



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 23, 2009**

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04-09

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, February 23, 2009, at 9:38 a.m., there were present:

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

Supervisor Michael Frey, Sully District, arrived at 9:39 a.m.

Supervisor John W. Foust, Dranesville District, arrived at 9:40 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; Angela Schauweker, Management Analyst II, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS1. **MOMENT OF SILENCE** (9:38 a.m.)

Supervisor Herrity asked everyone to keep in thoughts Father John “Jack” Hughes who died February 13 at his home in McLean. Father Hughes served as the pastor of St. Luke Catholic Church in McLean from 1973 to 1986, and the pastor of St. Bernadette Catholic Church in Springfield from 1987 to 2004. He was very active in the community and loved to sing.

Chairman Bulova asked everyone to keep in thoughts the troops who are serving overseas.

2. **ORDERS OF THE DAY** (9:40 a.m.)

Chairman Bulova announced that the 2:45 p.m. item listed on the agenda, Presentation on the Proposed Acquisition of Gatehouse II, as part of a consolidation plan for School Administration, has been removed and that further discussion and consideration of the item will be discontinued. She said that over the weekend she called School Board Chairman Dan Stork and Superintendent Jack Dale to let them know she thought it best that the Schools discontinue all efforts to acquire Gatehouse.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board communicate this position to the School Board. This motion was multiply seconded.

Discussion ensued regarding Chairman Bulova’s conversation with the School Board Chairman and Superintendent.

Discussion ensued regarding funding for teacher positions and budget implications.

Supervisor Hudgins expressed her belief that the School Board should continue seeking the opportunity for savings.

Supervisor Herrity and Supervisor McKay stated that if this item does come back that the School Board should do it in an open forum and hold public hearings.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

AGENDA ITEMS**3. CERTIFICATE OF RECOGNITION PRESENTED TO GRAHAM ROAD ELEMENTARY SCHOOL (PROVIDENCE DISTRICT) (9:54 a.m.)**

Supervisor Smyth moved approval of the Certificate of Recognition presented to Graham Road Elementary School for being named a Blue Ribbon School by the US Department of Education. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. RESOLUTION OF RECOGNITION PRESENTED TO THE SHERIFF'S OFFICE AND THE COMMUNITY LABOR FORCE PROGRAM (10:02 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the Sheriff's Office and the Community Labor Force program for the work it does to maintain the appearance of the County. Supervisor Gross, Supervisor Hyland, and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Foust being out of the room.

5. CERTIFICATE OF RECOGNITION PRESENTED TO THE FIRE AND RESCUE DEPARTMENT (FRD) (10:14 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to FRD for receiving the 2008 Governor's Fire Service Award for Fire Prevention. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Foust being out of the room.

6. CERTIFICATE OF RECOGNITION PRESENTED TO THE DIAMOND DREAM FOUNDATION (10:20 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to the Diamond Dream Foundation for its generosity and commitment to the youth of the County. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Smyth being out of the room.

7. PROCLAMATION DESIGNATING MARCH 2009 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY (10:30 a.m.)

Supervisor Gross moved approval of the Proclamation to designate March 2009 as "*Women's History Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Hudgins announced that on March 4, 2009, the Commission for Women will host a Women's Voices Forum at the Government Center and asked unanimous consent that the Board direct the Office of Public Affairs to assist in

disseminating information regarding this forum. Without objection, it was so ordered.

8. **PROCLAMATION DESIGNATING MARCH 1-7, 2009, AS "CONSUMER PROTECTION WEEK" IN FAIRFAX COUNTY** (10:47 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate March 1-7, 2009, as "*Consumer Protection Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Susan Jones, Chief, Consumer Affairs Branch, Department of Cable Communications and Consumer Protection, announced that three educational seminars are planned for National Consumer Protection Week and further information regarding the seminars can be found on the County's website at <http://www.fairfaxcounty.gov/consumer/consumer.htm>. She also encouraged consumers to come by and talk to the investigators and attend the seminars.

NV:nv

9. **10 A.M. – PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2010 BUDGET BY THE COUNTY EXECUTIVE** (10:54 a.m.)

Following an acknowledgement to staff for their hard work on the budget, Anthony H. Griffin, County Executive, presented his proposed FY 2010 Budget and distributed copies of the PowerPoint presentation.

The Budget schedule is as follows:

- March 9, 2009: FY 2010 Budget, Tax Rate, and *FY 2009 Third Quarter Review* to the Board for advertisement authorization
- March 30, 31, and April 1: Public Hearings on the FY 2010 Budget, *FY 2009 Third Quarter Review*, and FY 2010-FY 2014 Capital Improvement Program
- April 20, 2009: Budget Mark-Up
- April 27, 2009: Budget Adoption

Chairman Bulova stressed that this is the County Executive's proposal and is not the Board's budget yet. She announced that the Board's Budget Committee would meet on March 16 at 2 p.m. and urged Board Members to bring their questions to the meeting. Prior to that time, she noted that Board Members can send questions to the Department of Management and Budget (DMB) with

courtesy copies provided to her. She also reiterated that the County Executive's proposal is based on a real estate tax rate of \$1.04, but that he recommended the advertisement on March 9 be advertised at a rate of \$1.07 for flexibility.

A brief discussion ensued regarding stormwater management funding in other jurisdictions, with input from Mr. Griffin.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to report with details on how other localities fund stormwater management. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Further discussion ensued, with input from Mr. Griffin, regarding local income tax, the number of filled positions (approximately 400) of the 524 proposed for elimination, and the recent presentation to the Economic Advisory Commission regarding how the County will look after the recession.

With reference to the use of furloughs, with input from Mr. Griffin, Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information on the effect of furloughs on employees, especially those at the lower end of the pay scale. Without objection, it was so ordered.

Discussion ensued regarding Fastran and the associated regional commitment, with input from Mr. Griffin.

Following discussion regarding stormwater management and the \$.015 rate, with input from Mr. Griffin, Supervisor Frey asked unanimous consent that the Board direct staff to provide the substantive details between service districts and utilities. Without objection, it was so ordered.

With regard to the dedicated funding for affordable housing and stormwater management, respectively, Supervisor Frey asked unanimous consent that the Board direct staff to spell out in the allocation the binding commitments such as debt service for housing, and Environmental Protection Agency requirements and Federal and State mandates for stormwater management. Following input from Mr. Griffin, without objection, it was so ordered.

Supervisor Frey announced that the Western Fairfax Citizens Association has scheduled with DMB staff a budget presentation at the Sully Governmental Center for 7 p.m. on March 17.

Discussion ensued in reference to merit positions and input from employee groups regarding merit positions and a menu of options for flexibility such as allowing some employees to work reduced hours or take retirement buyouts, with input from Mr. Griffin. Supervisor Smyth asked unanimous consent that the Board

direct staff to provide information on any options that can generate savings. Without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct staff to examine the possibility of a fee for streetlights and report with its findings. Following input from Mr. Griffin, without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to schedule Personnel Committee meetings now with one that will focus on the reduction in force (RIF) process and procedures. She also noted that the idea of the aforementioned “menu of options” could be discussed at a Personnel Committee meeting. Without objection, it was so ordered.

Discussion continued, with input from Mr. Griffin, regarding adult day health centers, ballroom dancing at the Lincolnia Center, library pages, retiree health insurance, and Head Start programs.

Supervisor Gross announced that the Mason District town meeting on the budget will be held March 18 at 7 p.m. at the Bailey’s Community Center.

Supervisor Foust asked unanimous consent that the Board direct staff to provide the rate used in the proposed budget for fuel costs as well as the volume. Following input from Mr. Griffin, without objection, it was so ordered.

With reference to page 22 of the PowerPoint presentation regarding “Efficiencies and Restructures: Management and administrative positions,” Supervisor Foust asked unanimous consent that the Board direct staff to provide a list. Following input from Mr. Griffin, without objection, it was so ordered.

Supervisor Foust asked unanimous consent that the Board direct staff to provide a consolidated list of the 524 affected positions. Following input from Mr. Griffin, without objection, it was so ordered.

Further discussion ensued, with input from Mr. Griffin, regarding the following:

- Consolidation of similar positions across departments (such as public information officer).
- Outsourcing of human services to non-profits.
- The School Age Child Care program.
- Continued redesign initiatives as listed on page 30 of the presentation, and possible savings generated from the Smart Saving Task Force.

- Average tax per household (page 26 of the presentation) which includes the proposed stormwater fee.
- Elimination of the supplement for magistrates.
- A brief summary of the Capital Improvement Program (CIP).

Supervisor Foust announced the following locations and dates for Dranesville District public budget meetings:

- March 19, 7:30 p.m., Great Falls Grange
- March 24, 7:30 p.m., McLean Community Center
- March 25, 7:30 p.m., Herndon Town Council Chamber

With reference to exempt limited term positions, with input from Mr. Griffin, Supervisor McKay asked unanimous consent that the Board direct staff to report regarding the number of *people* involved. Without objection, it was so ordered.

Regarding revenue enhancements in zoning enforcement, Supervisor McKay asked unanimous consent that the Board direct staff to report whether the figure is based on current or reduced staffing. Following input from Mr. Griffin, without objection, it was so ordered.

Regarding revenue enhancements in public safety, Supervisor McKay asked unanimous consent that the Board direct staff to report regarding fee increases for moving or non-moving violations (parking fees), current fines, and State maximums. Following input from Mr. Griffin, without objection, it was so ordered.

With regard to flexibility of employee work schedules, Supervisor McKay asked unanimous consent that the Board direct staff to highlight any potential overtime savings that could be generated. Following discussion regarding late night meetings, with input from Mr. Griffin, without objection, it was so ordered.

Further discussion ensued, with input from Mr. Griffin, regarding the stormwater management fee, the future of the space used by the Groveton Senior Center, and the School Division's recent press release.

Based on a press release from the School Division last week, Supervisor McKay asked unanimous consent that the Board direct staff to evaluate it to determine whether the transfer amount could be prudently reduced accordingly. Without objection, it was so ordered.

Discussion continued, with input from Mr. Griffin and Edward L. Long, Jr., Deputy County Executive, regarding historical increases in the budget, a structural review, and the fact that a separate tax rate hearing is not legally required if the rate does not result in an effective tax increase.

Supervisor Herrity announced the following budget meetings in the Springfield District:

- March 19, 7:30 p.m., West Springfield Governmental Center
- March 26, 7:30 p.m., Government Center, Rooms 9 and 10

Supervisor Herrity also announced that anyone interested in the citizens budget review committee for Springfield District can contact his office, 703-451-8873.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide an analysis of the library usage during the last three to four months when the economy has declined. Following input from Mr. Griffin, without objection, it was so ordered.

Supervisor McKay announced that the Lee District Association of Civic Associations meeting on the budget will be held at 7:30 p.m. on March 25 in the Community Room of the Franconia Governmental Center. He also noted that the work of his citizens budget advisory committee is continuing and it will be issuing a report soon.

Supervisor Smyth announced that she and Phillip A. Niedzielski, Providence District Representative to the School Board, will hold joint outreach meeting on the budget as follows:

- March 10, 7:15 p.m., Falls Church High School Little Theatre
- March 11, 7 p.m., Oakton High School Library

Supervisor Smyth asked unanimous consent that the Board direct the Office of Public Affairs to publicize all of the Board's budget outreach meetings. Without objection, it was so ordered.

Chairman Bulova expressed appreciation to the County Executive and staff for their efforts. She recapped the County's budget situation and urged the community and Board to work together constructively to adopt changes that will bring the budget into fiscal equilibrium while also protecting the quality of life. She reminded everyone that this budget is for advertisement and discussion and not a *fait accompli*.

10. **BOARD RECESS** (12:43 p.m.)

At 12:43 p.m., the Board recessed and, at 12:59 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

DAL:dal

11. **11 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (12:59 p.m.)

Supervisor McKay circulated his Board Matters around the dais and asked unanimous consent to present them during the report because they are directly related to it. Without objection, it was so ordered.

Supervisor McKay, Chairman, Legislative Committee, presented the report. He noted the following updates on several bills of interest to the County:

- House/Senate Bill HB 1703/SB 1105: The ban on smoking in restaurants has passed the House and Senate and is on its way to Governor Tim Kaine for signature. The legislation in its current form prohibits smoking in restaurants without a structurally separated independently ventilated smoking section. He noted that one of his Board Matters, which he will present later in the meeting, asks for Board endorsement of a letter to the Governor thanking him for his leadership on this issue and expressing the County's support for the new laws and important step in promoting public health.
- County staff is continuing to work on two bills dealing with the taxation of daily rental property and an agreement has been reached with the Senate patron and the proponents of the bill that would limit the County's loss of revenue. While the Senate has passed the bill, action in the House is still pending on both bills and County legislative staff is working with the Virginia Association of Counties and the Virginia Municipal League to push for the compromise.
- American Recovery and Reinvestment Act: Supervisor McKay noted that his second Board Matter, which he will present later in the meeting, asks for Board endorsement of a letter to the Governor, from the Chairman of the Board, transmitting the County's official request for federal stimulus funding distributed through the State.

Supervisor McKay moved adoption of Legislative Report Number 3. Supervisor Gross seconded the motion.

Supervisor Herrity asked to amend the motion to incorporate support for HB 1712, the federal write-in absentee ballot, into the report. Following discussion, with input from Katie Boyle, Legislative Assistant, Office of the County Executive, regarding the bill, this was accepted.

Supervisor Herrity asked to amend the motion to incorporate support for HB 2473, regarding the public use term to include public libraries for the purpose of prohibiting loitering on grounds.

Following discussion, with input from Michael Long, Senior Assistant County Attorney, regarding the bill, Supervisor McKay asked to amend the amendment that the Board direct staff to report later in the meeting with any concerns regarding this proposed amendment. This was accepted.

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

With regard to stimulus funding, Chairman Bulova stated that later in the meeting Supervisor Hudgins would present a Board Matter regarding one of the projects which is in the County's stimulus package.

With regard to the smoking ban, Supervisor McKay moved that the Board approve a letter to the Governor, signed by the Chairman of the Board and the Chairman of the Legislative Committee, commending the Governor on his significant breakthrough and expressing the County's commitment to continue to move the issue forward in the future. Supervisor Gross seconded the motion and it carried by unanimous vote.

With regard to the American Recovery and Reinvestment Act of 2009, Supervisor McKay moved that the Board approve a letter and project list to be sent to the Governor, signed by the Chairman, transmitting the County's priority projects for federal stimulus funding. Supervisor Gross seconded the motion.

Discussion ensued, with input from Ms. Boyle, regarding the project list and whether the Columbia Pike Transit project was included on the list.

Supervisor Gross asked unanimous consent that the Board direct staff, prior to sending the letter and project list, to report with information regarding whether the Columbia Pike Transit project should be included on the economic stimulus package list. Without objection, it was so ordered.

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Frey voting "NAY," Supervisor Herrity being out of the room.

With regard to stimulus funding, Supervisor Hudgins said there has been a great deal of consternation over the action taken by the Washington Metropolitan Council of Government Transportation Planning Board (TPB) on February 18,

2009, regarding the I-66 Spot Improvement Projects. She said that many, upon hearing the report on this vote, perceived the action as ‘killing’ the I-66 project – it did not.

Supervisor Hudgins said that by way of background, in May 2004, the TPB approved the Virginia Department of Transportation’s (VDOT) request to amend the 2004–2009 Transportation Improvement Plan (TIP) to include a Feasibility Study for Improving Mobility westbound in the I-66 Corridor inside the Beltway from Rosslyn to the Dulles Airport Road. The approval allowed the action to move forward, but with clarification from then Governor Warner, which outlined that the scope of the study would be limited to the existing right-of-way and a commitment to examine multimodal public transportation options.

Supervisor Hudgins said that on January 18, 2006, VDOT requested to amend Fiscal Year (FY) 2006–2010 and FY 2006–2011 TIPs to add federal funds for the next phase of I-66 study for preliminary engineering and analysis of spot improvements for westbound I-66 in Arlington and the County. A letter from the Northern Virginia Transportation Authority to the TPB sought several points of clarification to be incorporated into the study as it moved forward.

On May 16, 2007, Secretary Pierce Homer committed to funding the multimodal study with a minimum of \$1.2 million. Other clarifications on the I-66 Spot Improvements were included and the resolution was adopted.

Supervisor Hudgins asked the Board to imagine the concern at the February 18, 2009, TPB meeting when members requested information about the multimodal study and the response was that the study was not yet funded and may take three to four years to complete. The vote was cast based on a perceived view that VDOT has not maintained its commitment to the study. She said that after speaking with Secretary Homer Pierce she was pleased to report that is not the case. VDOT has provided documentation noting the scope of work and the timetable of the I-66 Spot Improvement project.

Supervisor Hudgins said there have been many actions on the TPB involving the I-66 Spot Improvement project and nearly all have received unanimous support. She stated her belief that the TPB can and will continue to support this project based on the information that has been received since the February 18 meeting.

Therefore, jointly with Supervisor Smyth and Chairman Bulova, Supervisor Hudgins moved that the Board forward a letter to the Secretary of Transportation thanking him for clarifying the status of the multimodal study and requesting regular updates as the project moves forward. Supervisor Smyth seconded the motion.

Following discussion, Supervisor Herrity asked to amend the motion to reaffirm the Board’s support for I-66 Spot Improvements and to send a copy to the

Northern Virginia Congressional Delegation, Virginia Secretary of Transportation, and the Transportation Planning Board.

Supervisor Hudgins stated that if the Board only sends the message of the Board's reaffirmation of commitment to the I-66 project that something may be left out, because unfortunately that was conveyed (in a sense) by VDOT staff by leaving out the status of the agreed upon items. She clarified that it needs to be communicated clearly that the County is committed to it and that commitment was made in 2004, 2006, 2007, and presently. Supervisor Hudgins stated that the County worked closely with Secretary Homer to include the funding, and he is committed to it, and funding has been increased to the amount that they think is necessary to complete the study. She noted that the attachment to her Board Matter shows not only the scope of work, but also the schedule of the work and the timeframe to be completed. She stated that it would have been a much more appropriate response to a very simple question, but unfortunately it was miscommunicated.

Following a brief discussion, the amendment was accepted.

Supervisor Smyth reiterated that the schedule from Secretary Homer should be communicated clearly to show that VDOT is not only making the commitment, but has a schedule outlined for different milestones along the way and a completion date.

Supervisor McKay also reiterated the statement regarding the schedule and asked unanimous consent that the Board direct staff to include in the letter that adherence to the schedule is important. Without objection, it was so ordered.

Following further discussion regarding the schedule, the question was called on the motion, as amended, and it carried by unanimous vote.

12. **ORDERS OF THE DAY** (1:38 p.m.)

Chairman Bulova announced that the Board would recess and go into closed session and that Administrative, Action, and Information Items, in addition to BAC Appointments and Board Matters, would be considered later in the day.

(NOTE: Later in the meeting, these items were presented. See Clerk's Summary Items #14-15, #20-28, and #42-59.)

13. **INTENT TO DEFER PUBLIC HEARINGS (LEE AND PROVIDENCE DISTRICTS)** (1:38 p.m.)

Supervisor McKay announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ 2007-LE-007 (Franconia Two LP).

Supervisor Smyth announced her intent to defer, later in the meeting at the appropriate time, the public hearings on:

- Special Exception Application SE 2008-PR-033 (Tysons East Station)
- Special Exception Application SE 2008-MD-034 (Tysons West Station)

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #34 and #37.)

14. **ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CREATION OF A COMMUNITY DEVELOPMENT AUTHORITY (CDA) FOR THE MOSAIC - MERRIFIELD TOWN CENTER DEVELOPMENT (PROVIDENCE DISTRICT)** (1:40 p.m.)

- (A) Supervisor Smyth moved that the Board authorize the advertisement of a public hearing to be held before the Board on **March 30, 2009, at 3:30 p.m.** to consider the creation of a CDA for the Mosaic – Merrifield Town Center Development. Supervisor McKay seconded the motion.

Discussion ensued, with input from Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment, and Leonard P. Wales, County Debt Manager, Department of Management and Budget, regarding the Tax Increment Financing Plan.

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

15. **ADMINISTRATIVE ITEMS** (1:46 p.m.)

Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 10. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 30, 2009, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), to revise the sewer service charges and the availability fees.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, HUNTER MILL, MOUNT VERNON, PROVIDENCE,
SPRINGFIELD, AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Thomas Avenue	Dranesville	Thomas Run Drive
Reston Section 935 Blocks 2A and 2B (Village Commons)	Hunter Mill	Sunset Hills Road (Route 675) (Additional ROW Only)
Courts of Laurel Crest Silverbrook Road	Mount Vernon	Silverbrook Road (Route 600) (Additional ROW Only)
Grace Bible Church	Mount Vernon	Lorton Station Boulevard (Route 7768) (Additional ROW Only)
Mount Vernon Meadows	Mount Vernon	Newington Road (Route 637) (Additional ROW Only)
Briarwood Trace Section 2 and Part of Section 1	Providence	I-66 (Additional ROW Only)
		Hideaway Road (Route 827) (Additional ROW Only)
Boehly Property	Providence	Arden Street (Route 3450) (Additional ROW Only)
James Creek	Springfield	James Creek Drive
		Beatrice Court
		Center Road (Route 777) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Heatherbrook	Springfield	Collin Chase Place (Route 10124)
		Swedes Street
		Christie Jane Lane
		Sammy Joe Drive
		Owens Glen Drive (Route 10057)
		Fairfax County Parkway (Route 7100) Ramp from I-66 Eastbound (Additional ROW Only)
		Westbrook Drive (Route 1258) (Additional ROW Only)
Fairfax Corner – Random Hills Road	Springfield	Random Hills Road (Route 7230) (Additional ROW Only)
West Grove Estates	Sully	Ox Ridge Road
		Ox Ridge Court
		West Ox Road (Route 608) (Additional ROW Only)
		West Ox Road (Route 608) (Additional ROW Only)

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V08-6	New Cingular Wireless PCS, LLC and T-Mobile Northeast LLC 85 foot monopole (flagpole) 8717 Fort Hunt Road (Mount Vernon District)	April 30, 2009
FS-L08-117	New Cingular Wireless PCS, LLC Antenna colocation on existing transmission tower Landsdowne Center (Lee District)	April 30, 2009
FS-D08-124	Cricket Communications Antenna colocation on existing monopole I-495/Georgetown Pike Interchange (Dranesville District)	April 30, 2009
FS-L08-125	Cricket Communications Rooftop antennas 5716 South Van Dorn Street (Lee District)	April 30, 2009
FS-S08-126	Cricket Communications Antenna colocation on existing transmission tower 13940 Balmoral Greens Avenue (Springfield District)	April 30, 2009
FS-D08-127	Cricket Communications Antenna colocation on existing monopole I-495/George Washington Memorial Parkway interchange (Dranesville District)	April 30, 2009

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, ESTABLISHING THE NORTHERN VIRGINIA COMMUNITY COLLEGE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 30, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Northern Virginia Community College RPPD, District 39. The proposed District establishment includes Raleigh

Avenue (Route 2472) from Wakefield Drive (Route 1029) to Chapel Drive (Route 2473).

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE CULMORE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 30, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Culmore RPPD, District 9. The proposed District expansion includes Courtland Drive (Route 2943) from Washington Drive (Route 794) to the southern boundary of 61-2((17)) (E) parcel 29 and the southern boundary of 61-2((17)) (A) parcel 27.

ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK DISTRICT)

- (Rs)
- Endorsed the following traffic calming measures for Oak Leather Drive and Fred’s Oak Road:
 - One speed table on Oak Leather Drive (Braddock District)
 - One speed table on Fred’s Oak Road (Braddock District)
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09096 TO AUTHORIZE THE FAIRFAX JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT TO ACCEPT GRANT FUNDING FROM THE NORTHERN VIRGINIA REGIONAL GANG (NVRG) TASK FORCE THROUGH LOUDOUN COUNTY, VIRGINIA

- (SAR) Approved SAR AS 09096 for the Fairfax Juvenile and Domestic Relations District Court to accept funding from the NVRG Task Force through Loudoun County, Virginia in the amount of \$350,000 to provide regional gang prevention and intervention services. No local cash match is required.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), TO AMEND ARTICLES 2, 3, AND 7, REGARDING UNIFORMED, POLICE OFFICERS, AND EMPLOYEES’ RETIREMENT SYSTEMS – CHANGES TO ALLOW SURVIVING SPOUSES OF DECEASED MEMBERS TO CONTINUE RECEIVING BENEFITS WHEN THEY REMARRY

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 27, 2009, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), to amend Articles 2, 3, and 7, regarding the Uniformed, Police Officers and Employees’ Retirement Systems to allow surviving spouses of deceased members to continue receiving benefits when they subsequently remarry.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), TO AMEND ARTICLES 2 AND 3, REGARDING UNIFORMED AND EMPLOYEES’ RETIREMENT SYSTEMS – CHANGES REGARDING SERVICE CREDIT FOR MILITARY LEAVE WITHOUT PAY (LWOP)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 27, 2009, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), regarding amendments to the Uniformed and Employees’ Retirement Systems for the purpose of providing members with free service credit for periods of Military LWOP.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CREATION OF A COMMUNITY DEVELOPMENT AUTHORITY (CDA) FOR THE MOSAIC - MERRIFIELD TOWN CENTER DEVELOPMENT (PROVIDENCE DISTRICT)

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

16. **RECESS/CLOSED SESSION** (1:46 p.m.)

Supervisor Gross 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. *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.)
 2. *Commonwealth of Virginia v. Thomas Joseph O'Shea*, Case No. 08-0192937 (Fx. Co. Gen. Dist. Ct.) (Criminal Division)
 3. *Deborah Imperato-Feiger v. Commonwealth of Virginia, Town of Vienna, and Fairfax County*, Case No. CL-2008-0015707 (Fx. Co. Cir. Ct.)
 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Noubar Pech*, Case No. CL-2008-0015527 (Fx. Co. Cir. Ct.) (Providence District)
 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher L. Harrop, Luong K. Harrop, and Hieu Hoang Lee*, Case No. CL-2008-0010148 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur W. Smith and William T. Smith*, Case No. CL-2008-0008405 (Fx. Co. Cir. Ct.) (Providence District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Beltran Sanchez Carbajal, Sulma Patricia Flores de Sanchez, and Evelin Y. Mendoza*, Case No. CL-2007-0013442 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chalmer G. Dunbar*, Case No. CL-2006-0007489 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry K. Pnevmatikatos and Susan Pnevmatikatos*, Case No. CL-2008-0013590 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelina Almanza*, Case No. CL-2008-0014662 (Fx. Co. Cir. Ct.) (Braddock District)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro Hernandez*, Case No. CL-2008-0015768 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016413 (Fx. Co. Cir. Ct.) (Braddock District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oakwood Road Limited Partnership and Sagres Construction Corporation*, Case No. CL-2009-0001429 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Osmin Hernandez Sanchez and Ana Lucia Bonilla De Hernandez*, Case No. CL-2009-0001471 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jason C. Kim*, Case No. CL-2009-0001557 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Sheila G. Cheatham Trust*, Case No. CL-2009-0001724 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Flood damage claims from the following Falls Church, Virginia, residents:
 - Soledad Marreros, 6605 Dearborn Drive

- Michael Rossetti and Edith Blackwell, 6611 Dearborn Drive
- Alexis Roos and Claire Degerin, 6613 Dearborn Drive
- Basil and Janie Hall, 6615 Dearborn Drive
- July 1, 2006, Lease Agreement between the Board of Supervisors of Fairfax County, Virginia, and The Lorton Arts Foundation, Incorporated.

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

DET:det

At 3:15 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ADDITIONAL BOARD MATTER

17. **ORDERS OF THE DAY** (3:15 p.m.)

Chairman Bulova announced that the Board would complete its morning business and then move directly into public hearings followed by Board Matters at the end of the meeting.

ACTIONS FROM CLOSED SESSION

18. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:16 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 Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

19. **DENIAL OF CLAIMS FOR FLOOD DAMAGES** (3:16 p.m.)

Supervisor Foust moved that the Board deny the claims for flood damages submitted by:

- Soledad Marreros, 6605 Dearborn Drive

- Michael Rossetti and Edith Blackwell, 6611 Dearborn Drive
- Alexis Roos and Claire Degerin, 6613 Dearborn Drive
- Basil and Janie Hall, 6615 Dearborn Drive

in Falls Church, Virginia, for the reasons outlined by the County Attorney in closed session. Supervisor Herrity seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Gross voting “**NAY.**”

EBE:ebe

AGENDA ITEMS

20. **11:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (3:17 p.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Chairman Bulova moved to reappoint Mr. Clifford L. Fields as the At-Large Chairman’s Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Supervisor McKay moved the appointment of Mr. Mark Drake as the Engineer/Architect/Planner #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Farmer #3 and Freeholder #2 Representatives.

AIRPORTS ADVISORY COMMITTEE

Chairman Bulova moved the reappointment of Ms. Carol Ann Hawn as the At-Large Chairman's Representative. Supervisor Gross and Supervisor Hudgins jointly seconded the motion, which carried by unanimous vote.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information on how often the committee meets, attendance and participation of members, and what its work plan is. Without objection, it was so ordered.

Supervisor Smyth moved the appointment of Mr. Robert A. Peter as the Providence District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

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

Chairman Bulova moved the reappointment of Mr. Paul Kraucunas as the Design Professional #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Design Professional #3, Alternate #1, #2, and #4 Representatives.

ATHLETIC COUNCIL**CONFIRMATIONS:**

Supervisor Smyth moved confirmation of the following appointments:

- Mr. Gerald Carter as the Town of Herndon Principal Representative
- Mr. Dennis L. Baughan as the Town of Herndon Alternate Representative

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

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 ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Chairman Bulova moved the reappointment of Ms. Lillian T. Heizer as the At-Large Minority Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's, the Mount Vernon District, Providence District, and Religious Community Representatives.

COMMUNITY ACTION ADVISORY BOARD

Chairman Bulova moved the appointment of Mr. Douglas Dane as the At-Large Chairman's Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Mr. Steven Bloom as the Dranesville District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Ms. Shavonta Green as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Phillip Rosenthal as the Springfield District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock District Representative.

CONFIRMATIONS:

Supervisor Smyth moved confirmation of the following appointments:

- Dr. Paul Clark as the George Mason University Representative
- Ms. Dee Morris as the Junior League of Northern Virginia Representative
- Ms. Cam Tu Vu as the Central County Regional Representative

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

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Hudgins moved reappointment of the Reverend Rose Miles Robinson as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Andrew Hunter as the Mason District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence District Representative.

ECONOMIC ADVISORY COMMISSION (EAC)

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

Supervisor Smyth moved the appointment of Mr. John E. Harrison as the Providence District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's #2 and #3 Representatives.

CONFIRMATIONS:

Supervisor Gross moved confirmation of the following appointments:

- Dr. Stephen Fuller as the George Mason Representative
- Mr. Mark Carrier as the Fairfax County Convention and Visitors Corporation Representative

- Mr. Kevin Reynolds as the Chamber of Commerce #1 Representative
- Mr. Warren Martin as the Chamber of Commerce #2 Representative
- Mr. Adrian Chapman as the Chamber of Commerce #3 Representative
- Mr. Randy Philip as the Northern Virginia Black Chamber of Commerce Representative
- Mr. Michael S. Horwatt as the Economic Development Authority Representative
- Mr. Rodney L. Lusk as the Planning Commission Representative
- Mr. Gregory A. Schuckman as the Northern Virginia College Board Representative
- Ms. Edythe Frankel Kelleher as the Vienna Town Council Representative
- Ms. Linda Gentry as the Center for Innovative Technology Representative

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

(NOTE: Later in the meeting, the Board took additional action regarding the EAC. See page 30.)

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor Hudgins announced the resignation of Ms. Diana Handy as the Hunter Mill District Representative.

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATION:**

Supervisor Gross moved confirmation of the following appointment:

- Ms. Patricia Petralia as the Business/Corporation #11 Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor McKay moved the appointment of Ms. Barbara Lawrence as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #2 Business Community Representative.

HEALTH SYSTEMS AGENCY BOARD

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

INDUSTRIAL DEVELOPMENT AUTHORITY

Supervisor Smyth moved the reappointment of Mr. Charles Watson as the At-Large #7 Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

ROAD VIEWERS BOARD

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

SMALL BUSINESS COMMISSION

Supervisor Hudgins moved the appointment of Ms. April S. Tan as the At-Large #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Braddock District Representative.

UPPER OCCOQUAN SEWAGE AUTHORITY**CONFIRMATIONS:**

Supervisor Gross moved confirmation of the following appointments:

- Mr. John W. di Zerega as the Fairfax County #2 Representative
- Mr. Randy Bartlett as the Fairfax County Alternate #2 Representative

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

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.

ECONOMIC ADVISORY COMMISSION

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board allow all Members of the Board to be members of the Economic Advisory Commission. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **A-1 – APPROVAL OF THE DISEASE CARRYING INSECTS SUPPRESSION PROGRAM** (3:32 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take the actions concerning the County's 2009 Disease Carrying Insects Program, as outlined in the Board Agenda Item dated February 23, 2009. Supervisor Herrity and Supervisor Smyth jointly seconded the motion.

Discussion ensued, with input from Jorge R. Arias, Disease Carrying Insects Program, Health Department, regarding the education and outreach to citizens about the West Nile Virus surveillance program in the County. Discussion continued regarding the criteria for reporting the confirmed number of Lyme diseases cases by the Center for Disease Control (CDC) seeming stricter and whether there is a way to eradicate the problem completely.

Further discussion continued, with input from Anthony H. Griffin, County Executive, as to whether funds reserved for the disease carrying insect suppression program could be used to help eradicate the spread of Lyme disease.

Mr. Arias also noted that there is a reference guide which includes how to protect residential yards, and can be found at www.fairfaxcounty.gov/fightthebite. This brochure is also available in Spanish and Korean and will be mailed to all Hispanic and Korean addresses this year.

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

22. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE POLICE DEPARTMENT AND THE “WAVE II” WASHINGTON/MARYLAND AND NORTHERN VIRGINIA REGIONAL VEHICLE THEFT INVESTIGATION INITIATIVE TACTICAL TEAM** (3:41 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between the Police Department and the “WAVE II” Washington/Maryland and Northern Virginia Regional Vehicle Theft Investigation Initiative Tactical Team.

23. **A-3 – APPROVAL OF A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE POLICE DEPARTMENT AND THE NORTHERN VIRGINIA GANG TASK FORCE** (3:41 p.m.)

On a joint motion of Supervisor Gross and Supervisor Hyland, seconded by Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOA between the Police Department and the Northern Virginia Gang Task Force.

24. **A-4 – ENDORSEMENT OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) REVISED TRAFFIC CALMING GENERAL OPERATING PROCEDURES** (3:42 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse the R-TAP revised Traffic Calming General Operating Procedures. Supervisor Frey seconded the motion.

Discussion ensued, with input from Steve Knudsen, Transportation Planner, Traffic Operations Division, Department of Transportation, regarding the petition process and how to streamline the approval process with the required 50 percent of the balloted area to be considered valid.

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

25. **A-5 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE THE VIRGINIA WATER QUALITY IMPROVEMENT FUND POINT SOURCE GRANT AND OPERATION AND MAINTENANCE AGREEMENT CONTRACT BETWEEN THE COUNTY AND THE COMMONWEALTH OF VIRGINIA CONTRACT** (3:52 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the County Executive to execute the Water Quality Improvement Fund Point Source Grant and Operation and Maintenance Agreement (Contract #440-S-09-08) between the County and the Commonwealth of Virginia. Supervisor Gross seconded the motion.

Discussion ensued, with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, and Anthony H. Griffin, County Executive, regarding permit requirements and the application for grant funds to meet the requirement.

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

26. **I-1 – CONTRACT AWARD – FAIR RIDGE RICHMOND AMERICAN POND RETROFIT AND FAIR RIDGE “A” POND RETROFIT (SPRINGFIELD DISTRICT)** (3:58 p.m.)

The Board next considered an item contained in the Board Agenda dated February 23, 2009, requesting authorization for staff to award a contract to T and O Contracting, Incorporated, in the amount of \$594,400.04 and to reallocate funds for the construction of the Fair Ridge Richmond American Pond Retrofit and Fair Ridge “A” Pond Retrofit, Project Number CU8001, Cub Run Pro Rata Share Projects, in Fund 316, Pro Rata Share Drainage Construction.

The staff was directed administratively to proceed as proposed.

27. **I-2 – CONTRACT AWARD – MARTHA WASHINGTON LIBRARY RENOVATION AND EXPANSION (MOUNT VERNON DISTRICT)** (3:58 p.m.)

The Board next considered an item contained in the Board Agenda dated February 23, 2009, requesting authorization for staff to award a contract to Harvey-Cleary Builders in the amount of \$3,839,000 for the construction of the Martha Washington Library Renovation and Expansion, Project 004845, Fund 302, Library Construction.

The staff was directed administratively to proceed as proposed.

28. **I-3 – CONTRACT AWARD – NOMAN M. COLE JR. POLLUTION CONTROL PLANT EQUALIZATION FACILITY EXPANSION (MOUNT VERNON DISTRICT)** (3:59 p.m.)

The Board next considered an item contained in the Board Agenda dated February 23, 2009, requesting authorization for staff to award this Design-Build contract to M. A. Bongiovanni, Incorporated, in the amount of \$7,970,000 for design and construction services for the Noman M. Cole Jr., Pollution Control Plant Equalization Facility Expansion, Project N00322, Noman M. Cole, Jr., Pollution Control Plant Upgrade, Fund 408, Sewer Bond Construction.

The staff was directed administratively to proceed as proposed.

29. **2:45 P.M. - PROPOSED ACQUISITION OF GATEHOUSE II** (3:59 p.m.)

(NOTE: Earlier in the meeting, this item was removed from the agenda. See Clerk’s Summary Item #2.)

Chairman Bulova announced that the presentation on the proposed acquisition of Gatehouse II had been withdrawn from the agenda. She announced that the Board voted earlier in the meeting to inform the School Board that the Board did not wish to pursue the purchase of Gatehouse II.

NV:nv

30. **3 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (4 p.m.)

At 4 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Bulova in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Sharon Bulova Chairman, Fairfax County Board of Supervisors	– Chairman
Penelope Gross Vice-Chairman, Fairfax County Board of Supervisors	– Vice-Chairman
Nancy Vehrs Clerk to the Fairfax County Board of Supervisors	– Secretary
Victor Garcia Director, Office of Finance	– Treasurer
David P. Bobzien County Attorney	– Attorney
Anthony H. Griffin County Executive	– Executive Director
Joyce M. Doughty Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services (DPWES)	– Authority Representative

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

Supervisor Gross moved approval of the minutes from the December 3, 2007, and January 28, 2008, meetings of the Fairfax County Solid Waste Authority. Supervisor Smyth seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the financial statements and supplemental information. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

At 4:02 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

DMS:dms

31. **3:30 P.M. – PH ON A PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES** (4:02 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 February 5 and February 12, 2009.

Brian Parsons, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Mr. Parsons and Lorrie Kirst, Deputy Zoning Administrator, DPZ, regarding the:

- Height of the utility and light poles.
- Height of the poles installed by Virginia Department of Transportation.
- Increase of the height of the antennas advertised.
- Addition of fill to increase the height of the poles.
- Measurement of the poles from ground level.
- Possible manipulation of the height of the poles.

Following the public hearing, which included testimony by one speaker, discussion ensued regarding the measurement practice of the poles. Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding mobile and land based telecommunication facilities, as recommended by the Planning Commission. Supervisor Herrity and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, 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.

32. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX E, DISTRICT ORDINANCES FOR AGRICULTURAL AND FORESTAL DISTRICTS OF STATEWIDE SIGNIFICANCE, TO RENEW AGRICULTURAL RENEWAL APPLICATION AR 80-D-001-03 (EDITH W. SPALDING, SIDNEY P. SPALDING, JR., AND ORLANDO W. SPALDING, TRUSTEES; AND PATOWMACK FARM, A VIRGINIA LIMITED PARTNERSHIP) (DRANESVILLE DISTRICT)** (4:15 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 February 5 and February 12, 2009.

The application property is located at 215 Seneca Road, Tax Map 2-2 ((1)) 6A; 3-1 ((1)) 3Z, 4Z, 5Z; 3-3 ((1)) 1Z; 3-4 ((1)) 2 and 3.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Nicholas H. Grainger, Esquire, Hunton and Williams, LLP, informed the Board that he was able to answer any questions pertaining to the property.

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

Supervisor Foust moved approval of Agricultural Renewal Application AR 80-D-001-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix E, renewing the Patowmack Farm Statewide Agricultural and Forestal District, subject to the Ordinance provisions dated February 23, 2009. Supervisor McKay seconded the motion and it carried by a vote of eight, 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.

33. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO RENEW AGRICULTURAL RENEWAL APPLICATION AR 90-S-005-02 (STEPHEN W. AND KAREN KLARE, KRISTIN KLARE, ALESIA G. AND BRIAN A. KLARE) (SPRINGFIELD DISTRICT)** (4:19 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 February 5 and February 12, 2009.

The application property is located on the east side of Union Mill Road north of Compton Road, Tax Map 74-2 ((1)) 23Z and 75-1 ((1)) 35Z.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Brian A. Klare, the applicant for the property, informed the Board that he was able to answer any questions pertaining to the property.

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

Supervisor Herrity moved approval of Agricultural Renewal Application AR 90-S-005-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Klare Local Agricultural and Forestal District, subject to the Ordinance provisions dated January 28, 2009. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room.

34. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-LE-007 (FRANCONIA TWO LP) (LEE DISTRICT)** (4:22 p.m.)

Supervisor McKay moved that the Board defer the public hearing on Rezoning Application RZ 2007-LE-007 until **March 30, 2009, at 4 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room.

35. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-PR-009 (COMMUNITY WIRELESS STRUCTURES) (PROVIDENCE DISTRICT)** (4:23 p.m.)

The application property is located at 3457 Gallows Road, Tax Map 59-2 ((9)) (1) 6 and 7.

Mr. Edward L. Donohue reaffirmed the validity of the affidavit for the record.

Mr. Donohue 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.

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

- Norman P. Gottlieb, Agent for Title Owner

Discussion ensued regarding the disclosure and the possible invalidity of the affidavit.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved to defer the public hearing on Special Exception Application SE 2008-PR-009 until later in the day. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

36. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MA-020 (WOODLAKE TOWERS CONDOMINIUM UNIT OWNERS ASSOCIATION) (MASON DISTRICT)** (4:27 p.m.)

(NOTE: On January 12, 2009, the Board deferred the public hearing on this item until February 9, 2009. On February 9, 2009, the Board deferred the public hearing on this item.)

The application property is located at 6001 Arlington Boulevard, (Units 13A and 13B) Tax Map 51-4 ((13)) (1) 13A and 13B.

Ms. Christy J. Richardson reaffirmed the validity of the affidavit for the record.

Ms. Richardson 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, Chris Demanche, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2008-MA-020, subject to the development conditions dated October 15, 2008.
- Modification of the transitional screening requirement in favor of the existing onsite landscaping.
- Waiver of the barrier requirement in favor of the existing onsite landscaping.

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

37. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-PR-033, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MD-034 (MWAA AND VDRPT ON BEHALF OF WMATA) (HUNTER MILL AND PROVIDENCE DISTRICTS)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-PR-035 (MWAA AND VDRPT ON BEHALF OF WMATA) (PROVIDENCE DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MD-036 (MWAA AND VDRPT ON BEHALF OF WMATA) (HUNTER MILL AND PROVIDENCE DISTRICTS)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-HM-038 (MWAA AND VDRPT ON BEHALF OF WMATA) (HUNTER MILL DISTRICT)
(4:32 p.m.)

Chairman Bulova announced that each application would be called separately for the public hearings, but that staff would describe all the applications together.

The Special Exception Application SE 2008-PR-033 property is located in the southwest quadrant of the intersection of Dolley Madison Boulevard and Colshire Drive and on the north side of Dolley Madison Boulevard, Tax Map 29-4 ((5)) A1, B1 pt. C1 pt., D, and E; 30-3 ((28)) B3 pt. and C1 pt.

The Special Exception Application SE 2008-MD-034 property is located at 1580 Spring Hill Road and 8536 and 8548 Leesburg Pike, Tax Map 29-3 ((1)) 2C1 pt., 53 pt. and 53A pt.

The Special Exception Application SE 2008-PR-035 property is located in the northeast and northwest quadrants of the intersection of Tysons Boulevard and Chain Bridge Road, Tax Map 29-4 ((10)) 4A pt., 5A pt., 5B pt., and 5C pt.

The Special Exception Application SE 2008-MD-036 property is located at 8348 and 8359 Leesburg Pike, Tax Map 29-3 ((1)) 32 pt. and 71A pt.

The Special Exception Application SE 2008-HM-038 property is located at 1860 Wiehle Avenue and 1850 Centennial Park Drive and 11400 Commerce Park Drive and portions of land owned by the Commonwealth of Virginia Tax Map 17-4 ((1)) 17A; 17-4 ((12)) 11D4 pt. and 11D5 pt.

Discussion ensued, with input from Elizabeth Teare, Assistant County Attorney; Richard F. Stevens, Dulles Rail Project Manager, Department of Transportation; and Suzianne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding the:

- Development condition that referred to the administrative approval at the Planning Commission (PC).
- Authority of the PC to conduct an administrative approval.
- Administrative review versus an approval.
- Timing of the special exception applications.
- Possible delay from the Federal Transit Administration.
- Original scheduling of the special exception applications.
- Timeline of the design process of the facilities.
- Need for the special exception applications to commence building.
- Lack of input forward from the Board and the PC once the special exception applications are approved.
- Noise abatements for the special exception applications.
- Project remaining the same, without any modifications.

Chairman Bulova called the public hearing to begin for Special Exception Application SE 2008-PR-035.

Mr. Jonathan P. Rak, Esquire, reaffirmed the validity of the affidavit for the record.

Mr. Rak 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 disclosed that she is a Principal Director for WMATA.

Supervisor McKay disclosed that he:

- Is an Alternate Director for WMATA.
- Received the following campaign contributions in excess of \$100 from:
 - David R. Gill, McGuire Woods LLP
 - Gregory A. Riegler, McGuire Woods LLP

Following the testimony of Mr. William Lecos (Speaker 1), discussion ensued concerning the:

- Tysons Land Use service.
- Possible conflicts for the streets and grids.
- Tysons East grid.

Following the testimony of Mr. John Ross (Speaker 2), discussion ensued regarding the advancement of technology.

Following the testimony of Mr. David Edwards (Speaker 3), discussion ensued regarding the Wiehle Avenue Station and the joint development process, with input from Mr. Stevens.

Following the testimony of Mr. Robert Whitfield (Speaker 12), discussion ensued concerning the disclosure of information to the public and the continued need of public input.

Following the public hearing, which included testimony by 14 speakers, Ms. Lin presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Lin and Mr. Stevens, regarding the:

- Integration issues.
- Bus facilities.
- Continuous involvement of the Board.
- Submittal of the plans.
- Location of the stations.

Supervisor Smyth moved to defer the public hearing on Special Exception Application SE 2008-PR-033 until March 9, 2009, at 3:30 p.m. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room.

Supervisor Smyth moved to defer the public hearing on Special Exception Application SE 2008-MD-034 until March 9, 2009, at 3:30 p.m. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room.

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2008-PR-035, subject to the development conditions dated February 20, 2009.
- To revise the end of development condition #15 to read as follows: "...administrative **review** at the Planning Commission," instead of administrative approval at the Planning Commission.
- Waiver of the transitional screening and barrier requirements along the property boundaries of the site.

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Mr. Stevens, regarding the:

- Future integrations.
- Changes in the architecture of the stations.
- Addition of noise abatement and tree preservation plans.
- Review of any changes made to the applications.
- Landscaping plan.
- Possible causes for delays.

Supervisor Smyth moved to add a development condition #17 to read as follows: "**Designs for any changes in architecture at the stations, landscaping, and integration with nearby development will be sent to the Chairman of the Board and the District Supervisor for review and comment.**" Supervisor Gross seconded the motion.

Supervisor McKay asked to amend the motion to revise the development condition to read as follows: “Designs for any **significant** changes...” This was accepted.

Discussion ensued, with input from Mr. Stevens, regarding the condition of the full-funding agreement.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of seven, Supervisor Foust voting “**NAY**,” and Supervisor Hyland being out of the room.

Chairman Bulova next called the public hearing for Special Exception Application SE 2008-MD-036.

Mr. Jonathan P. Rak, Esquire, reaffirmed the validity of the affidavit for the record.

Mr. Rak 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 McKay disclosed that he:

- Is an Alternate Director for WMATA.
- Received the following campaign contributions in excess of \$100 from:
 - David R. Gill, McGuire Woods LLP
 - Gregory A. Riegle, McGuire Woods LLP

Supervisor Hudgins disclosed that she is a Principal Director for WMATA.

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

Discussion ensued, with input from Mr. Stevens, regarding the:

- Movement of traffic.
- Street grid for Route 7.
- Impact on the turning movements.

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2008-MD-036, subject to the development conditions dated February 20, 2009.
- To revise the end of development condition #15 to read as follows: "...administrative **review** at the Planning Commission," instead of administrative approval at the Planning Commission.
- The addition of development condition #17 to read as follows: **"Designs for any significant changes in architecture at the stations, landscaping, and integration with nearby development will be sent to the Chairman of the Board and the District Supervisor for review and comment."**
- Waiver of the transitional screening and barrier requirements along the property boundaries of the site.

Supervisor Hudgins seconded the motion, which **CARRIED** by a recorded vote of seven, Supervisor Foust voting "NAY," Supervisor Hyland being out of the room.

Chairman Bulova next called the public hearing for Special Exception Application SE 2008-HM-038.

Mr. Jonathan P. Rak, Esquire, reaffirmed the validity of the affidavit for the record.

Mr. Rak 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 McKay disclosed that he:

- Is an Alternate Director for WMATA.
- Received the following campaign contributions in excess of \$100 from:
 - David R. Gill, McGuire Woods LLP
 - Gregory A. Riegle, McGuire Woods LLP

Supervisor Hudgins disclosed that she is a Principal Director for WMATA.

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

Discussion ensued, with input from Mr. Stevens, regarding the:

- 527 VDOT study.
- Traffic analysis with the Final Environmental Impact Statement instead of the 527 study.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2008-HM-038 (Tysons Central 7 Station), subject to the development conditions dated February 20, 2009.
- To revise the end of development condition #15 to read as follows: "...administrative **review** at the Planning Commission," instead of administrative approval at the Planning Commission.
- Waiver of the transitional screening and barrier requirements along the property boundaries of the site.
- Modification of the Comprehensive Plan trail requirement along Wiehle Avenue in favor of that shown on the SE Plat.
- The addition of development condition #17 to read as follows: **"Designs for any significant changes in architecture at the stations, landscaping, and integration with nearby development will be sent to the Chairman of the Board and the District Supervisor for review and comment."**

Supervisor Smyth seconded the motion, which carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room.

(NOTE: On February 18, 2009, the Planning Commission (PC) approved the following Public Facilities Applications:

- 2232-P08-10 – The PC noted that the proposed Tysons East Station satisfied the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended.
- 2232-MD08-13 – The PC noted that the proposed Tysons West Station satisfied the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended.

- 2232-P089-11 – The PC noted that the proposed Tysons Central 123 Station satisfied the criteria for location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended.
- 2232-MD08-12 – The PC noted that the proposed Tysons Central 7 Station satisfied the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended.
- 2232-H08-14 – The PC noted that the proposed Wiehle Avenue Station satisfied the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended.)

38. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION
SE 2008-PR-009 (COMMUNITY WIRELESS STRUCTURES)
(PROVIDENCE DISTRICT) (6:50 p.m.)**

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 35.)

The application property is located at 3457 Gallows Road, Tax Map 59-2 ((9)) (1) 6 and 7.

Mr. Edward L. Donohue reaffirmed the validity of the affidavit for the record.

Mr. Donohue 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.

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

- Norman P. Gottlieb, Agent for Title Owner

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

- Norman P. Gottlieb, Agent for Title Owner

Following the public hearing, which included testimony by three speakers, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Zottl and Kris Abrahamson, Branch Chief, Rezoning and Special Exception Branch, DPZ, regarding the location of the proposed monopole.

Supervisor Smyth stated for the record that she did not have any disclosures.

Discussion ensued, with input from Ms. Zottl and Ms. Abrahamson, regarding the:

- Landmark site and the inclusion of the pool.
- National Registry and the change of usage.
- 35 year lease and the standard term of the lease.
- Firewood operation.
- Location of school buses at Woodburn Elementary School.
- Public hearing at the Board of Zoning Appeals.
- Possibility of monopoles falling.

Supervisor Smyth moved:

- Approval of Special Exception Application SE 2008-PR-009, subject to the development conditions dated January 29, 2009.
- Modification of the transitional screening and barrier requirements for all four property lines in favor of that shown on the SE Plat and as conditioned.
- Approval of the modification of the trail requirement and waiver of the on-road bike lane along Gallows Road.

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

(NOTE: On January 29, 2009, the Planning Commission approved Public Facilities Application 2232-P07-17. The Commission noted that the proposed telecommunication facility satisfies the criteria of location, character and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, and is substantially in accord with the provisions of the Comprehensive Plan.)

39. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-06 (THE AEROSPACE CORPORATION) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-026 (THE AEROSPACE CORPORATION) (SULLY DISTRICT) (7:23 p.m.)

(NOTE: On January 26, 2009, the Board deferred the public hearing on this item until February 9, 2009. On February 9, 2009, the Board deferred the public hearing on this item until February 23, 2009.)

The application property is located in the northeast quadrant of the intersection of Stonecroft Boulevard and Lee Road at 4801 Stonecroft Boulevard, Tax Map 44-1 ((4)) 35.

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

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.

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

- Burgess and Niple, Incorporated, Engineers
- Duke Realty Services, LLC

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

- Burgess and Niple, Incorporated, Engineers

Following the public hearing, which included testimony by four speakers, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Stagg; Michael S. Rolband, Agent, Wetlands Studies and Solutions, Incorporated; Daniel Barbee, Agent, The Aerospace Corporation; Mr. O'Donnell; and Noel Kaplan, Senior Environmental Planner, DPZ, regarding the:

- Amount of dirt needed to fill in the Environmental Quality Corridor (EQC).

- Two streams and the issue of perenniality.
- Condition of the streams.
- Number of acres being disturbed in the EQC.
- Additional density and what the current Zoning Ordinance allows.
- Cellar space in the building.
- Possible tradeoffs.
- Mitigations not equaling the harm being done.
- Benefit versus the adverse impact.
- Possible penalties.
- Public Facilities Manual standards on stream restoration.
- Application coming back before the Board.
- Submittal of the Flood Plan Study.
- Number of jobs being generated by this application.
- Monitoring program.
- Failed stream restorations in the past.
- Possible taxes associated with this application.
- Usage of the cellar space.
- Ancillary offices.
- Possibility for additional tenants.

Discussion ensued further, with input from David P. Bobzien, County Attorney, regarding the legal prohibition of modifying the proffers once the public hearing has begun.

Discussion ensued, with the input from Mr. Kaplan, regarding the benefits of mitigation.

Supervisor Frey moved approval of:

- Proffered Condition Amendment Application PCA 78-S-063-06, subject to the proffers dated February 10, 2009.
- Special Exception Application SE 2008-SU-026, subject to the development conditions dated December 31, 2008.
- The addition of development condition #5 to read as follows: **“Ancillary office shall be defined to consist of only satellite office space for tenants whose primary work space is not located within the cellar space with a maximum of 10 percent of the total cellar space devoted to such use.”**

Supervisor Herrity seconded the motion, which **CARRIED** by a recorded vote of eight, Supervisor Smyth voting **“NAY.”**

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the staff, in conjunction with the Planning Commission, Environmental Quality Advisory Commission, and other stakeholders, conduct a thorough review of the EQC policy so that the County has a Policy that remains both functional and true to the spirit of environmental preservation and restoration. The second to this motion was inaudible.

Chairman Bulova asked unanimous consent that the return date for this review be conducted by March 6, 2009. Without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct staff to create a process when dealing with perennality. Discussion ensued, with input from Jimmie Jenkins, Director, Department of Public Works and Environmental Services, regarding the addition of the subject of perennality for streams. Without objection, it was so ordered.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

40. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (9:08 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 February 5 and February 12, 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.

NV:nv

ADDITIONAL BOARD MATTERS

41. **TUBERCULOSIS AWARENESS DAY** (9:09 p.m.)

With reference to her written Board Matter, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare and deliver to the Health Department a proclamation declaring March 24, 2009, as "*Tuberculosis Awareness Day*" in Fairfax County. Without objection, it was so ordered.

42. **NATIONAL PUBLIC HEALTH WEEK** (9:10 p.m.)

Chairman Bulova asked unanimous consent that the Board support the efforts regarding National Public Health Week and direct staff to invite representatives of the Health Department to appear before the Board to receive a Proclamation declaring the week of April 6, 2009, as "*National Public Health Week*" in Fairfax County. Without objection, it was so ordered.

43. **MULTIPLE SCLEROSIS (MS) AWARENESS WEEK** (9:10 p.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to prepare and deliver a proclamation to the National Capital Chapter of the National MS Society declaring March 2-8, 2009, as "*MS Awareness Week*" in Fairfax County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

44. **RECOGNIZING THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)** (9:11 p.m.)

Jointly with Supervisor Frey, and with reference to his written Board Matter, Supervisor Herrity said that because of the economic crisis, there have been very few major corporate relocations recently. However, the past 18 months have been extremely successful for the EDA. Since September 2007 three major corporations have chosen to call the County their corporate home. These corporations include Volkswagen Group of America which announced its decision in September 2007, CSC (formerly Computer Sciences Corporation) which announced its decision in January 2008, and most recently Hilton Hotels

Corporation, which announced just two weeks ago that it would be moving to the County from Beverly Hills, California.

As noted in the written Board Matter, in addition to the increased tax revenue that these corporations will bring, they also will add 726 net new high quality jobs and bring over \$130 million in capital investment to the County.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite members of the EDA and the appropriate staff to appear before the Board at an appropriate time to be recognized for their outstanding achievements over the past 18 months.

Supervisor Hyland asked to amend the request to invite representatives of the corporations to appear also, and this was accepted.

Supervisor Hudgins noted that Google recently located its federal headquarters to the County and asked to amend the request to also include it, and this was accepted.

Without objection, the request, as amended, was so ordered.

45. **LEVERAGING EXISTING COUNTY RESOURCES AND NON-PROFITS TO HELP THE HOMELESS** (9:13 p.m.)

Supervisor Herrity said that over the last six months, the percentage of unoccupied units in the County's affordable housing Wedgewood complex has remained between approximately seven and ten percent. As of February 18 there were 47 units at Wedgewood that were not occupied. There is no waiting list to get into these units. At the same time, there are 71 families on the waiting list to get into County homeless shelters. The County is paying private motels to house 14 of those families until space becomes available in shelters.

Supervisor Herrity noted that on one hand there is vacant affordable housing stock, and on the other hand the County is short of the resources to keep people from sleeping on the streets or in the woods. He asserted that non-profits do a good job of getting people off the street, back on their feet, and moving them off public assistance. This need has grown and is expected to grow during these bleak economic times.

Therefore, Supervisor Herrity moved that the Board:

- Dedicate between 10 and 20 units within the Wedgewood facility to be controlled and operated by the County's non-profits for a period of three years to be used as transitional housing for homeless residents.
- Direct staff to identify other affordable housing rental units that possibly could be used for this purpose.

- Direct the County Executive to prepare any necessary formal action for the Board to act on this request so it can be approved at the next meeting.

Supervisor Hudgins asked to amend the motion to refer this to the Board's Housing Committee for review from a Policy position.

This was accepted as a concept for referral to the Housing Committee.

Supervisory Hyland seconded the motion.

Discussion ensued regarding the speed of the review, normal turnover of units, possible budget implications, and use of motels.

Supervisor Hyland asked unanimous consent that the Board direct the County Executive to provide the present Policy regarding the use of motels to house homeless persons. Following input from Anthony H. Griffin, County Executive, who stated that use of motels is a last resort, without objection, the request was so ordered.

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

46. **TRANSIENT OCCUPANCY TAXES FROM ONLINE TRAVEL COMPANIES** (9:20 p.m.)

Supervisor Herrity said that the City of Anaheim, California was recently awarded \$21.3 million in Transient Occupancy Taxes from the online travel companies Expedia, Orbitz, Priceline, and Travelocity. The companies had been collecting the tax at the retail rate, but only remitting the tax at the lower wholesale rate. Other localities throughout the country have now also filed suit after this ruling. Supervisor Herrity referenced an article, copies of which he distributed around the dais.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the County Executive to work with the Department of Tax Administration to determine if the County would also be subject to collecting additional transient occupancy tax revenues from the various online travel companies and report its findings. Without objection, it was so ordered.

47. **NEW GUIDELINES ON LAND DISTURBANCE** (9:21 p.m.)

Supervisor Herrity said that he recently received a letter from Mr. Rohde, a constituent who is planning to build an addition to his home to accommodate his aging mother. The footprint of the addition is 900 square feet and will have a bedroom, bathroom, closet, and sitting area. Last year Mr. Rohde had his

architect draw up the plans, but did not attempt to secure a building permit until this past month. This is when Mr. Rohde learned that the County had changed the Policy that interpreted how the total area of land disturbance is calculated. On September 4 of last year, the County issued a "Letter to Industry" revising land disturbing calculations which triggers submittal of a grading plan, most noticeably increasing the buffer from 10 feet to 15 feet. Prior to September 2008, Mr. Rohde could have secured a building permit and constructed his addition. Now, he must submit a grading plan. The cost of the grading plan, according to County staff, could be about \$15,000. Mr. Rohde has learned that the cost could be as high as \$30,000. For Mr. Rohde, this is a "show-stopper" because he now cannot afford to build his addition. In addition to Mr. Rohde, Supervisor Herrity said that he heard from at least one other constituent with similar issues and he heard that other Board Members have had similar issues with some of their constituents.

Supervisor Herrity asserted that this issue raises two major concerns. First, while the staff has assured him that prior to sending out the "Letter to Industry," they contacted and received comment from the building industry and from members of the Board, they did not reach out to the real stakeholders in this issue - the homeowners in the communities who are bearing the cost of the grading plan that they must now submit. Also, the Board did not undergo a public hearing process. Staff has stated that this change of Policy does not require a formal notice-and-comment process as is required for amending the County Code. Although this substantive Policy change may not meet the definition of a Code amendment, it certainly has the full force and effect of amendments which can only be promulgated after a public hearing.

Supervisor Herrity also expressed concern that the Board did not calculate the true impact and cost of this new Policy change. The Code states that if more than 2,500 square feet are disturbed, then a grading plan is required. In this case because of the Policy change from a 10 foot buffer to a 15 foot buffer, a 900 square foot addition requires a grading plan even if less than 2,500 square feet are impacted. The cost to the homeowner could be between \$15,000 and \$30,000 for a grading plan. There is also the opportunity cost to the County and Mr. Rohde, in the event he does not build his addition. Mr. Rohde has a "shovel-ready" project which is, in his own words, his personal "stimulus package" for the local economy.

Supervisor Herrity referred to his written Board regarding "growing jobs," aging in place, and improving the regulatory process and moved that the Board direct staff to immediately rescind the September 4, 2008, "Letter to Industry" regarding calculating Land Disturbing Area. Supervisor Hyland seconded the motion.

Discussion ensued regarding the change in buffer and excavation effects, swimming pools excavations as the impetus for the change, and the size of this particular addition.

Following input from Anthony H. Griffin, County Executive, regarding grading permits and excavations, Supervisor Frey asked to amend the motion to refer this item to the March 16 meeting of the Development Process Committee and direct staff to specifically address ways to address this issue when there is disturbance but no actual change in grade. This was accepted with the understanding that excavated dirt can be hauled away rather than placed elsewhere on the property.

Following discussion regarding level of disturbance and the possible need for modified grading plans in some situations, the question was called on the motion, as amended to refer the issue to the Development Process Committee, and it carried by a vote of eight, Supervisor Smyth being out of the room.

48. **LIGHTING THE FAIRFAX COUNTY PARKWAY/FAIR LAKES PARKWAY INTERCHANGE** (9:36 p.m.)

With reference to his written Board Matter on the subject, Supervisor Herrity said that over the past 15 months, his office has been working jointly with the Virginia Department of Transportation (VDOT), the County Department of Transportation (DOT), the Department of Public Works and Environmental Services (DPWES), the Fairfax County Park Authority (FCPA), local civic groups, businesses, and utility companies to advance construction of the Fairfax County Parkway/Fair Lakes Parkway Interchange. Many issues related to advanced right-of-way dedication, utility relocation (high tension towers), and storm water management have been resolved due to these coordination efforts and support provided by the Springfield District office.

Supervisor Herrity stated that the most prominent and complex issue has been the Fair Lakes League's agreement to permit VDOT to utilize its existing lakes/ponds for storm water management in conjunction with the proposed interchange. This agreement will result in substantial savings to the project in right-of-way acquisition and project schedule. However, as a condition of the agreement, the Fair Lakes League has requested that certain aesthetic enhancements be included in the portion of the interchange that is a "gateway" to the Fair Lakes community, the Fair Lakes Parkway bridge and the ramps in the immediate vicinity of the bridge. As a part of the aesthetic treatment, and to create a safer and more pedestrian-friendly environment in Fair Lakes, the Fair Lakes League has requested that pedestrian-scale acorn style luminaries be provided on the bridge and along the ramps of the interchange. The same type luminaries are currently in use in several Commercial Revitalization areas in the County.

Supervisor Herrity noted that VDOT does not stock or maintain acorn pedestrian lights, but has agreed to incur the up-front installation cost within the construction of the interchange project. However, subsequent monthly operating and maintenance will need to be provided by the County under the municipal agreement with Dominion Virginia Power (DVP). The proposed lighting of the interchange includes 83 VDOT-maintained streetlights for vehicular traffic and 35 acorn luminaries for pedestrian traffic proposed to be maintained by the County through its contract with DVP. Anticipated operating and maintenance cost to the

County under the present municipal agreement with DVP is \$9,825 per year. This, however, does save the cost of acquiring property for stormwater retention ponds.

Supervisor Herrity said that Board approval of installation of the acorn luminaries within the Fair Lakes Community limits and assumption of future operation and maintenance responsibility of the lights will facilitate completion of the interchange project schedule and allow the project to be advertised for construction at the end of 2009, 18 months ahead of schedule. The County is already on record as being committed to efforts to accelerate construction of the Fairfax County Parkway/Fair Lakes Parkway Interchange and County staff supports this recommendation.

Therefore, Supervisor Herrity moved that the Board endorse the installation of acorn pedestrian-style lights at the Fairfax County Parkway/Fair Lakes Parkway Interchange within the Fair Lakes community limits and accept future operation and maintenance responsibility for these pedestrian type luminaries under the County contract with DVP.

Discussion ensued regarding the maintenance of the lights; a clarification that the lights are tall acorn style, not pedestrian lights; and potential liability regarding inadequate lighting.

Supervisor Herrity revised his motion to forward this issue to the County Attorney and DOT for evaluation and recommendation regarding risk and liability issues.

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

49. **BID ON COUNTY TCHOTCHKES ON eBAY** (9:41 p.m.)

Supervisor Hyland said that on February 9 the National Association of Counties County News (NACo) newspaper highlighted a model program used in Gwinnett County, Georgia. The idea, also used by Alaska and receiving national exposure last year, isn't new, but is rapidly growing among local governments nationwide. The article details how Gwinnett County used to sell surplus vehicles at auction for well under market value. After two years, that county's online store has turned into a thriving business. According to the article, "last year the online store sold 289 vehicles and turned a profit of more than \$1 million." The cost to maintain Gwinnett County's online store is \$90 per transaction including a \$45 commission for eBay. The sales have since expanded from cars to copy machines, construction equipment, printers, and many other items.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to evaluate this model program and report its findings. Without objection, it was so ordered.

DET:det

50. **BROWNE ACADEMY – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-059-06 - REQUEST FOR DATE CERTAIN PUBLIC HEARING (LEE DISTRICT)** (9:43 p.m.)

- (A) Supervisor McKay announced that Browne Academy had filed an application to amend a previously approved special exception to add additional land area to its school and make minor building and site improvements which were intended to enhance existing facilities for students and faculty. He stated that the applicant intended to construct the improvements as soon as possible to benefit students and faculty and to be ready for the beginning of the school year.

Supervisor McKay moved that the Board direct staff to schedule Special Exception Amendment Application SEA 85-L-059-06 for a public hearing to be held before the Board on April 27, 2009, and noted that his motion should in no way prejudice the full review of the application and did not preclude the applicant from adherence to all adopted standards in any way. Supervisor Foust seconded the motion and it carried by unanimous vote.

51. **BAILEY'S CROSSROADS VOLUNTEER FIRE DEPARTMENT (VFD) REVERTER CLAUSE - REQUEST FOR DATE CERTAIN PUBLIC HEARING (MASON DISTRICT)** (9:44 p.m.)

- (A) Supervisor Gross stated that in 1991, the Board deeded property to the Bailey's Crossroads VFD at what is now 3601 Firehouse Lane, just off Columbia Pike and that the deed included an automatic reverter clause for the benefit of the Board.

Supervisor Gross noted that in the past, the Board had approved three resolutions granting limited waivers to the reverter clause to permit the installation of telecommunication equipment (cell tower and antennae) on that property. She said that volunteers were now seeking another waiver to install additional telecommunications equipment which would require a public hearing.

Supervisor Gross moved that the Board direct staff to schedule a public hearing to be held before the Board on March 9, 2009. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room.

52. **NATIONAL NURSES WEEK** (9:45 p.m.)

Supervisor Gross asked unanimous consent that the Board direct staff to:

- Proclaim May 6 – 12, 2009 as “*Nurses Week*” in the County.
- Invite Gloria Addo-Ayensu, Health Department Director, JoAnne Jorgenson, Deputy Director for Health and Human Services, and nurses from the County and other regional organizations to appear

before the Board, to be recognized with a proclamation at the May 4, 2009, Board meeting.

Supervisor Gross also noted that Chairman Bulova's sister would be among those recognized.

Without objection, it was so ordered.

53. **CHANNEL 16** (9:45 p.m.)

Supervisor Gross announced that Channel 16 had received three awards from the Alliance for Community Media and thanked staff for their work.

54. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (9:46 p.m.)

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

PMH:pmh

55. **HUNTER MILL DISTRICT BUDGET MEETING** (9:46.m.)

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the Hunter Mill District Community meeting on March 17, 2009, at the Reston Community Center – Hunters Wood, in Reston, at 7 p.m. Without objection, it was so ordered.

56. **MR. SEAN FLETCHER SETS NATIONAL HIGH SCHOOL SWIM RECORD (HUNTER MILL DISTRICT)** (9:46 p.m.)

Supervisor Hudgins announced that the Virginia AAA State swimming championships were held in Manassas on Saturday. Madison High School Warhawk senior Sean Fletcher, not only won his event, the 100 yard butterfly but also set a national high school record.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Fletcher to appear before the Board so that his accomplishments can be acknowledged. Without objection, it was so ordered.

57. **CIRCUMVENTION OF FRONT YARD SETBACK REQUIREMENTS ON A CORNER LOT** (9:47 p.m.)

Supervisor Foust said that a new home was recently built on Aziza Court in Great Falls that has raised issues about the effectiveness of the Zoning Ordinance. Current rules require that a corner lot at this location have a minimum 50 foot setback from the right-of-way. In this case, the developer apparently used a

loophole in the regulations to deed back to the homeowners association a ten foot wide strip of land along Georgetown Pike. Therefore, this large home was no longer considered to be on a corner lot and instead of having a minimum 50 foot setback requirement, it was deemed a side lot with a minimum 20 foot setback requirement. Now this massive five bedroom home looms over Georgetown Pike, only 30 feet from the right-of-way. He added that this issue occurs throughout the County as builders attempt to circumvent lot set back requirements, limitations on corner lot fence heights, and restrictions on the types of accessory structures that may be located in front yards. It appears there is a need for staff to review the Zoning Ordinance provisions regarding corner lots to see how best to preclude the creation of an outlot solely for the purpose of circumventing these requirements.

Therefore, Supervisor Foust moved that the Board, at its Development Process Committee meeting scheduled for March 16, consider this proposed item for inclusion as a Priority I item on the 2009 Zoning Ordinance Amendment Work Program. Supervisor Smyth seconded the motion.

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

58. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(9:51 p.m.)

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

59. **BOARD ADJOURNMENT** (9:51 p.m.)

The Board adjourned.

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