



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
April 27, 2009**

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**11-09**

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**DAL:dal**

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 Monday, April 27, 2009, at 9:38 a.m., there were present:

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

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 10:33 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:39 a.m.)

(BACs) Supervisor Hudgins asked everyone to keep in thoughts the family of David Kellerman, Chief Financial Officer of Freddie Mac, who took his life last week. Mr. Kellerman was a citizen of Hunter Mill District.

Supervisor Frey asked everyone to keep in thoughts the family of Debbie Foster, who died recently after a lengthy battle with cancer. She was a citizen in the Sully District, and she was a member of the Tree Commission for approximately ten years, serving many years as its Vice-Chairman. She was very active and involved in all the development activities in Sully District, trying to establish tree preservation policies and trying to work on a signature tree for the Centreville community.

**AGENDA ITEMS**2. **RESOLUTION OF CONGRATULATIONS PRESENTED TO THE FAIRFAX COUNTY VOLUNTEERS IN POLICE SERVICES (VIPS) PROGRAM** (9:42 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution to congratulate the VIPS program for its tenth anniversary. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING MAY 2009 AS "PARENTS WHO HOST LOSE THE MOST MONTH" IN FAIRFAX COUNTY** (9:52 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2009 as "*Parents Who Host Lose the Most Month*" in Fairfax County and urged all residents to join in the campaign to educate adults about the health and safety risks of providing alcohol to those under 21 years of age. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MISS JAMIE CHANG** (10:02 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Miss Jamie Chang for her artistic merit, creativity, and interpretation of the theme "Wow!," in her entry "Bow Wow" resulting in the Outstanding Interpretation Award in the Visual Arts category at the Virginia State Parent Teacher Association Reflections Contest. Supervisor Gross and Supervisor Hudgins

jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

5. **PROCLAMATION DESIGNATING MAY 2009 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (10:09 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 2009 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County and urged all residents, during this month and throughout the year, to volunteer their time and talents on behalf of children in foster care, and to support and recognize the commitment of foster families and professional staff who work with these children. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

6. **PROCLAMATION DESIGNATING MAY 2009 AS "LYME DISEASE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:17 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate May 2009 as "*Lyme Disease Awareness Month*" in Fairfax County and urged all residents to learn about Lyme disease and how to protect themselves and prevent this illness so they do not get sick from the bite of a tick. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

7. **PROCLAMATION DESIGNATING MAY 2009 AS "ASIAN PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (10:27 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 2009 as "*Asian Pacific American Heritage Month*" in Fairfax County, to provide an opportunity for residents to recognize the history, concerns, contributions, and achievements of Asian/Pacific Americans and to create a favorable climate for a harmonious and fully integrated community in the County. Vice-Chairman Gross seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Hyland not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING APRIL 2009 AS "DONATE LIFE MONTH" IN FAIRFAX COUNTY** (10:48 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 2009 as "*Donate Life Month*" in Fairfax County and urged all residents to register as organ, eye, and tissue donors to inform their family of their decision and to help raise awareness of the important need for organ donation in the community.

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

NV:nv

9. **10 A.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSALS), REVISING THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (11:02 a.m.)

(O) (NOTE: On March 30, 2009, the Board held a public hearing on this item and deferred decision until April 27, 2009.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposals), Article 10, Section 2:

- Subsection (d) Service Charges, to maintain the sewer service charges on a multi year basis as included in the ordinance amendment. The effect of this approval for Fiscal Year (FY) 2010 is a sewer service charge rate of \$4.50 per 1,000 gallons. This is an increase from the FY 2009 service charge of \$4.10 per 1,000 gallons.
- Subsection (a) Availability Charges, to maintain the availability charges on a multi year basis as included in the ordinance amendment. As a result of this motion, the availability fee for a single family residence increases to \$7,310 from \$6,896 in FY 2009.
- Subsection (d) Service Charges to implement a new base charge to sewer billings in FY 2010 in addition to the sewer service charge to recover billing costs for the Wastewater Management Program. As a result of this motion, the base charge will be billed quarterly in the amount of \$5.00 per bill totaling \$20.00 per year.

Supervisor Foust and Supervisor Smyth jointly seconded the motion.

Chairman Bulova stated for the record that the County still has the lowest sewer service rates in the region.

Following a brief discussion regarding Chesapeake Bay requirements, the question was called on the motion, which carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Vice-Chairman Gross, and Chairman Bulova voting “AYE.”

10. **10 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2010 BUDGET PLAN** (11:07 a.m.)

(Os) (Rs)  
(FPR)

(NOTE: On March 30, March 31, April 1, and April 2, 2009, the Board held public hearings on the proposed FY 2010 Budget Plan and deferred decision until April 27, 2009.)

**Approval of the Real Property Tax Rate**

Having provided public notice and a public hearing, Chairman Bulova moved that the Board set the real property tax rate at \$1.04 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2009 will increase by \$0.12 over the real property tax rate for calendar year 2008 of \$0.92 per \$100 of assessed value. Supervisor Hyland seconded the motion, which 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.”

**Approval of the Stormwater Service District Creation and Tax Rate**

Having provided public notice and conducted a public hearing as required by Virginia law, Chairman Bulova moved:

- Adoption of the ordinance to enact an Appendix O to the Code of the County of Fairfax, Virginia, which would establish a Stormwater Service District, which shall be known as Stormwater Service District 1 and shall include the entire land area of Fairfax County, except for that portion of the County consisting of the Fort Belvoir military base.
- That the Board set the real property tax rate for Stormwater Service District 1 at \$0.01 per \$100 of assessed value and adopt the Resolution to establish a tax rate of \$0.01 per \$100 of assessed valuation of real property situated within Stormwater Service District Number 1. Note that the adopted tax rate is less than the advertised rate of \$0.015 per \$100 of assessed value.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, Vice-Chairman Gross, and Chairman Bulova voting “AYE.”

**Approval of the proposed amendments to the Code of the County of Fairfax:  
Revenue Enhancements**

Having conducted a public hearing as required by Virginia law, Chairman Bulova moved Board adoption of the proposed amendments to the Code of the County of Fairfax as follows:

- Chapter 62 to increase the fees for Fire Prevention Code Permits, Section 61-1-3 of Chapter 61 of the Code of the County of Fairfax to increase fees charged for plan reviews and inspections done outside normal business hours, Sections 8.1-3-6 and 8.1-3-9 to increase the fees for registering alarms and revise the false alarm violation fee scale; for re-registering suspended alarm registrations, Section 4-17.1-9 to increase the rate of late payment penalty charged on delinquent personal property taxes, Section 82-1-32 to increase fines for parking violations, Sections 30-2-7, 43.1-3-1, 43.1-3-5, 43.1-3-11, 43.1-5-1, 43.1-6-1, 43.1-7-1, 43.1-7-2, 68.1-1-6, 68.1-5-8, 68.1-9-1, 69.1-1-6, 69.1-1-7, 69.1-1-8, 69.1-1-18, 69.1-1-21, 701.1-1-4 (sic),\* 70.1-2-1, and 70.1-3-1 relating to fees charged for certain regulatory services provided by the Health Department and by adding a new article 17.3 in Chapter 4 to impose a license tax of \$100 on the owner of any vehicle that does not display a current Virginia license plate.
- Chapters 2, 61, 101, 104, and 112, as recommended by the Planning Commission, with the additional changes recommended by staff. All revised fees shall be applicable to any submission(s) on or after the effective date.
- Chapter 112 for the zoning fee schedule to adopt the 75 percent cost recovery alternative set forth in the staff report dated February 9, 2009, with the following two exceptions: eliminating the proposed new fee for conceptual plans as recommended by the Planning Commission and deferring decision on the proposed new fee for applicant requested deferrals to allow additional time for the Planning Commission and staff to further discuss and evaluate the implementation of such a fee. The revised fees shall be applicable to all zoning applications, appeals, and requests as provided for in Section 18-106 of the Zoning Ordinance filed subsequent to the effective date of the amendment and that zoning applications, appeals, and requests as provided for in Section 18-106 of the Zoning Ordinance which were filed prior to the effective date of this amendment and that are in compliance with the applicable submission requirements shall be grandfathered from this amendment.

If adopted, the fee increases become effective on and after July 1, 2009.

Supervisor Hyland seconded the motion.

\*Vice-Chairman Gross clarified that the correct citation was **Section 70.1-1-4**, not the 701.1-1-4 as shown in the written motion.

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

(NOTE: Later in the meeting, the Board deferred decision on the proposed amendment to the Zoning Ordinance regarding the new fees for applicant deferrals. See Clerk's Summary Item #71.)

### **Approval of the FY 2010 Tax Rate Resolution and Other Related Resolutions**

Having established the real property tax rate at \$1.04 per \$100 of assessed value, Chairman Bulova moved adoption of the:

- FY 2010 Tax Rate Resolution adopting Tax Rates for the County, as detailed in Attachment II of the Memorandum to the Board dated April 23, 2009.
- FY 2010 Appropriation Resolution for County Agencies/Funds as set forth in Attachment III of the Memorandum to the Board dated April 23, 2009.
- FY 2010 Appropriation Resolution for School Board Funds as set forth in Attachment IV of the Memorandum to the Board dated April 23, 2009.
- FY 2010 Fiscal Planning Resolution as set forth in Attachment V of the Memorandum to the Board dated April 23, 2009.

Supervisor Hyland seconded the motion.

Supervisor Hudgins moved to amend the motion to reaffirm the Board's core commitment to services provided including an affirmation to the affordable housing program to include the penny for housing and that at Carryover the Board will reexamine this program in light of the revenue forecast. Supervisor Hyland seconded the amendment to the motion.

Discussion ensued regarding the amendment.

Vice-Chairman Gross ruled that the amendment did not apply to the pending motion and recommended that it be raised following budget adoption.

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

**Approval of Health and Dental Insurance Continuation for Employees terminated due to Reduction in Force (RIF)**

Chairman Bulova moved that the Board direct the County Executive to provide the following health and dental insurance subsidy to employees who are terminated from their jobs due to the reduction in force necessitated by the FY2010 budget reductions. This benefit will be provided to both probationary and non-probationary employees and assumes that the employee is not eligible for health or dental insurance elsewhere. The details are as follows:

- Months 1–3: The County will pay full cost of the health insurance premium.
- Months 4-12: The Federal subsidy pays 65 percent of the premium and the employee pays 35 percent.
- Months 13-21 (remainder of COBRA period): The County pays 65 percent of the premium, and the employee continues to pay 35 percent.

Note: This proposal increases the County contribution for months 13-21 from the 50 percent originally proposed to 65 percent in response to the Board's indication that it would like the County subsidy to be similar to that offered in prior RIFs. The estimated County cost per employee if they were to participate for the full 21 months is approximately \$6800 (employee cost for that period would be approximately \$4700). It is anticipated that no more than 25-50 employees will be laid off, and the length of individual participation will vary, but likely will be less than the full 21 months. The cost to the County of providing extended health insurance benefits will be absorbed within the existing appropriation.

Supervisor Hyland seconded the motion, which carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.



**Items for the Record**

Supervisor Gross submitted items for the record. She summarized the majority of them as follows:

- 87 communications from Mason District residents supporting the Annandale Adult Day Health Center and 115 non-Mason District residents.
- 16 communications regarding Higher Horizons Day Care.
- More than 100 people wrote regarding the Fairfax Arts Coalition for Education, which is a School issue.
- 41 communications on the English for Speakers of Other Languages (ESOL) program.
- More than 100 communications on community centers, parks, and recreation.
- 13 communications on Green Spring Gardens' Master Gardener Program, as well as 11 from non-Mason District residents.
- 19 communications on safety for firefighters and paramedics.

Supervisor Smyth indicated that she had already submitted items to the Clerk to the Board.

Supervisor McKay stated that he had several hundred communications, the majority as emails, regarding funding for senior services, public safety, and the ESOL program.

Supervisor Cook stated that he received a significant number of comments and expressed appreciation to those who submitted them.

Supervisor Hudgins stated that she received 876 articles of correspondence and the array was broad, ranging from school advocates to human services.

**Affordable Housing** (11:29 a.m.)

(NOTE: Earlier in the meeting, this issue was raised. See page 7.)

Supervisor Hudgins moved:

- The reaffirmation of the Board's commitment to the Affordable Housing Program, most specifically the funding for the Penny for Affordable Housing.

- Reexamination of the funding for the penny at the Carryover Budget Review in September dependent upon the adjustment of the FY 2010 revenue forecast.

Supervisor Hyland seconded the motion.

Chairman Bulova noted that during her comments in conjunction with the budget markup, she articulated the Board's continued commitment to affordable housing and to dedicating the equivalent of a penny on the tax rate. She added that the Board agreed to examine the subject of affordable housing and the way it is addressed as part of the Board's retreat on June 29 and 30 at Frying Pan Park.

Discussion ensued regarding the motion and the Affordable Housing Program in general.

Chairman Bulova restated the pending motion as a reaffirmation of the Board's commitment to affordable housing and that the Board will revisit its funding at Carryover in September following discussions at the Board retreat in June.

Following further discussion regarding the motion, Supervisor Hudgins restated her motion as follows:

- "That the Fairfax County Board of Supervisors reiterate its commitment to the Affordable Housing Program and, at Carryover, the Board reexamine the funding for the penny fund based on any positive adjustments in the 2010 revenue forecast."

Following further discussion regarding the motion, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved a substitute motion that the Board, as stated, consistent with its guidelines passed with the FY 2010 Budget, reaffirm its commitment to affordable housing in the County and reaffirm having a discussion regarding the program as part of a retreat in June. This motion was multiply seconded.

Following further discussion, the question was called on the substitute motion, which **CARRIED** by a recorded vote of eight, Supervisor Cook voting "NAY," Supervisor Hudgins abstaining.

The question was then called on the main motion, as substituted, which carried by a vote of nine, Supervisor Cook voting "NAY."

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Frey asked unanimous consent that the Board direct staff to provide, in advance of the retreat, a complete list of housing programs operated by the County and their sources of funding. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to schedule discussions for the Housing Committee prior to the retreat to brief the Board on current affordable housing programs. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Foust asked unanimous consent that the Board direct staff to report on the progress of previous housing programs adopted and funded. Without objection, it was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide responses to his two outstanding Board Matters regarding affordable housing issues, one was tax credits for non-profits providing affordable housing and the second was encouraging private or quasi-private County organizations to put affordable housing on their site. Without objection, it was so ordered.

Supervisor Hudgins noted that Action Item A-3 – Approval of Proposed Consolidated Plan for FY 2010 provided many answers to the previous requests.

**EBE:ebe**

11. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:58 a.m.)

(APPTS)  
(BACs)

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

The Board deferred the appointments of the Dranesville District and Sully District Representatives.

**ADVISORY PLANS EXAMINER BOARD**

**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Michelle Brickner as the County Employee Representative

Supervisor Smyth seconded the motion, which carried by a vote of eight, Supervisor Cook and Supervisor Herrity being out of the room.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD**

The Board deferred the appointment of the Farmer #3 Representative.

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointments of the Braddock and Hunter Mill District Representatives and the Mount Vernon District Business Representative.

**ATHLETIC COUNCIL**

Supervisor McKay announced his intent to move the appointment of Mr. Michael Rodgers as the Lee District Principal Representative at the next meeting.

Supervisor Herrity moved the reappointment of Mr. Albert Mayer as the Springfield District Alternate Representative. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Cook being out of the room.

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

Supervisor Hyland moved the appointments of:

- Ms. Lisa Lombardozzi as the Baseball Council Alternative Representative
- Ms. Lula Bauer as the Soccer Council Alternate Representative

Supervisor Foust seconded the motion, which carried by unanimous vote.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointments of the Lee, Mason, Mount Vernon, and Springfield District Representatives.

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

The Board deferred the appointments of the Alternate #2 and #4 Representatives.

**CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS**

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

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

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

**CHILD CARE ADVISORY COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**COMMISSION FOR WOMEN**

Supervisor Hudgins moved the appointment of Ms. Michele Jones as the Hunter Mill District Representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

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

**COMMUNITY ACTION ADVISORY BOARD**

The Board deferred the appointment of the Braddock District Representative.

**CONFIRMATIONS:**

Supervisor Gross moved confirmation of the following appointments:

- Ms. Rea Wynder as the South County Representative
- Ms. Nicole Petrazzuolo as the Central County Representative

Supervisor Hyland seconded the motion, which carried by unanimous vote.

**COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP**

Chairman Bulova moved the reappointment of Ms. Janyce Hedetniemi as the At-Large #1 Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. Robert Simon as the At-Large #2 Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Dr. Elizabeth Morton as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Kyle Talente as the Hunter Mill District Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Frank Sellers as the Mason District Representative. Supervisor Hyland and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. John Byers as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Michael DeLoose as the Springfield District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Dominic Taddeo as the Sully District Representative. Supervisor Hyland and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

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

#### **CRIMINAL JUSTICE ADVISORY BOARD**

The Board deferred the appointment of the Providence District Representative.

#### **ENGINEERING STANDARDS REVIEW COMMITTEE**

The Board deferred the appointment of the Citizen #2 Representative.

#### **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

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

#### **FAIRFAX AREA DISABILITY SERVICES BOARD**

Chairman Bulova moved the appointment of Mr. Timothy Lavelle as the At-Large #2 Business Community Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Ms. Kelly Greenwood as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointments of the Provider #1 and Provider #2 Representatives.

**HUMAN RIGHTS COMMISSION**

The Board deferred the appointment of the At-Large #10 Representative.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

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

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**

The Board deferred the appointments of the Braddock and Springfield District Representatives.

**LIBRARY BOARD**

Supervisor Cook moved the appointment of Mr. David C. F. Ray as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointment of the Providence District Representative.

**REDEVELOPMENT AND HOUSING AUTHORITY**

Chairman Bulova moved the reappointment of Ms. Helen Charlen Kyle as the At-Large #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Mr. Richard Kennedy as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, the Board reconsidered this action to appoint Mr. Kennedy and deferred this appointment until September 2009. See Clerk's Summary Item #72.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Lee A. Rau to appear before the Board to be recognized for his service. Without objection, it was so ordered.

Supervisor Hyland moved the reappointment of Ms. Elisabeth Lardner as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. John Kershenstein as the Springfield District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

#### **ROAD VIEWERS BOARD**

The Board deferred the appointments of the At-Large #1 and #3 Representatives.

#### **SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

The Board deferred the appointments of the Fairfax County #2, #4, #7, and #8 Representatives.

#### **TENANT LANDLORD COMMISSION**

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

#### **TRAILS AND SIDEWALKS COMMITTEE**

The Board deferred the appointments of the At-Large Chairman's and the Braddock District Representatives.

#### **WETLANDS BOARD**

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

#### **AD HOC COMMITTEES**

#### **FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES**

The Board deferred the appointments of the Lee District #1 and #2 and Providence District #1 Representatives.

**DET:det**

12. **ADMINISTRATIVE ITEMS** (12:09 p.m.)

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



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

Designated the following individuals, identified with their registration numbers, as Plans Examiners:

- Karen L. Steen 283
- Anthony R. Verdi, Jr. 284
- Lucelle Marie Sacdalan Espine 285
- Ajay K. Sharma 286

**ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 REVIEW  
APPLICATION (HUNTER MILL DISTRICT)**

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-H09-8	Cricket Communications Antenna colocation on existing transmission tower 9620 Verdict Drive Hunter Mill District	June 29, 2009

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM  
(DRANESVILLE, HUNTER MILL, LEE, MASON, PROVIDENCE, AND  
SPRINGFIELD DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Chadwick Property	Dranesville	Branton Lane (Route 8399)
Tyson's Estates and Ankerdale Section 2, Lot 42	Hunter Mill	Ashgrove Meadows Way  Teets Lane
Highgrove Estates Section 1	Lee	Willowfield Way

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Highgrove Estates Section 1	Lee	Franconia Road (Route 644) (Additional ROW Only)
Bicentennial Post Number 1976 The American Legion Department of Virginia	Mason	Maple Place (Route 758) (Additional ROW Only)
Toyota Motor Sales and Crown Real Properties	Providence	Leesburg Pike (Route 7) (Additional ROW Only)
Random Hills Road Phase II	Springfield	Random Hills Road (Route 7230) (Additional ROW Only)

**ADMIN 4 – ADDITION OF A SEGMENT OF FULLERTON ROAD TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)**

- (R) Adopted a Resolution requesting that a segment of Fullerton Road be added to the Secondary System of State Highways.

**ADMIN 5 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 2003-SP-035, ROBERT N. DEANGELIS; RONALD A. AND LETA G. DEANGELIS; GEORGE HINNANT, TRUSTEE (SPRINGFIELD DISTRICT)**

- (AT) Approved the request for 30 months of additional time to establish the use for Special Exception Application SE 2003-SP-035 to June 26, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE LEASING OF COUNTY-OWNED PROPERTY AT 7936 TELEGRAPH ROAD TO CRICKET COMMUNICATIONS, INCORPORATED (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 18, 2009, at 4 p.m.** regarding the leasing of County-owned property at 7936 Telegraph Road, Tax Map Number 100-1 ((1)) 16, to Cricket Communications, Incorporated, for the purpose of installing a telecommunications base station.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE LEASING OF COUNTY-OWNED PROPERTY AT 9220 OLD KEENE MILL ROAD TO CRICKET COMMUNICATIONS, INCORPORATED (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 18, 2009, at 4 p.m.** regarding the leasing of County-owned property at 9220 Old Keene Mill Road, Tax Map Number 88-2 ((1)) 4, to Cricket Communications, Incorporated, for the purpose of installing a telecommunications base station.

**ADMIN 8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-V-005, WILLIAM A. KINDER (MOUNT VERNON DISTRICT)**

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 01-V-005 to January 26, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2005-LE-028, PINEY RUN DEVELOPMENT, LLC (LEE DISTRICT)**

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 2005-LE-028 to January 10, 2011, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 10 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT FUNDING FROM THE 2008 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) THROUGH THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY (DHS), ADMINISTERED BY THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)**

Authorized FRD to apply for and accept funding, if received, from the VDEM Fiscal Year 2008 SHSGP in the amount of \$100,000 for rescue team equipment, training, and exercises.

13. **A-1 – APPOINTMENT OF MEMBER TO THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (12:09 p.m.)

- (APPT) On motion of Supervisor Gross, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and appointed Braddock District Supervisor John Cook to the Fairfax County Solid Waste Authority.

14. **A-2 – ENDORSEMENT OF DESIGN PLANS TO WIDEN LEE JACKSON MEMORIAL HIGHWAY (ROUTE 50) FROM SULLY ROAD (ROUTE 28) TO POLAND ROAD IN LOUDOUN COUNTY (SULLY DISTRICT)**  
(12:11 p.m.)

Supervisor Frey announced that he and Supervisor Hudgins are part of an ad hoc group chaired by the Northern Virginia District Representative to the Commonwealth's Transportation Board, informally called the Dulles Loop Implementation Group, whose purpose is to review the circumferential network around Dulles Airport to ensure that traffic flows in, around and to the airport so as not to choke off growth. He noted that Route 50 is part of that network and asked for assurances that the design concepts being approved are consistent with the vision that the Group has been endorsing which calls for enhanced vehicle access and options for transit.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation (DOT), concerning consistency and the need to further explore transit on the Route 28 and Route 606 legs.

Supervisor Frey referenced page 42 of the Board Agenda Item, bulleted item 5: "Retain the access to and from Route 50 at Airline Road in front of the 7-11 convenience store," and stated that the Virginia Department of Transportation's (VDOT) design concept shows access to Airline Road, but not to the service road which provides access into the shopping center.

Supervisor Frey stated that he wanted to include in his motion an additional bulleted recommendation on page 41 of the Board Agenda Item containing a fifth comment asking VDOT to continue to explore ways to provide access to the service road to provide access to the retail merchants within the shopping center.

Supervisor Frey moved that the Board concur in the recommendation of staff and endorse VDOT's design plans to widen Lee Jackson Memorial Highway (Route 50) from Sully Road (Route 28) to Poland Road in Loudoun County, including widening to six lanes with turn lanes as needed, a 10-foot shared use path on both sides, a 14-foot wide curb lane in each direction, stormwater management, upgraded bridges over Cub Run and Cain Branch, generally as presented at the February 26, 2009, public hearing, with the modifications as outlined in the Board Agenda Item dated April 27, 2009, and the additional bullet on page 41 of the Board Agenda Item concerning access to the service road. Supervisor Hudgins seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct DOT staff to brief her on the progress of the design plans as they impact traffic flow to and from the Hunter Mill District. Without objection, it was so ordered.

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

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

Chairman Bulova announced that the Board would proceed with Information Items and consider Action Item 3 when Supervisor Hyland returned to the dais. (See Clerk's Summary Item #23.)

16. **I-1 – CONTRACT AWARD – ANNUAL CONTRACT FOR UNDERGROUND UTILITY DESIGNATING AND LOCATING SERVICES** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2009, requesting authorization for staff to award a contract to So-Deep, Incorporated, for a not-to-exceed amount of \$2 million to provide underground utility designating and locating services for authorized projects. This contract will be for an initial 12-month period. At the option of the County, this contract may be renewed for two additional 12-month periods.

The staff was directed administratively to proceed as proposed.

17. **I-2 – NOTIFICATION OF GRANT FROM INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA)** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2009, announcing that the County is one of nine local governments nationwide to win a Public Library Innovation Grant from ICMA. The grant of \$34,450 will allow the Library to continue offering its award-winning Changing Lives Through Literature program in partnership with the Virginia Department of Corrections and the Fairfax County Juvenile and Domestic Relations District Court Services.

18. **I-3 – CONTRACT AWARD - LAKE FAIRFAX PARK CORE AREA PICNIC SHELTERS (HUNTER MILL DISTRICT)** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2009, requesting authorization for staff to award a contract to Hammerhead Construction of Virginia, Incorporated, in the amount of \$389,900 for the construction of four picnic shelters and related improvements at Lake Fairfax Park, in Project 475508, Park Development, Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

19. **I-4 – CONTRACT AWARD – GREAT FALLS NIKE PARK – STORMWATER MANAGEMENT POND RENOVATION (DRANESVILLE DISTRICT)** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2009, requesting authorization for staff to award a contract to Madigan Construction, Incorporated, in the amount of \$349,900 for the renovation of the stormwater management pond at Great Falls Nike Park, in Project 475508, Park Development, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

20. **I-5 – QUARTERLY STATUS REPORT ON THE BOARD’S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2009, regarding the quarterly status report on the Board’s second four-year transportation program. Discussion ensued, with input from Karyn L. Moreland, Chief, Capital Projects, Department of Transportation, and Larry Ichter, Deputy Director, Planning and Design Division, Transportation Design, Department of Public Works and Environmental Services, concerning the status of the following::

- The Route 50 Pedestrian Bridge at Seven Corners
- Project 14, Fairfax County Parkway, Fair Lakes Boulevard/ Monument Drive Interchange
- Project 18, Shirley Gate Road at Route 29 Intersection
- Project 12, Centreville Road Trail at Dulles Toll Road

21. **I-6 – CONTRACT AWARD – PLANNING AND ADVISORY CONSULTANT SERVICES PERTAINING TO COMMUNITY DEVELOPMENT AUTHORITIES (CDA), TAX INCREMENT FINANCING (TIF) COMPONENTS, AND/OR OTHER PUBLIC FINANCIAL TOOLS AND SERVICES** (12:22 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2009, requesting authorization for staff to award contracts to Jones Lang LaSalle Americas, Incorporated, and MuniCap, Incorporated, each for a period of three years, with four one-year renewal options for the provision of planning and advisory consultant services pertaining to CDA, with or without TIF components,

and/or other public financial tools and services. The total estimated amount of this contract is expected to fall within a range of \$60,000 to \$100,000 per year, depending upon need.

The staff was directed administratively to proceed as proposed.

22. **I-7 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-M09-3, FAIRFAX COUNTY PARK AUTHORITY (MASON DISTRICT)** (12:22 p.m.)

The Board next considered an item contained in the Board Agenda dated April 27, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-M09-3, Fairfax County Park Authority, Mason District.

The application sought approval by the Fairfax County Park Authority to establish a 13.6 acre resource-based park (John C. and Margaret K. White Gardens) to provide passive recreation opportunities and facilities. The acquisition will preserve the horticultural gardens created by the Whites over the last 50 years. Upon expiration of the life estate, the site will become a public garden park. The property is located at 3301 Hawthorne Lane, Falls Church, at the end of Princess Anne Lane, east of its intersection with Holloman Road on Tax Map 60-2 ((1)) 20, 21, 22.

23. **A-3 – APPROVAL OF PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2010** (12:22 p.m.)

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

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted the *Proposed Consolidated Plan One-Year Action Plan for FY 2010* as issued by the Consolidated Community Funding Advisory Committee with funding allocations as outlined in the Board Agenda Item dated April 27, 2009.
- Authorized staff to sign the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the US Department of Housing and Urban Development (HUD) by May 14, 2009.

DMS:dms

**ADDITIONAL BOARD MATTERS**24. **ENDORSEMENT OF PREFERRED LOCATION FOR ADDITIONAL COMMUTER PARKING IN THE I-95/I-395 CORRIDOR** (12:23 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Hyland, and Supervisor McKay, Chairman Bulova stated that the Board has been requested by Virginia Department of Transportation (VDOT) to formally state the County's position on the selection of a site for a 450 space park-and-ride facility within the County as part of the I-95/I-395 High Occupancy Toll (HOT) Lanes Project implementation. The concessionaire and VDOT have been exploring three locations within the County:

- The old "Circuit City" site (and adjacent sites such as the Sunoco station and the former Long John Silver's restaurant) in the Springfield Central Business Corridor (CBC).
- The Saratoga/Engineer Proving Ground (EPG) site.
- Expansion of the Lorton Virginia Railway Express (VRE) site.

Chairman Bulova noted that due to the recent loss of leased spaces in downtown Springfield for commuters, its proven utilization, and the additional need for spaces in this location (projected at 800-1000 spaces), the Department of Transportation is strongly recommending the Springfield CBC site over the other locations. This is a location, close to the I-95 interchange ramps, where commuters have been parking and forming carpools to access the I-95/I-395 HOV/HOT lanes for many years. The Springfield CBC site was the "birthplace of slugging" in the region when the site housed the former Springfield Cinema. The concessionaire would construct surface parking at this site in the near-term to be in place during construction of the HOT Lanes Project. A larger (garage) facility will be constructed on the site in the future as the Springfield area redevelops.

Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board endorse the Springfield CBC site as the preferred site for the near-term construction of commuter spaces and send the letter, copies of which were distributed to the Board, to Pierce Homer, Secretary of Transportation, advising him of this Board position. Supervisor McKay seconded the motion and it carried by unanimous vote.

25. **OLDER AMERICAN'S MONTH** (12:28 p.m.)

Chairman Bulova noted that May 2009 will mark the recognition of older County residents, of which there are more than 150,000 who are aged 60 and above,



accounting for 15 percent of the County's population. Chairman Bulova stated that not only is the Board committed to the continued success of *Anticipating the Future: Fairfax 50+ Action Plan 2007*, so that older adults have the services and opportunities needed for optimal health, independence, and quality of life as they age, but additionally, thousands of County residents volunteer their time and talents to this segment of the population.

Accordingly, Chairman Bulova asked unanimous consent that Board support these efforts and direct staff to invite representatives from the Department of Family Services to appear before the Board on May 4, 2009, to receive a proclamation recognizing this important month. Without objection, it was so ordered.

26. **NATIONAL PUBLIC WORKS WEEK** (12:29 p.m.)

Chairman Bulova noted that nationally, May 17-23, 2009, will be considered National Public Works Week. The week is an opportunity to honor and celebrate the tens of thousands of men and women in North America who provide and maintain the infrastructure and service collectively known as Public Works.

Chairman Bulova stated that this time is an excellent chance to raise the community's awareness of public works issues and to increase confidence in public works employees who are dedicated to improving the quality of life for present and future generations in the County.

Accordingly, Chairman Bulova asked unanimous consent that Board support these efforts and direct staff to invite representatives from the Department of Public Works and Environmental Services to appear before the Board on May 18, 2009, to receive a proclamation declaring the week of May 17, 2009, as "*National Public Works Week*" in Fairfax County. Without objection, it was so ordered.

27. **GUM SPRINGS' 175<sup>TH</sup> ANNIVERSARY** (12:30 p.m.)

In a joint Board Matter with Supervisor Hyland, Chairman Bulova stated that the community of Gum Springs, Virginia, proudly celebrates 175 years of African-American heritage. It was originally established by a former slave and, over time, Gum Springs grew into an exceptional community of runaway and freed slaves. The community diligently worked together with the Quakers in the area to find success during economic hardship.

Chairman Bulova noted that today the Gum Springs community continues to work together to preserve its outstanding history of strength and perseverance. The Gum Springs Historical Society has worked to provide information, dedicated historical road markers, and established a museum to ensure that valuable memories are not lost. This is a great recognition of the importance of diversity within the County.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to prepare a proclamation for Supervisor Hyland and Chairman Bulova to bring, on behalf of the Board, to the Gum Springs 175<sup>th</sup> Anniversary celebration on May 16, 2009. Without objection, it was so ordered.

28. **EMERGENCY MEDICAL SERVICES (EMS) WEEK** (12:32 p.m.)

Chairman Bulova noted that throughout the United States, May 17-23, 2009, will be celebrated as “Emergency Medical Services Week,” which is designed to bring together local communities and medical personnel to publicize safety and honor the dedication of those who provide lifesaving services. This year, the Fire and Rescue Department will be celebrating with the theme “A Proud Partner In Your Community.”

Chairman Bulova stated that the County’s EMS teams are responsible for being the first line of help to County residents in need of lifesaving medical services. They are committed to providing service at any moment someone is in need of their assistance. Members of these devoted teams participate in countless hours of specialized training and continuing education to ensure the best help is provided to the community.

Discussion ensued, with input from Jeremy Lasich, Deputy Director, Office of Public Affairs, regarding the scheduling of presentations for the month of May.

Accordingly, Chairman Bulova asked unanimous consent that the Board proclaim May 17-23, 2009, as “*Emergency Medical Services Week*” in Fairfax County, and direct staff to invite representatives from the Fire and Rescue Department to appear before the Board on May 4, 2009, to accept this proclamation. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

(BACs) Supervisor Foust stated that the Community Action Partnership is the national organization representing the interests of the community action agencies working to fight poverty at the local level. The partnership’s mission is to be a national forum for policy on poverty and to strengthen, promote, represent, and serve its network of member agencies to assure that the issues of the poor are effectively heard and addressed. One mechanism the partnership uses to achieve this mission is “National Community Action Month,” an annual celebration held in May that highlights the work and success stories of community action agencies locally and nationally. It is used to highlight ways community action is helping people and changing lives, to demonstrate community action’s strength and unity as a network, and to increase its national visibility as the country’s largest anti-poverty network. As community action agencies are showcasing their programs, they are

also giving local residents, many of whom may be unaware of the extent of poverty in their community, a first-hand look at the struggles low-income families face and how community action programs help these families achieve financial security.

Therefore, Supervisor Foust asked unanimous consent that the Board proclaim May 2009, as “*National Community Action Month*” in Fairfax County, and direct staff to invite representatives of the Community Action Advisory Board to appear before the Board to receive the proclamation. Without objection, it was so ordered.

**NV:nv**

30. **NATIONAL POLICE WEEK AND NATIONAL PEACE OFFICER’S DAY**  
(12:36 p.m.)

Supervisor Hyland stated that in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as "Police Week." Every year since, tens of thousands of law enforcement officers from around the world converge on Washington, DC to participate in a number of planned events which honor those who have paid the ultimate sacrifice. This year the County Police Department, the Fraternal Order of Police, and Fallen Officers Memorial Organization will mark a solemn tribute to Second Lieutenant Frank Stecco, who died in the line of duty last year, at a ceremony in the Public Safety Rose Garden on Thursday, May 7 at 3 p.m.

Therefore, to help honor County officers, Supervisor Hyland asked unanimous consent that the Board:

- Proclaim the week of May 10 as “*National Police Week*” in Fairfax County.
- Proclaim May 15 as “*Peace Officers Memorial Day*” in Fairfax County in honor of Second Lieutenant Frank Stecco.
- Direct staff to invite Master Police Officer Beth Benham, President of the Fairfax County Police Fallen Officers Memorial Organization; Police Chief Dave Rohrer; the Office of the Sheriff; and members of the Police Department to appear before the Board on May 4 to receive the proclamations.

Without objection, it was so ordered.

31. **RECOGNITION FOR THE WOMEN'S GROUP OF MOUNT VERNON**  
(12:37 p.m.)

Supervisor Hyland stated that this year the County received recognition from the Attorney General's Community Recognition Program for its efforts to keep victims of domestic violence safe and hold offenders accountable. A County interagency team selected the Women's Group of Mount Vernon to receive a check for \$1,000 from Verizon Wireless' Hopeline Program on April 28 at 1 p.m. in the Office of the Attorney General in recognition of the outstanding work they have done in the local community. The County's Ms. Mattie Palmore and Ms. Kari Warren will receive the award.

The Women's Group of Mount Vernon was established in 2004 as a peer support group that meets locally in the southeast region of the County. This fellowship for women provides community peer support and education in the areas of domestic violence, child abuse, sexual violence, and other women's issues (single parenting, divorce, gang violence, et cetera). One of the key elements of these meetings is validation. In a setting of peers, women learn to embrace themselves as they are and to move forward in their lives. Using other women as a supportive network, members are able to identify their needs, seek resources, and establish friendships. Supervisor Hyland asserted that it is a model program for other jurisdictions to emulate.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Palmore, Ms. Warren, and members of the Women's Group of Mount Vernon, as well as members of the Department of Systems Management for Human Services, to include the Countywide Domestic Violence Coordinator, to appear before the Board to be recognized for their work to combat domestic violence.

Supervisor McKay asked to amend the request to include him on this item, as well as the Chairman, and this was accepted.

Without objection, as amended, it was so ordered.

32. **HUNTINGTON FLOOD REDUCTION COMMUNITY MEETING**  
**(MOUNT VERNON DISTRICT)** (12:40 p.m.)

Supervisor Hyland said that on May 7 at 7 p.m. at the Walt Whitman Middle School's Lecture Hall, the US Army Corps of Engineers and the Stormwater Planning Division of the Department of Public Works and Environmental Services will update the Huntington Community on the 65 percent design of the levee alternative and discuss options for moving a project forward. He noted that the project does not have a positive cost benefit ratio and cannot be advanced as a civil works project. The 65 percent design marks the culmination of the Corps of Engineers' work on this project. He welcomes the community's feedback as the

County looks to find a consensus as to what should be done to protect it from future flooding.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the:

- Office of Public Affairs to publicize the meeting.
- Police Department to set up a variable message sign on Huntington Avenue to help inform residents of the upcoming meeting.

Without objection, it was so ordered.

33. **NATIONAL ASSOCIATION OF COUNTIES (NACo) PRESCRIPTION DRUG DISCOUNT CARD PROGRAM** (12:41 p.m.)

Supervisor Hyland said that for two years, he has discussed the advantages of the County's participation in NACo's Prescription Drug Discount Card Program. The card would be available to all County residents and saves an average of 22.8 percent on prescription drugs. The program is a free exclusive benefit of the County's membership in NACo. Over 1,000 counties participate in this program, from small counties like Banner County, Nebraska to Cook County, Illinois.

Therefore, Supervisor Hyland moved that the Board direct:

- The County Executive to circulate a memorandum to Board Members summarizing the Board's discussion of participation in this program.
- Staff to invite NACo staff to brief the Board at an upcoming meeting about the program so the Board can make an informed decision on participation.

Supervisor Smyth seconded the motion, which carried by unanimous vote.

34. **NEW FARMERS MARKET IN LORTON (MOUNT VERNON DISTRICT)** (12:42 p.m.)

Supervisor Hyland announced the opening of a new Farmers Market in Lorton in the parking lot of the Virginia Railway Express station commencing on Sunday morning, May 2.

35. **PUBLIC BROADCASTING SERVICE (PBS) CONCURRENT REVIEW MOTION (MASON DISTRICT)** (12:43 p.m.)

Supervisor Gross said that PBS (the "applicant") owns approximately 4.3 acres zoned to the I-5 District on Stephenson Way. The applicant's existing facilities are comprised of a satellite operation center and offices that are necessary for the

transmission of broadcasting to the County and surrounding jurisdictions.

Supervisor Gross explained that the applicant's property is identified among the County tax map records as 81-1 ((9)) A, and is presently governed by a special exception that permits radio, television, microwave facility, and satellite earth stations. The applicant anticipates filing an amendment to the existing special exception approval to permit a building addition. The building addition is necessary to provide space for updated mechanical equipment to ensure the applicant's continued broadcast services. As existing facilities are outdated and necessitate constant repair, the applicant wishes to move quickly through the amendment process.

Therefore, Supervisor Gross moved that the Board direct:

- The Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously review and schedule public hearings for an amendment to Special Exception Amendment Application SEA 85-L-022-02, when submitted by the applicant.
- The Director of the Department of Public Works and Environmental Services to accept, for concurrent and simultaneous review, a site plan, architectural drawings, and other plans as may be necessary to implement the improvements contemplated by the applicant with the special exception amendment. The applicant is aware that the expediting of this application should not be construed to prejudice the consideration of this application in any way.

Chairman Bulova seconded the motion, which carried by unanimous vote.

36. **PUBLIC NOTIFICATION FOR SCHOOL BOUNDARY CHANGE MEETINGS** (12:45 p.m.)

Supervisor Gross said that public notices for zoning hearings are required by State and County law, usually through the newspaper and the display boards seen on-site. These bright yellow boards are clearly visible to casual observers at a distance and inform interested parties about zoning modifications being considered.

Supervisor Gross stated that there is no similar provision for school boundary change meetings. Boundary changes are of immense interest to parents, perhaps more so than zoning changes in their community. Exhausting all possible options for distributing information and publicizing these changes promotes increased transparency in local government and allows constituents the opportunity to be more aware of, and actively involved in, the changes that may significantly impact their lives.

Accordingly, Supervisor Gross moved that the County Executive and/or the County Attorney be directed to provide information on public notification requirements for school boundary change meetings held by the School Board, and review any legislative initiatives that may be appropriate, with recommendations for further action, if any. Supervisor Foust and Supervisor Herrity jointly seconded the motion.

Following a brief discussion of the motion, the question was called on the motion, which carried by unanimous vote.

37. **RETIREMENT OF JOANNE JORGENSON FROM THE HEALTH DEPARTMENT** (12:48 p.m.)

Supervisor Smyth said that JoAnne Jorgenson worked for the Health Department since 1971. She referred to her written Board Matter which outlined a few of Ms. Jorgenson's major accomplishments and asserted that she will be sorely missed upon her upcoming retirement.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition to be presented to Ms. Jorgenson at its meeting on June 1. Without objection, it was so ordered.

38. **FAIRFAX COUNTY CIVIL WAR SESQUICENTENNIAL COMMITTEE** (12:49 p.m.)

Supervisor Frey reported that planning has begun throughout Virginia and the rest of the country for the Civil War Sesquicentennial. County staff, residents, and some County boards and commissions have also begun planning for this upcoming commemoration. Festivities in Virginia kick off with a conference in Richmond on April 29 entitled "America on the Eve of the Civil War." Accordingly, he asked unanimous consent that the Board direct staff to invite the committee that has been established to report to the Board in June with an update on its plans. Without objection, it was so ordered.

39. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2005-SU-020, DOMINION CHRISTIAN SCHOOL (SULLY DISTRICT)** (12:50 p.m.)

Supervisor Frey noted that Special Exception Application SE 2005-SU-020 was approved by the Board in 2005 to permit a telecommunications "tree pole" and related equipment structures and to modify the existing Special Permit uses on property relating to the Whole World Fellowship and Church at Northern Virginia and operations of the Dominion Christian School. Specifically, the application permitted an increase in student enrollment, number of employees, and hours of operation at the school, and in the number of staff persons employed by the church. The subject property is located at 10922 Vale Road in Oakton.

Supervisor Frey explained that a development condition associated with the SE restricts the school to a maximum daily enrollment of 135 students, ages 5 to 14 years, enrolled in kindergarten through grade 8. The school now has a daily enrollment of 122 students in K through 8 and would like to offer ninth and tenth grade class consisting of five students each. However, adding the new grades is in conflict with the approved condition, thereby requiring the school to process a special exception amendment application.

To meet the applicant's goal of opening the new grades at the beginning of the school year, Supervisor Frey moved that the Board approve expedited processing of the SEA application and concurrent processing of any related building and site plans and that a date certain for the Board hearing be set prior to the August recess. Supervisor Frey noted that he reviewed these requests with staff from the Department of Planning and Zoning and they have no objection. The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. Supervisor Gross seconded the motion, which carried by unanimous vote.

40. **SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2009-SU-002, CENTREVILLE UNITED METHODIST CHURCH (SULLY DISTRICT) (12:52 p.m.)**

Supervisor Frey stated that Centreville Day School/Centreville United Methodist Church filed Special Exception Application SE 2009-SU-002 to allow the church to establish recreation facilities including a T-ball, a play area, and a small pavilion on property that it owns adjacent to the existing church. The church is located generally at the intersection of Route 28, Old Centreville Road, and New Braddock Road in the Centre Ridge community. Because of the existing condition of the property, it is anticipated that the uses can be accomplished by simple mowing and striping the field and that no site plan will be required.

Supervisor Frey noted that the church representatives are anxious to establish the use to expand the list of youth sports that they offer via their Upward League. The Planning Commission hearing is scheduled for March 14 (sic)\* and the church representatives requested that the Board establish a date certain for the public hearing to be held before the Board on June 1. Staff has no objection.

Accordingly, Supervisor Frey moved that the Board authorize a date certain for the public hearing to be held before the Board for Special Exception Application SE 2009-SU-002 to occur as soon as practicable after the Planning Commission hearing. The applicant understands that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards. Supervisor Gross seconded the motion.



\*Supervisor Frey clarified that the Planning Commission public hearing is scheduled for **May 14**.

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

41. **RECOGNITION OF COLIN POWELL ELEMENTARY SCHOOL PRINCIPAL BRIAN HULL (SULLY DISTRICT)** (12:54 p.m.)

Supervisor Frey announced that Brian Hull, principal at Colin Powell Elementary School, was recently named Virginia's National Distinguished Principal. Accordingly, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Hull to appear before the Board in recognition of this achievement. Without objection, it was so ordered.

PMH:pmh

42. **SPECIAL EXCEPTION APPLICATION SE 2009-BR-003 (SPRINGFIELD DISTRICT)** (12:55 p.m.)

Supervisor Cook announced that Bourj, Limited has requested Special Exception Application SE 2009-BR-003 to operate a college use within an existing office building located at 7611 Little River Turnpike in the C-3 District. There are no physical changes to the site proposed with this application which is currently scheduled for a Planning Commission public hearing on July 9.

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

- Schedule a public hearing to be held before the Board prior to its recess in August 2009.
- Concurrently process the site plan.

The applicant is aware that expediting this application should not be construed to prejudice the consideration of this application in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

43. **VIRGINIA'S STATE HIGH SCHOOL RUGBY CHAMPIONSHIP** (12:55 p.m.)

Supervisor Herrity said that on June 6 the County will be hosting the second annual Virginia State High School Rugby Championship. The event will be held at South County Secondary School.

Supervisor Herrity asked unanimous consent that the Board:

- Designate June 6 as "*Rugby Day*" in Fairfax County.

- Direct staff to prepare a proclamation for presentation at the Championship.

Without objection, it was so ordered.

44. **SPRINGFIELD DISTRICT'S KICKOFF SUMMER CONCERT**  
(12:56 p.m.)

Supervisor Herrity announced that the Springfield District's Kickoff Summer Concert will be held at Burke Lake Park on Sunday June 21 from 7 p.m. until 9 p.m. He invited families to come and celebrate the start of summer and Father's Day with good music and quality family fun. This is the second year of the Springfield District Concerts at Burke Lake Park. Last year's inaugural concert in September was a huge success with over 300 people in attendance.

45. **"SEXTING" – SENDING SEXUAL CONTENT BY CELL PHONE**  
(12:57 p.m.)

Supervisor Herrity announced that a town hall meeting will be held at West Springfield High School on May 13 at 7 p.m. on "sexting," a serious issue for students.

46. **RESTON OUTDOOR LIGHTING TASK FORCE MEETING (HUNTER MILL DISTRICT)** (12:58 p.m.)

Supervisor Hudgins said that at its May 5, 2008, meeting, the Board voted to increase the limit of streetlights in the Reston Demonstration Project to a maximum of 350 units. She added that as part of her Board Matter requesting such action, the Board also voted to work with Dominion Power to evaluate LED streetlight technology and the potential establishment of pilot LED lighting projects in the County, which led to the pilot project at the Virginia Railway Express (VRE) station in Braddock District.

Dominion Power has expanded its pilot program to include a project in 10 localities across the Commonwealth. As part of the County's effort to continually improve outdoor lighting quality and energy efficiency, the Department of Public Works and Environmental Services (DPWES) is working with Dominion Power to include a defined area within the Reston Demonstration Project as part of the statewide project.

Supervisor Hudgins announced that she will host a meeting of the Hunter Mill Outdoor Lighting Task Force to discuss expansion of the LED pilot in the Reston Demonstration Project area and other lighting issues with residents and representatives from DPWES and the Reston Association.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to work with local media to publicize the Hunter Mill

Outdoor Lighting Task Force meeting on Wednesday, May 13 from 7 p.m. until to 9 p.m. at the North County Governmental Center. Without objection, it was so ordered.

47. **BIKE TO WORK DAY** (12:59 p.m.)

Jointly with Supervisor Smyth, Supervisor Hudgins announced that Friday, May 15 is Bike to Work Day in the County and the Washington Metro area. She added that there will be six Bike to Work events in the County this year in Reston, Vienna, Springfield Metro Park, Tyson's Corner, Fairfax City, and Fairfax Corner.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim May 15 as "*Bike to Work Day*" in Fairfax County.
- Direct staff to publicize Bike to Work Day.
- Direct the Office of Public Affairs to invite staff from the Department of Transportation and the bicycling community to appear before the Board on May 4 to be recognized for their hard work in making this day possible.

Without objection, it was so ordered.

48. **BEST OF RESTON FIRST RESPONDERS (HUNTER MILL DISTRICT)**  
(1 p.m.)

Supervisor Hudgins said that on April 30 Reston Interfaith and the Greater Reston Chamber of Commerce will host the Best of Reston, an event that honors individuals, organizations, and businesses that have put forth tremendous effort in their commitment to community service and improving the lives of others.

Supervisor Hudgins noted that this year, for the first time, the 2008 Fairfax County First Responder Officers of the Year who serve the Greater Reston community will also be honored at the event. PFC John Asper of the Police Department, and Technicians Michael Frames, Scott Pifer, and Michael Eddy of the Fire and Rescue Department, will be given special awards for their outstanding service.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare proclamations for Reston's First Responder Officers of the Year to be presented at the celebration on April 30. Without objection, it was so ordered.

49. **HUNTER MILL SKATE PARK ON WHEELS (HUNTER MILL DISTRICT)** (1:02 p.m.)

Supervisor Hudgins said that on Saturday, May 9, the Hunter Mill District office is hosting a Skate Park on Wheels at Lake Fairfax Park in Reston, from 2 p.m. until 5 p.m. The event will feature a portable skateboard facility complete with ramps, rails, and jumps, geared for beginners through novices, ages six and older.

Supervisor Hudgins noted that this free event is made possible through the contributions of American Inline Skating along with the cooperation of the Park Authority, Department of Community and Recreation Services, Reston Community Center, and Reston Association.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the Skate Park on Wheels event on May 9 at Lake Fairfax Park. Without objection, it was so ordered.

50. **RESIGNATION OF HEIDI KALLET, HUNTER MILL DISTRICT REPRESENTATIVE, ADVISORY SOCIAL SERVICES BOARD (ASSB) (HUNTER MILL DISTRICT)** (1:03 p.m.)

(BACs) Supervisor Hudgins announced that Heidi Kallet, Hunter Mill District Representative, ASSB, has submitted her resignation. She asked unanimous consent that the Board direct the Clerk to include this vacancy in the next list of appointments. Without objection, it was so ordered.

51. **CERTIFICATE OF RECOGNITION FOR POLICE OFFICER AL CRUZ (LEE DISTRICT)** (1:03 p.m.)

Supervisor McKay said that on April 22, the *Washington Post* ran a story about the work that County police officers are doing with at-risk youth in the Springfield community. He explained that Officer Al Cruz works out of the Franconia police station where, since last summer, he has been running a crime prevention program that blends fast-paced soccer practice and games with lessons about drugs and gangs.

Supervisor McKay referred to his written Board Matter outlining Officer Cruz's work and asked unanimous consent that the Board direct staff to invite Officer Cruz to appear before the Board to be recognized for his service. Without objection, it was so ordered.

52. **JULY 4 FIREWORKS IN LEE DISTRICT** (1:04 p.m.)

Supervisor McKay said that July 4 has historically featured a fireworks show at Lee District Park. County budget cutbacks, along with the construction of turf fields funded through the last park bond, now mean that the park is off bounds for

any fireworks. He announced that Lee District Park will still host a July 4 celebration. He added that he has arranged for a family-friendly musical program in the park amphitheater from 3 p.m. until 5 p.m. on the afternoon of July 4. The M&R Project will perform oldies and Motown hits from 3 p.m. until 4 p.m., and the Annandale Brass Ensemble will perform summer pops from 4 p.m. until 5 p.m.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to advertise the change to the program this year so that residents can enjoy the concert, but that they will need to view fireworks from another location in the region. Without objection, it was so ordered.

53. **INTENT TO DEFER PUBLIC HEARINGS (LEE, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (1:05 p.m.)

Supervisor McKay announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2007-LE-007 to May 18.

Supervisor Herrity announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2008-SP-012 to June 1 at 3:30 p.m.

Supervisor Foust announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Application SE 2008-DR-037.

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #60, #61, and #64.)

54. **RECESS/CLOSED SESSION** (1:07 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and

consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)
2. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
3. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
4. *Elizabeth Paoli Case, Minor #1, Valerie Martin, James Martin, Minor #2, Sarah Marin-Barrera, Carlos Mann Barrera, Minor #3, Kim Case, and Doug Pease v. The Commonwealth of Virginia, The County of Fairfax, Virginia, Michael Elliot, Michael Smith, Marc Birmingham, Ken Williams, G.E. Harvey, Unnamed State Police Officers and Unnamed Fairfax County Police Officers*, Case No. 1:08-cv-810 LMB/JFA (E.D. Va.); *Samuel Ray Case, Minor #1 and Minor #2 v. The Commonwealth of Virginia, The County of Fairfax, Virginia, Michael Elliot, Michael Smith, Marc Birmingham, Ken Williams, G.E. Harvey, Unnamed State Police Officers, and Unnamed Fairfax County Police Officers*, Case No. 1:08-cv-811 LMB/JFA (E.D. Va.)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique Vereen*, Record No. 081863 (Sup. Ct. Va.) (Lee District)
6. *Glencourse Cluster Association v. Fairfax County* (Fx. Co. Bd. of Building Code Appeals) (Hunter Mill District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and*

*Marva K. Hatcher*, Case No. CL-2008-0003912  
(Fx. Co. Cir. Ct.) (Providence District)

8. *Allen Schutz v. Fairfax County Redevelopment and Housing Authority*, Case No. CL-2009-0003655 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rose Mary King*, Case No. CL-2008-0012699 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. W. Martin Eakes and Helen A. Eakes*, Case No. CL-2008-0016980 (Fx. Co. Cir. Ct.) (Mason District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel D. Liang*, Case No. CL-2008-0016553 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis*, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mariano Lopez Perez*, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fidel M. Zoleta and Emilia M. Zoleta*, Case No. CL-2008-0006904 (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. William F. Flores*, Case No. CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Efrain Abreu Jurado*, Case No. CL-2008-0009341 (Fx. Co. Cir. Ct.) (Springfield District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ominex, Inc., and Belleview SC Co., LLC*, Case No. CL-2008-0016278 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2009-0001067 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sumera A. Shaozab*, Case No. CL-2008-0013830 (Fx. Co. Cir. Ct.) (Providence District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ana Hernandez and Jose A. Hernandez*, Case No. CL-2008-0016868 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juvenal Meneses*, Case No. CL-2009-0002075 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tua Anh Ngo and Ngocnga T. Nguyen*, Case No. CL-2008-0016331 (Fx. Co. Cir. Ct.) (Providence District)



25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nida Hassan and Tahir Hassan*, Case No. CL-2008-0008404 (Fx. Co. Cir. Ct.) (Braddock District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Juan C. Justiniano*, Case No. CL-2008-0015614 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Andrade*, Case No. CL-2008-0016277 (Fx. Co. Cir. Ct.) (Sully District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Prospect at Evergreen, LLC*, Case No. CL-2008-0016977 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gerald M. Bowen*, Case No. CL-2009-0001835 (Fx. Co. Cir. Ct.) (Sully District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Felix Rojas and Rosemary Rojas*, Case No. CL-2009-0005209 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter Maranon and Nelly M. Maranon*, Case No. CL-2009-0003972 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria T. Cortez and Selvin Valdez*, Case No. CL-2008-0016980 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yolanda Ramirez and Hernan*

- Tambo*, Case No. CL-2009-0003974 (Fx. Co. Cir. Ct.) (Braddock District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rising Sun Properties, LLC*, Case No. CL-2009-0004026 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eusebio Rocha and Johnny Rocha*, Case No. CL-2009-0004027 (Fx. Co. Cir. Ct.) (Mason District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria J. Mickey*, Case No. CL-2009-0004025 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dayton E. Biser*, Case No. CL-2009-0004209 (Fx. Co. Cir. Ct.) (Braddock District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Weiwen Gu, Lin Qi, Weijiang Gu, and Jimei Xiao*, Case No. CL-2009-0004250 (Fx. Co. Cir. Ct.) (Hunter Mill District) (Strike Team Case)
39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos*, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
40. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Phillip Ha*, Case No. CL-2009-0004297 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Islamic Foundation of North America, Inc.*, Case No. CL-2009-0004498 (Fx. Co. Cir. Ct.) (Lee District)

42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mouhammad A. Kassar, Amine M. Kassar, and Samy A. Kassar*, Case No. CL-2009-0004611 (Fx. Co. Cir. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. FCW, LLC*, Case No. CL-2009-0004760 (Fx. Co. Cir. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gary C. Smith, Trustee of the Smith Living Trust, and Carolyn W. Smith, Trustee of the Smith Living Trust*, Case No. CL-2009-0004848 (Fx. Co. Cir. Ct.) (Dranesville District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Giannina Perez*, Case No. CL-2009-0004927 (Fx. Co. Cir. Ct.) (Braddock District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Angel A. Contreras*, Case No. CL-2009-0005034 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teodoro Rojas, Rosa Amanda Rojas, and Mario T. Rojas*, Case No. CL-2009-0005033 (Fx. Co. Cir. Ct.) (Lee District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luis F. Becerra Barba*, Case No. CL-2009-0005210 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marguerite A. Thoburn*, Case No. 09-0006935 (Fx. Co. Gen. Dist. Ct.) (Providence District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Margaret Carey*, Case No. 09-0007026 (Fx. Co. Gen. Dist. Ct.) (Sully District)

51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Margaret Gardner*, Case No. 09-0007025 (Fx. Co. Gen. Dist. Ct.) (Providence District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Jones*, Case No. 09-0007023 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyo S. Kim*, Case No. 09-0007022 (Fx. Co. Gen. Dist. Ct.) (Sully District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Evelyn Doku*, Case No. 09-0007024 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 08-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 08-0024757 (Fx. Co. Gen. Dist. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 09-0005176 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sortiris P. Ioannou*, Case No. 08-0027339 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan C. Cadima*, Case No. 09-0002346 (Fx. Co. Gen. Dist. Ct.) (Mason District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter Paul Mitrano*, Case

No. 08-0029359 (Fx. Co. Gen. Dist. Ct.)  
(Braddock District)

61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Ferruffino and Emma Salazar*, Case Nos. 09-0007962 and 09-0007963  
(Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- Veolia Transportation Services, Incorporated v. Board of Supervisors of Fairfax County, Virginia, et al., Case Number 2009-5587
- Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, *et al.*, CL-2008-2729
- F.P. Griffith, Jr., Water Treatment Plant, Fairfax County Plan Number 0014-SP-01
- Bigg Wolf v. Montgomery County, Md., 256 F. Supp. 2d 385

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

**DMS:dms**

At 3:38 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

#### **ACTIONS FROM CLOSED SESSION**

55. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:38 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."

56. **AUTHORIZATION OF THE APPEAL OF THE DECISION IN BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA V. BURKE AND HERBERT BANK AND TRUST COMPANY, CASE NUMBER CL-2008-0009338** (3:39 p.m.)

Supervisor Gross moved that the Board authorize the County Attorney to appeal the March 26, 2009, Order of the County Circuit Court entered in *Board of Supervisors of Fairfax County, Virginia v. Burke and Herbert Bank and Trust Company*, Case No. CL-2008-0009338, as outlined by the County Attorney in closed session. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

EBE:ebe

### **AGENDA ITEMS**

57. **3 P.M. – BOARD DECISION ON THE CREATION OF A COMMUNITY DEVELOPMENT AUTHORITY (CDA) FOR THE MOSAIC – MERRIFIELD TOWN CENTER DEVELOPMENT (PROVIDENCE DISTRICT)** (3:39 p.m.)

- (O) (NOTE: On March 30, 2009, the Board held a public hearing regarding this item and deferred decision until April 27, 2009.)

Supervisor Smyth moved adoption of a new Appendix P to the Code of the County of Fairfax, pursuant to the Ordinance to create the Mosaic District Community Development Authority, in accordance with Article 6 of Chapter 51 of Title 15.2 of the *Code of Virginia*. Supervisor Foust and Supervisor McKay jointly seconded 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.

58. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3 AND 7, REGARDING CHANGES TO ALLOW SURVIVING SPOUSES OF DECEASED MEMBERS TO CONTINUE RECEIVING BENEFITS WHEN THEY REMARRY – FOR THE UNIFORMED, POLICE OFFICERS AND EMPLOYEES’ RETIREMENT SYSTEMS** (3:41 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 9 and April 16, 2009.

Robert L. Mears, Director, County Retirement Systems, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, to allow surviving spouses of deceased members to continue receiving benefits when they subsequently remarry. Supervisor Frey and Supervisor Herrity jointly seconded 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.

59. **3:30 P.M. PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2 AND 3, REGARDING CHANGES IN SERVICE CREDIT FOR MILITARY LEAVE WITHOUT PAY (MLWOP) FOR THE UNIFORMED AND EMPLOYEES' RETIREMENT SYSTEMS** (3:47 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 9 and April 16, 2009.

Robert L. Mears, Director, County Retirement Systems, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2 and 3, regarding providing members with free service credit for periods of MLWOP. Supervisor McKay seconded 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.

60. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-LE-007 (FRANCONIA TWO LP) (LEE DISTRICT)** (3:49 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2007-LE-007 until **May 18, 2009, at 4 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-DR-037 (MARK AND LYN MCFADDEN) (DRANESVILLE DISTRICT)** (3:51 p.m.)

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2008-DR-037 until **May 18, 2009, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

62. **BOARD RECESS** (3:52 p.m.)

Chairman Bulova announced that the Board would take a ten minute recess, and at 4:04 p.m., the Board reconvened with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

63. **4 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121 (ORACLE USA, INCORPORATED) (HUNTER MILL DISTRICT)** (4:05 p.m.)

The application property is located at 1900 Oracle Way, Tax Map 17-4 ((1)) 7A pt.

Mr. Christopher DeManche, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Hudgins submitted Reston Planning and Zoning Committee minutes for the record.

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

Supervisor Hudgins moved:

- Approval of PRC Application PRC 86-C-121, subject to the development conditions dated April 27, 2009.
- Any plans submitted pursuant to this PRC plan shall be in accordance with the approved PRC plan entitled PRC Plan 86-C-012 Oracle phase III prepared by Urban Limited and dated April 6, 2009.
- Modification of the trail width requirement, as shown on the plat.

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

64. **4 P.M. – PH ON REZONING APPLICATION RZ 2008-SP-012 (11-7 ASSOCIATES, LLC) (SPRINGFIELD DISTRICT)** (4:11 p.m.)

Supervisor Herrity moved to defer the public hearing on Rezoning Application RZ 2008-SP-012 until June 1, 2009. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.



65. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SAINT JOHN COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)**  
(4:12 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 9 and April 16, 2009.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Nguyen presented the staff recommendation.

Discussion ensued, with input from Ms. Nguyen, regarding the posting of signs on Saint John Street and expansion of side streets to be included in the CPD.

Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Saint John CPD, in accordance with current CPD restrictions. Supervisor Smyth seconded 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.

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ROBIN GLEN COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)**  
(4:23 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 9 and April 16, 2009.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Robin Glen CPD, in accordance with current CPD restrictions. Supervisor McKay seconded 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.

67. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON COURTHOUSE ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)** (4:27 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 9 and April 16, 2009.

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

Following the public hearing, which included testimony by two speakers, a brief discussion ensued regarding the speed limit on Courthouse Road.

Supervisor Smyth moved adoption of the Resolution endorsing Courthouse Road between Chain Bridge Road and Sutton Road to be included in the R-TAP for a through truck traffic restriction. Supervisor Foust seconded 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.

68. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-032 (LB FRANKLIN FARM LLC) (SULLY DISTRICT)** (4:37 p.m.)

The application property is located at 13354 Franklin Farm Road Tax Map 35-1 ((4)) (22) 2B.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

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

- Mr. Gary D. Rappaport, Rappaport Management Company

Ms. Stagg 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, William O’Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2008-SU-032, subject to the development conditions dated April 10, 2009. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

(NOTE: On March 12, 2009, the Planning Commission approved Final Development Plan Amendment Application FDPA C-118-17, subject to the development conditions dated February 25, 2009.)

69. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-L-004 (LOISDALE ROAD, LLC) (LEE DISTRICT)** (4:42 p.m.)

The application property is located on the east side of Henry G. Shirley Memorial Highway (I-95), south of Loisdale Park and on the west side of the Richmond Fredericksburg Railway 2B, Tax Map 90-4 ((1)) 3.

Mr. Brian Winterhalter reaffirmed the validity of the affidavit for the record.

Mr. Winterhalter 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, Kelli-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 80-L-004, subject to the proffers dated April 22, 2009.
- Waiver of the loading space requirement to permit one loading space in lieu of four loading spaces.

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

70. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-491-02 (T&M McLEAN VENTURE LLC) (DRANESVILLE DISTRICT)** (4:49 p.m.)

(NOTE: On March 30, 2009, the Board deferred the public hearing on this item until April 27, 2009.)

The application property is located on the south side of Chain Bridge Road, approximately 800 feet east of its intersection with Westmoreland Street, Tax Map 30-2 ((1)) 23.

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

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

- Mr. David D. Flanagan
- Mr. William A. Moran

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.

Supervisor Foust submitted items for the record.

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

Supervisor Foust moved:

- Approval of PCA C-491-02, subject to the execution of proffers consistent with those dated April 23, 2009, with proffer number eight revised to read:

“Prior to site plan submission, the applicant shall coordinate with Urban Forest Management (UFM) to establish the required limits of clearing and grading and field delineation in order to maximize tree preservation and minimize the impact of construction/landscaping activities on the 12-inch diameter red maple and the 20-inch pin oak identified by staff. The applicant shall comply with these limits to maximize the likelihood of survival for these trees and shall utilize welded wire fencing protection, as approved by UFM.”

- Modification of the transitional screening requirements in favor of that shown on the Generalized Development Plan (GDP).
- Waiver of the required on-road bike lane along the Chain Bridge Road frontage of the site.
- Reduction of the parking requirement in a Commercial Revitalization District by up to four percent, as generally depicted on the GDP.

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

### **ADDITIONAL BOARD MATTERS**

71. **MOTION REGARDING PROPOSED ZONING ORDINANCE AMENDMENT CONCERNING ZONING FEES** (4:56 p.m.)

(NOTE: Earlier in the meeting, during action on the budget, the Board considered zoning fees. See Clerk's Summary Item CL#\_.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the decision on the proposed amendment to the Zoning Ordinance regarding the new fees for applicant deferrals be deferred until June 22, 2009. Supervisor Frey and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

72. **APPOINTMENT TO THE REDEVELOPMENT AND HOUSING AUTHORITY (HUNTER MILL DISTRICT)** (4:57 p.m.)

(APPT)  
(BACs)

(NOTE: Earlier in the meeting, the Board made additional appointments. See Clerk's Summary Item #11, page 15.)

Supervisor Hudgins moved to reconsider the appointment of Mr. Richard Kennedy as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Hudgins moved to defer action on the appointment of Hunter Mill District Representative to the Redevelopment and Housing Authority until September 2009. Supervisor Frey seconded the motion, and it carried by a vote of nine, Supervisor Hyland being out of the room.

73. **APPOINTMENT TO THE NORTHERN VIRGINIA REGIONAL COMMISSION** (4:58 p.m.)

(APPT) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved the appointment of Supervisor Cook to the Northern Virginia Regional Commission. Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

**AGENDA ITEM**

74. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 9 and April 16, 2009.

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

The public hearing was called and there were no speakers.

75. **BOARD ADJOURNMENT** (5 p.m.)

The Board adjourned.

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