generally identified in the pending rezoning application filed in the name of Bainbridge Communities Acquisition III, LLC. This motion shall in no way prejudice the substantive review of the pending rezoning. Chairman Bulova seconded the motion and it carried by unanimous vote.

36. **REQUEST TO RECOGNIZE MR. GURSHARAN SIDHU** (12:29 p.m.)

Supervisor Hyland referred to his written Board Matter regarding a request to recognize Gursharan Sidhu, an employee in the Department of Public Works and Environmental Services (DPWES). He noted that the Board Matter outlined the many accomplishments of Mr. Sidhu.

Accordingly, Supervisor Hyland moved that the Board direct the Office of Public Affairs to invite Mr. Sidhu and staff in DPWES to appear before the Board to congratulate him on his 27 years of service. Chairman Bulova seconded the motion, and it carried by unanimous vote.

37. **REQUEST TO RECOGNIZE AMARJIT RIAT** (12:29 p.m.)

Supervisor Hyland referred to his written Board Matter regarding a request to recognize Amarjit Riat, an employee in the Department of Public Works and Environmental Services (DPWES). He noted that the Board Matter outlined the many accomplishments of Mr. Riat.

Accordingly, Supervisor Hyland moved that the Board direct the Office of Public Affairs to invite Mr. Riat and staff in DPWES to appear before the Board to congratulate him on his 28 years of service. Chairman Bulova seconded the motion, and it carried by unanimous vote.

38. **CONSIDERATION ITEMS FOR THE FISCAL YEAR (FY) 2013 BUDGET**
(12:30 p.m.)

Supervisor Hyland said that in the FY 2013 Budget, the County Executive proposes cuts to the Sheriff's Department, which will close the Mount Vernon jail, eliminate the Police Department's Marine Patrol and eliminate staffing the Hazardous Materials (HAZMAT) Unit in the Fire and Rescue Department (FRD). These programs are critical to protect the public safety of residents, not only in the Mount Vernon District, but Countywide. He noted that elimination of overnight staffing in the Sheriff's Department at the Mount Vernon Satellite Intake Facility would pull much needed police officers off the street for a minimum of three hours at a time. The elimination of the Marine Patrol would eliminate two police officer positions and the department's ability to provide law enforcement, emergency, and homeland security services on the County's 99.7 miles of shoreline, including two parks and five marinas. Most registered boaters live on the western side of the County.

Supervisor Hyland said that elimination of the HAZMAT Support Unit staffing will negatively impact the safety, operations, and effectiveness of the FRD and this Unit, which fields over 1,000 calls annually. The loss of these positions means the HAZMAT Support Unit will no longer be fully staffed and will require "cross-staffing" from other suppression units to respond to emergency incidents compromising the protection of citizens in Station 40 - Fairfax Center's area where the HAZMAT units are located. The opposite will also hold true, when other units (engines or trucks) are responding to a call, there will be no personnel available to provide staffing on the Hazardous Support Unit should response to a Hazardous Materials incident be required. In this scenario, the HAZMAT Unit will be forced to respond without the Support Unit leaving personnel without all the necessary tools and equipment. This could potentially cause a significant delay in the mitigation of Hazardous Materials incidents throughout the County.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to list these three items as consideration items for restoration in the FY 2013 Budget. Without objection, it was so ordered.

DAL:dal

39. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (12:32 p.m.)

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

40. **BUDGET CONSIDERATION ITEM – FUNDING INCREASE FOR THE ARTS COUNCIL AND FAIRFAX SYMPHONY ORCHESTRA** (12:33 p.m.)

Jointly with Supervisor Gross, Supervisor Herrity moved to consider adding to the Fiscal Year 2013 budget an additional \$125,000 for the Arts Council of Fairfax

County and \$75,000 for the Fairfax Symphony Orchestra. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Herrity said that additional information regarding this budget consideration item can be found in his written Board Matter.

PMH:pmh

41. COUNTY COMMENTS ON THE FEDERAL TRANSIT ADMINISTRATION'S (FTA) NOTICE OF PROPOSED RULEMAKING ON THE NEW STARTS/SMALL STARTS GRANT PROGRAM
(12:34 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Gross said that on January 25, 2012, the Federal Transit Administration (FTA) issued a Notice of Proposed Rulemaking (NPRM) regarding the New Starts/Small Starts grant program. This proposed rule simplifies the measures for evaluating new transit projects and is intended to streamline the process for completing projects.

This proposed rule simplifies the evaluation process in several ways:

- FTA proposes a different and simpler approach to calculating cost effectiveness than the current cumbersome method of transit system user benefits. Cost effectiveness would instead be based on cost per rider. It would also take into account transit dependent riders in the evaluation.
- FTA proposes to eliminate the baseline alternative for comparison with the proposed project. Instead projects will be compared to the no-build alternative. This will clarify the comparison for the public.
- Also, the cost of "betterments," such as additional pedestrian improvements, would not be counted against the cost of the project.

Therefore, Supervisor Gross moved that the Board authorize the Chairman to send a letter to the FTA expressing the general support of the Board for the objectives that this proposed rule is intended to accomplish: a simplified and streamlined process for evaluating and delivering transit projects. Supervisor McKay seconded the motion.

Following discussion regarding the proposal, the question was called on the motion and it CARRIED by a recorded vote of nine, Supervisor Herrity abstaining.

42. **SUNRISE VALLEY ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (12:39 p.m.)

Supervisor Hudgins said that the County Public Schools has submitted Planned Residential Community Application PRC C-377 for the renovation of Sunrise Valley Elementary. The renovations consist of constructing several small additions (administration suite, main entrance, and cafeteria) at the front of the school to meet program requirements, and at the rear of the school (library and a large single story classroom) to replace the existing modular classroom structure. Site upgrades will include an expanded bus drop off area, a new kiss-and-ride access, additional parking, and a new ADA access to the upper play fields. The Planning Commission (PC) public hearing is scheduled for May 4, 2012, at 8:15 p.m. The applicant is requesting expedited and concurrent processing to meet critical time line for this project.

Therefore, Supervisor Hudgins moved that the Board direct the Department of:

- Planning and Zoning to schedule a public hearing to be held before the Board at its next meeting following the PC hearing.
- Public Works and Environmental Services to accept for simultaneous and concurrent processing any plans as may be necessary in conjunction with Planned Residential Community Application PRC C-377.

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

43. **HUNTER MILL SKATE PARK ON WHEELS (HUNTER MILL DISTRICT)** (12:41 p.m.)

Supervisor Hudgins said that on Saturday, April 4, the Hunter Mill District office and the Town of Vienna Department of Parks and Recreation are co-hosting a "Skate Park on Wheels" at the Vienna Volunteer Fire Department, from 1 p.m. until 4 p.m. The event will feature a portable skateboard facility complete with ramps, rails, and jumps, geared for beginners through novices age 6 and older. This free event is made possible through the contribution of American Inline Skating.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs assist in disseminating information about the "Skate Park on Wheels" event on April 4, 2012, at the Vienna Volunteer Fire Department, 400 Center Street in Vienna. Without objection, it was so ordered.

44. **RECOGNITION OF MR. MAYO STUNTZ (HUNTER MILL DISTRICT)**
(12:41 p.m.)

(BACs) Supervisor Hudgins said that since 1965, Mayo Stuntz has served as a key County historian beginning with his membership on the Landmarks Preservation Committee and then on the History Commission. His tenure as the last original member on the History Commission is coming to an end with his retirement this month after 47 years of service to the County.

Supervisor Hudgins noted that Mr. Stuntz is a Vienna original, born in Vienna and raised his family here. With his wife Connie, they have captured the history of Vienna and Tysons Corner through their books and lectures on local history.

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

- Mr. Stuntz to appear before the Board to be recognized for his many years of service to the County.
- Mrs. Connie Stuntz, his partner for the last 65 years, to also appear before the Board.

Without objection, it was so ordered.

45. **RECOGNITION FOR THE SENIOR DANCE COMPANY FROM BUFFA'S DANCE STUDIO (BRADDOCK DISTRICT)** (12:43 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Cook congratulated the Senior Dance Company from Buffa's Dance Studio for being named the Grand National Champions at the February 25 Contest of Champions held on the ESPN Wide World of Sports Complex in Orlando, Florida.

Supervisor Cook said that Buffa's Dance Studio has been participating in dance competitions all over the country and has received numerous awards and scholarships. During the Contest of Champions over ten different teams from across the United States competed. Buffa's Dance Studio had 16 girls in grades 7-12 compete in over 100 different dances. The 16 dancers represent a number of high schools, including Robinson Secondary, Lake Braddock Secondary, West Springfield High, and South County Secondary.

The studio placed in the top three in 20 different categories and captured first place in the Lyrical, Modern, Jazz and Pom categories. As the Grand National Champions, the Buffa Dance Studio was awarded a \$3,000 prize and an invitation to perform in the Macy's Thanksgiving Day Parade.

In addition to the team accomplishments, Emma Bradley, a junior from West Springfield High School, was awarded first place in the Senior Solo category.

Therefore, jointly with Supervisor Herrity, Supervisor Cook asked unanimous consent that the Board:

- Congratulate Buffa's Dance Studio for its achievement.
- Direct staff to invite them to appear before the Board at a date to be determined to be formally recognized.

Without objection, it was so ordered.

46. **SHARK TANK SWIMMERS (BRADDOCK DISTRICT)** (12:45 p.m.)

Supervisor Cook recognized the Shark Tank Racing Squad for its commitment to community service, raising money for both breast cancer research and to assist needy families in the community.

Supervisor Cook noted that, led by their coach Patty Friedman, the 18 swimmers of the Shark Tank Racing Squad have made helping others a top priority. Participating in a recent swim marathon to raise money in support of the Washington DC Avon Walk for Breast Cancer, they joined 28 additional swimmers to swim 220,000 meters and raise \$12,000. This marks the fifth year that they have worked to raise money for Breast Cancer research and have been the fourth largest fundraisers for the Avon Walk for two consecutive years.

In addition to their excellent work raising money for breast cancer research, every year the swimmers also assist needy families through their volunteer work with Our Daily Bread in Fairfax. Last November the coach challenged her team to contact needy families directly to see how they could support them. As a group, the Shark Tank Swimmers purchased and organized groceries, hygiene materials and comfort items. In January of this year, the children delivered materials to 20 families with a total donation of \$7,700.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to prepare a certificate for him to present to the Shark Tank Swimmers at their March 25 meet. Without objection, it was so ordered.

47. **BUDGET CONSIDERATION ITEM REGARDING TRANSPORTATION CHALLENGES** (12:46 p.m.)

Supervisor Cook said that the County faces major transportation challenges. Most recently, this occurred at the Board's retreat in early February when staff provided a detailed analysis of the County's transportation needs over the next ten years. To meet the County's needs, it was indicated that the County will need an

additional \$3 billion in transportation funding - over and above that currently provided for with Federal, State, and County funds - just to achieve a reasonable improvement. That's \$300 million a year, or an amount nearly equivalent to ten percent of the County's general fund.

Therefore, Supervisor Cook asked unanimous consent that the following preliminary plan be included as a budget consideration item, for review and debate during the Fiscal Year (FY) 2013 budget process. He recommended this plan be included in the budget guidance document, with implementation to start in the fall of 2012. The outline of this proposal is as follows:

- Effective in FY 2014 (next year), Fund 40, Department of Transportation (DOT) (which currently funds DOT staff as well as some transportation studies and traffic calming measures), be separated out from the General Fund, and supported by transportation-only funds.
- To support this move, the Board would embark on a three-year process to move funds from the Vehicle License Fee out of the County's General Fund and into this new transportation fund. This would be very much like the current use of the Stormwater Fee, which is also separate from the General Fund.
- Since being implemented, the Vehicle License Fee has generated a little more than \$27 million per year. One-third of that fee, a little more than \$9 million, would go to the new transportation fund, along with the approximately \$7 million expenditure in Fund 40. This would leave a balance of just over \$2 million for additional transportation projects in FY 2014. In FYs 2015 and 2016, the remainder of the Vehicle License Fee (roughly \$9 million each year) would be removed from the General Fund and placed into the transportation fund. Spread this way, the impact on the General Fund would be relatively small and quite manageable.

Supervisor Cook suggested that budget guidance indicate intent from the Board to commit one-half of each year's unencumbered Carryover funds to transportation. Based on an average of the last five years this would result in approximately \$23 million per year in new funding. This would not be set in stone, as exceptions can and should be made for emergency circumstances. However, if the guidance is taken seriously and followed, it would create, over time, an expectation of that funding.

Supervisor Cook said that this plan, if fully implemented would generate more than \$40 million in new money for transportation by FY 2016.

Following a brief discussion of the proposal, without objection, it was so ordered.

48. **OAKTON HIGH SCHOOL GIRLS' BASKETBALL (SULLY DISTRICT)**
(1 p.m.)

In a joint Board Matter with Supervisor Hudgins and Supervisor Smyth, Supervisor Frey said that the Oakton High School Girls Varsity Basketball team had an unbelievable season, going 31-0. The Lady Cougars beat Princess Anne 58-39 to win their first ever Virginia High School League Group AAA State Championship. This is the first championship for Coach Fred Priester, who has over 500 victories to his credit, including 31 victories in a single season, which tied the Virginia High School League record, a very impressive feat.

On behalf of Supervisor Hudgins and Supervisor Smyth, Supervisor Frey asked unanimous consent that the Board direct staff to invite Coach Fred Priester and the Lady Cougars to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

49. **GREATER SPRINGFIELD CHAMBER OF COMMERCE** (1:01 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity, Supervisor Hyland, and Chairman Bulova, Supervisor McKay announced that the Greater Springfield Chamber of Commerce is celebrating its fifty-fifth anniversary of serving the local business community in the greater Springfield area.

Supervisor McKay referred to his written Board Matter outlining the history of the Greater Springfield Chamber of Commerce and asked unanimous consent that the Board direct staff to invite members of the Chamber of Commerce to appear before the Board on May 22 to receive a proclamation recognizing the Chamber for its fifty-fifth anniversary and accomplishments. Without objection, it was so ordered.

50. **BETH EL HOUSE (LEE DISTRICT)** (1:04 p.m.)

In a joint Board Matter with Supervisor Hyland and Chairman Bulova, Supervisor McKay said that Beth El House was founded in 1992 by the Beth El Hebrew Congregation in Alexandria, Virginia. Motivated by the Judaic principle of tikkun olam—to repair the world one person or family at a time—the founders of Beth El House wanted to make a difference in the lives of families in need. Recognizing that homelessness is a complex issue—domestic violence, mental health disorders, divorce, job loss, and even generational homelessness are some of the triggers—the Beth El congregation decided to focus its efforts on those who were homeless on the Route One Corridor. What began with one homeless family quickly grew to three families and today Beth El House can sustain five families at a time. Today, Beth El House is a separately incorporated 501(c)3 non-profit with continued ties of financial and volunteer support from the Beth El Hebrew Congregation.

Supervisor McKay noted that, though small compared to other non-profits, Beth El House has had a large impact on the families it helps. Through the efforts of three part-time staff members and more than 2,000 volunteer hours from the working board of directors (most of whom are members of Beth El Hebrew Congregation), Beth El House provides intense individual case management including budget/financial education, parenting and basic life skills, peer support, and educational and vocational assistance. (Beth El House also works with other Route One non-profits such as Good Shepard Housing and Family Services.)

Supervisor McKay said that many formerly homeless mothers and children will attest to the difference that these services have made in their lives. Families may live at Beth El House for up to two years and receive a year of follow-up services upon their graduation. Residents must follow house rules, attend house meetings, and pay a subsidized rent. A family graduating from Beth El House leaves with skills that will ensure continued independent living and self-sufficiency.

Therefore, Supervisor McKay asked unanimous consent that the Board:

- Recognize the work of Beth El House.
- Direct staff to invite Kari Warren, executive director of Beth El House; Melinda Selden, president of the Beth El House Board of Directors and members of its board; Brett Isserow, rabbi of Beth El Hebrew Congregation; and Linda Waller, president of Beth El Hebrew Congregation to appear before the Board to be recognized.

Without objection, it was so ordered.

51. **RECESS/CLOSED SESSION** (1:04 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. *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)
2. *Norma Bostick Hartwell, Elizabeth Ann Bostick, Warren E. Bostick, and Wycliffe on the Potomac Homeowners Association, Inc. v. The County of Fairfax and the Board of Supervisors of Fairfax County*, Case No. CL-2011-0003349 (Fx. Co. Cir. Ct.) (Mount Vernon District)
3. *James H. Blondell v. Officer Donald W. Amos, Jr., Officer Robin D. Wyatt, and Officer Katherine S. Wright*, Case No.1:10cv249 (E.D. Va.)
4. *Promila Rajput v. Detective Nicole Christian*, Case No. V12-426 (Arl. Co. Gen. Dist. Ct.); *Promila Rajput v. Renee Steele*, Case No. V12-427 (Arl. Co. Gen. Dist. Ct.)
5. *Alvin Mosier v. Commonwealth of Virginia, et al.*, Case No. 1:11cv1381 (E.D. Va.)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar M. Quiroz and Santusa Quiroz*, Case No. CL-2011-0017313 (Fx. Co. Cir. Ct.) (Mason District)
9. *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)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kim-Anh Thi Nguyen and Lynda M. Phan*, Case No. CL-2011-0015710 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maqsood Ahmad*, Case No. CL-2011-0002341 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aimco Riverside Park, LLC*, Case No. CL-2012-0002528 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harold J. Douglas and Mary K. Douglas*, Case No. CL-2012-0002526 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shafqat A. Khan and Bushra S. Khan*, Case No. CL-2012-0002666 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramiro Z. Herrera*, Case No. CL-2012-0002678 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin R. Ankney and Roxanne L. Ankney*, Case No. CL-2012-0002740 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven L. Kohls and Virginia L. Kohls*, Case No. CL-2011-0003175 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hollin Hall, L.L.C.*, Case No. CL-2012-0003174 (Fx. Co. Cir. Ct.) (Mount Vernon District)

19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Zoila Ortega and Eric Acevedo*, Case No. CL-2012-0003236 (Fx. Co. Cir. Ct.) (Providence District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Russell J. Young and Kathryn L. Young*, Case No. CL-2012-0003527 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Borith Nak and Polin Ang*, Case No. CL-2012-0003526 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Community Baptist Church and Bishop Norman H. Howard, Rev. Harold L. Howard, Marc L. Lewis, William L. Stewart, Reba Burgess, Lajuana Howard, and Tonya Howard, Trustees*, Case No. CL-2012-0003528 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lowell Fine and Ethel V. Fine*, Case No. CL-2011-0003529 (Fx. Co. Cir. Ct.) (Lee District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mark S. Beall and Karen L. Beall*, Case No. CL-2012-0003709 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- *City of Falls Church, et al. v. Board of Supervisors, et al.*; Case Number 2012-03411

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

DET:det

At 3:51 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTION FROM CLOSED SESSION

52. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:51 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 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

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-SU-024 (POHANKA STONECROFT LLC) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2011-SU-009 (POHANKA STONECROFT LLC) (SULLY DISTRICT) (3:52 p.m.)

(O) (NOTE: On February 28, 2012, the Board deferred this public hearing until March 20, 2012.)

The Rezoning Application RZ 2011-SU-024 property is located in the northeast quadrant of the intersection of Stonecroft Boulevard and Stonecroft Center Court, Tax Map 34-3 ((1)) 1D.

The Special Exception Application SE 2011-SU-009 property is located at 4175 Stonecroft Boulevard, Chantilly, 20151, Tax Map 34-3 ((1)) 1D.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

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

- Geoffrey P. Pohanka, Agent/Officer/Director for the Applicant/Title Owner

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

- David S. Houston, Pillsbury Winthrop Shaw Pittman, LLP

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

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

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

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-SU-024, from the I-5, AN, and WS Districts to the C-8, AN, and WS Districts, subject to the proffers dated February 17, 2012. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2011-SU-009, subject to the development conditions dated January 13, 2012.
- Modification of the signage requirements as they pertain to the free standing signs, directional signs, and building mounting signs, in favor of the signage depicted on the Generalized Development Plan/Special Exception (GDP/SE) Plat.
- Waiver of the trail requirement along Stonecroft Boulevard in favor of the existing condition depicted on the GDP/SE plat.
- Waiver of the transitional screening and barrier requirement along the southern property line, in favor of the existing vegetation depicted on the GDP/SE plat.
- Modification of the interior and peripheral parking lot landscaping, in favor of the planting shown on the GDP/SE plat.

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

54. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-BR-014 (MIDLAND ROAD LLC AND RIDGEWOOD COMMERCIAL OWNERS PROPERTY ASSOCIATION) (BRADDOCK DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-SP-019 (MIDLAND ROAD LLC AND RIDGEWOOD COMMERCIAL OWNERS PROPERTY ASSOCIATION) (BRADDOCK DISTRICT) (4:01 p.m.)

- (O) (NOTE: On February 28, 2012, the Board deferred this public hearing until March 20, 2012.)

The application property is located in the northeast and southeast quadrant of the intersection of Government Center Parkway and Ridge Top Road, Tax Map 56-2 ((1)) 37B, 37D and 37G.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

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

- Richard W. Hausler, Midland Road LLC

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

Mr. Riegle 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. Zottl presented the staff and Planning Commission (PC) recommendations.

Supervisor Cook moved:

- Approval of Proffered Condition Amendment Application PCA 2005-SP-019.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-BR-014, from the PRM District to the PDH-12 District, and approval of the associated Conceptual Development Plan, subject to the proffers dated February 22, 2012.

- Waiver of the minimum district size for Planned Development Commercial districts.
- Waiver of the 200 square foot privacy yard requirement for all single family attached units.

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: On February 23, 2012, the PC approved Final Development Plan Application FDP 2011-BR-014.)

55. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-MA-013 (PAGE LITTLE RIVER TURNPIKE, LLC) (MASON DISTRICT)**
(4:08 p.m.)

The application property is located at 6500 Little River Turnpike, Alexandria, 22312, Tax Map 72-1 ((1)) 23A.

Ms. Lynne J. Strobel introduced Mr. Jonathan D. Puvak who reaffirmed the validity of the affidavit for the record.

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

Discussion ensued concerning entrance and exit points, with input from Ms. Bader.

Mr. Puvak 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. Puvak presented rebuttal.

Discussion ensued concerning Sunday service and bay doors. Supervisor Gross noted that there is not a development condition to preclude Sunday service hours but they were not currently anticipated. Chairman Bulova asked that the applicant’s agent clarify Sunday operations for the record. Ms. Strobel stated that there was no intent at this time to have Sunday hours but it was dependent on the requirements of Chevrolet and the market, and reiterated that it was not part of their current anticipated hours.

Ms. Bader presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2011-MA-013, subject to the development conditions dated March 17, 2012.
- Modification of transitional screening along the eastern and northern property lines.
- Modification of the interior parking lot landscaping requirement.
- Modification of the major paved trail requirement along Route 236.
- Waiver of the on-road bike route requirement along Route 236.
- To direct the Director of the Department of Public Works and Environmental Services to waive frontage improvements associated with the dedication of the existing service drive and sidewalk along Little River Turnpike.

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

56. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-LE-017 (HYBLA CENTER, LP) (LEE DISTRICT)** (4:27 p.m.)

The application property is located at 7800-7844 Richmond Highway, Alexandria, 22309, Tax Map 101-2 ((6)) 507B pt.

Ms. Molly M. Novotny reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed an in-kind campaign contribution in excess of \$100 which she had received from the following:

- John G. Lavoie, Colley LLP

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

Ms. Novotny 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.

Discussion ensued concerning the cleanup of an adjacent vacant pad site that had been abandoned and why that was not an item included in the development conditions, with input from Ms. Novotny concerning a commitment letter that had been sent to Supervisor McKay's office.

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

Supervisor McKay moved:

- Approval of Special Exception Application SE 2011-LE-017, subject to the development conditions dated March 8, 2012.
- Modification of the minimum lot size requirement to permit a lot of 12,625 square feet instead of the required 40,000 square feet.
- Modification of the minimum lot width requirement to permit a lot width of 73 feet instead of the required 200 feet.
- Waiver of the open space requirement for the Special Exception area.
- Modification of the transitional screening requirement and a waiver of the barrier requirement along the eastern and western boundaries of the application site.
- Waiver of the peripheral and interior parking lot landscaping requirements.
- To direct the Director of the Department of Public Works and Environmental Services to approve a deviation from the tree preservation target canopy percentage in favor of the landscaping shown on the SE plat.

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

57. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-MV-037-08 (LORTON MEDICAL LLC) (MOUNT VERNON DISTRICT)** (4:34 p.m.)

- (O) The application property is located on the west side of Lorton Station Boulevard approximately 1,000 feet south of Pohick Road and on the east side of Fredericksburg and Potomac Railroad, Tax Map 107-2 ((19)) 300 and 310.

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

William Mayland, Staff Coordinator, 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, which included testimony by one speaker, Mr. Mayland presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of Proffered Condition Amendment Application PCA 1996-MV-037-08, subject to the proffers dated February 15, 2012. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room.

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL AND MINOR REVISIONS** (4:40 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 March 2 and March 9, 2012.

Cathy S. Belgin, Senior Assistant to the Zoning Administrator, Ordinance Administration, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding editorial and minor revisions, as advertised, with an effective date of 12:01 a.m., on the day following adoption, with the exception of the proposed changes to paragraph 6B of Section 10-103.
- That the decision for the proposed changes to paragraph 6B of Section 10-103 concerning substitute care providers for home child care facilities be deferred to a date to coincide with the public hearing for proposed revisions to Chapter 30 of the County Code at such time as a date certain is set for the Chapter 30 amendments.

Supervisor Foust and Supervisor Smyth 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."

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)**
(4:44 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 March 2 and March 9, 2012.

Hamid Majdi, Transportation Planner II, Department of Transportation, presented the staff report.

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

Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the NVCC RPPD, District 39, as shown in Attachment 1 of the Board Agenda Item dated March 20, 2012. The proposed District expansion includes Briar Creek Drive from Stone Gate Drive to Holborn Avenue. Supervisor Frey and Chairman Bulova 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.”

60. **4 P.M. – PH ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2013** (4:46 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 March 2 and March 9, 2012.

Stephen E. Knippler, Senior Program Manager, Grants Management, Department of Housing and Community Development:

- Gave a brief summation of the four Federal programs the Action Plan covers.
- Introduced James Edwards-Hewitt, Chairman, Consolidated Community Funding Advisory Committee, who presented remarks.

Following the public hearing, which included testimony by three speakers, Chairman Bulova announced that:

- The Board would defer decision on this item until April 24, 2012, during markup of the County’s Fiscal Year 2013 Budget.

- The public hearing was closed.
- The record will be kept open for comment during the Board's public hearings on the budget.

61. **4 P.M. – PH ON A PROPOSED CUT-THROUGH TRAFFIC MITIGATION PLAN FOR FARMINGTON DRIVE, EDGEHILL DRIVE, AND FORT DRIVE, AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE DISTRICT)** (5:04 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 2 and March 9, 2012.

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

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of a Resolution endorsing a cut-through traffic mitigation plan for Farmington Drive, between Telegraph Road and North Kings Highway; Edgehill Drive, between Fort Drive and Jefferson Drive; and Fort Drive, between North Kings Highway and Edgehill Drive, Lee District, as part of RTAP, as follows:

- Two speed humps on Farmington Drive
- Painted Parking Lane Striping on Farmington Drive between North Kings Highway and Edgehill Drive
- One speed hump on Fort Drive
- Double yellow centerline striping on Fort Drive between North Kings Highway and Monticello Road

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

Discussion ensued concerning possible delays, with input from Mr. Knudsen concerning installation through the Department of Public Works and Environmental Services.

62. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 4 (REGULATION OF TRAFFIC)** (5:11 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 March 2 and March 9, 2012.

David J. Ferris, Manager, Policy and Planning, Chief's Office of Research and Support, Police Department, presented the staff report.

Discussion ensued concerning the nature of the changes, with input from Mr. Ferris concerning the adoption of the annual Code update versus these changes.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 4, Regulation of Traffic. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being out of the room.

63. **4:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC A-502-02 (FAIRWAYS I RESIDENTIAL, LLC AND FAIRWAYS II RESIDENTIAL, LLC) (HUNTER MILL DISTRICT)** (5:13 p.m.)

(NOTE: On September 27, 2011, the Board deferred this public hearing until January 10, 2012. On January 10, 2012, the Board deferred this public hearing until February 28, 2012. On February 28, 2012, the Board deferred this public hearing until March 20, 2012.)

The application property is located at 11555 and 11627 North Shore Drive, southwest corner of North Shore Drive and Fairways Drive and east of intersection of North Shore Drive and Wainwright Drive, Tax Map 17-2 ((18)) 1 and 17-2 ((19)) 2A.

Chairman Bulova announced that this is a PRC application and does not require an affidavit.

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

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

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

Following rebuttal, presented by Mr. Lawrence, discussion ensued concerning reconsideration of workforce housing language.

Mr. Williams presented the staff and Planning Commission recommendations.

Following extensive remarks concerning the background of the redevelopment application, Supervisor Hudgins, noting questions raised surrounding affordable housing and its structuring within the applicant's contribution, moved that the Board defer decision for PRC A-502-02 to April 10, 2012, at 3 p.m. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

64. **5 P.M. – PH ON THE CONFIRMATION OF FAIRFAX COUNTY'S PARTICIPATION IN PHASE 2 OF THE DULLES METRORAIL PROJECT** (5:39 p.m.)

(O) (NOTE: Earlier in the meeting, the Board discussed this issue. See Clerk's Summary Item #34.)

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 March 2 and March 9, 2012.

Chairman Bulova noted that a public hearing on the confirmation was not required. She also noted that in addition to today's speakers, a number of community outreach meetings had been held, there had been an on-line opportunity for input on the County's participation in Phase 2 of the Dulles Metrorail Project as well as station names, and there was an on-line chat to capture testimony and the public's thoughts on the project.

Mark A. Canale, Dulles Rail Project Manager, Department of Transportation, presented the staff report.

Discussion ensued, with input from Mr. Canale; Tom Biesiadny, Director, Department of Transportation; and Anthony H. Griffin, County Executive, concerning:

- Efforts by the County, as well as the Metropolitan Washington Airports Authority (MWAA), to identify other funding sources.
- Consideration of a formal request to MWAA to identify other funding sources.

Discussion continued concerning the toll study chart, with input from Mr. Canale and Mr. Griffin, concerning:

- The percentage of projected toll road traffic reduction as a result of traffic diversion and/or a decrease in economic activity.
- The impact on local streets as a result of diversion as well as growth.

Chairman Bulova, noting Supervisor Herrity's earlier suggestion that the Board formally weigh in regarding MWAA identifying revenues to reduce toll road costs, relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to draft a letter for her signature. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion continued concerning the preference MWAA is giving on the current Project Labor Agreement (PLA) and its effect on State-funding of the project, with input from Mr. Griffin.

Supervisor Herrity thanked the Chairman for the joint letter with Chairman York (Loudoun County Board of Supervisors) and Secretary Connaughton (Virginia Department of Transportation) to MWAA concerning the preference.

Additional discussion ensued, with input from Mr. Biesiadny, concerning:

- The potential for elimination of express routes currently using the toll road and resulting estimated travel times.
- Operating expenses in Slide 19 of the Board Agenda Item dated March 20, 2012, including clarification of the coverage of the subsidy.
- Fare box recovery and the regional gas tax.

Noting Congressman Wolf's request for an Inspector General's report on the practices in governance on MWAA, Supervisor Herrity asked unanimous consent that the Board direct staff to obtain a preliminary report prior to its decision on Phase 2. Without objection, it was so ordered.

Discussion continued concerning effects to the funding agreement and options available to the County if Loudoun County dropped out of the project, with input from Mr. Canale.

Additional discussion ensued, with input from Mr. Canale, regarding:

- The tie between State funding and toll rate reduction as it relates to the amount of State funding that could be provided.
- Addressing a funding gap from sources other than Commercial and Industrial (C&I) tax revenues.

Discussion continued concerning funding of the project by taxpayers and the development community in the corridor.

Additional discussion ensued, with input from Mr. Biesiadny and James V. McGettrick, Assistant County Attorney, concerning MWAA's authority under the transfer agreement concerning:

- The use of tolls.
- Its right, with or without County participation, to build rail to the airport and use tolls to pay for that extension.

There was additional discussion, with input from Mr. Canale, concerning costs covered for participation in Phase 2 and the spending gap.

Following the testimony by Delegate Barbara Comstock (Speaker One), discussion ensued concerning:

- The legality of PLA's in the Commonwealth.
- The relationship between the State financial commitment and the elimination of the preference.

Chairman Bulova thanked MWAA for its decision to change a below ground station to above ground and for negotiating with the Commonwealth on the PLA issue.

Following the testimony by Ms. Patricia Nicoson (Speaker 6), Chairman Bulova announced that, earlier in the meeting, she presented a Board Matter requesting that staff address the issue of Loudoun County's request to extend its opportunity to confirm participation from 90 days to an additional 30 days to provide its Board an opportunity to become more familiar with the project, due to significant changes in the makeup of its Board since its election.

Following the testimony by Mr. Mark Ingrao (Speaker 13), discussion ensued concerning the usefulness of information regarding the impact of toll increases on either the businesses or the workforce in Reston.

Following the testimony by Mr. Michael Grant (Speaker 21), Chairman Bulova announced that earlier in the meeting, the Board agreed to send a letter to MWAA identifying additional sources of revenue to put to the project to ensure that efforts are continuing to be made to contain costs.

Following the public hearing, which included testimony by 22 speakers, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board defer action on its confirmation of participation in Phase 2 of the Dulles Corridor Metrorail Project to April 10, 2012. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

65. **BOARD ADJOURNMENT** (7:49 p.m.)

The Board adjourned.

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