



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 18, 2009**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <http://www.fairfaxcounty.gov/bosclerk/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

13-09

DMS:dms

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, May 18, 2009, at 9:31 a.m., there were present:

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

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:31 a.m.)

Supervisor McKay asked everyone to keep in thoughts the family of Mrs. Jenny McEneaney, who died recently. Mrs. McEneaney and her husband, John, formed the real estate firm *McEneaney Associates* and was very active in the Springvale community.

Supervisor Smyth asked everyone to keep in thoughts the families of Airi Roulette and Audrey Williams, whom died recently. They were extremely active in their respective communities.

Supervisor Frey asked everyone to keep in thoughts the family of Mr. Tim Benedict, a police officer who was injured in the line of duty. Supervisor Frey further asked everyone to keep in thoughts all police officers who are always putting their lives in jeopardy.

Supervisor Hyland asked everyone to keep in thoughts the family of Ms. Levelle Dupell, who died recently. Ms. Dupell was very active in her community, which led to the County naming a park in her honor.

AGENDA ITEMS2. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE ODYSSEY OF THE MIND TEAMS** (9:36 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to members of the Odyssey of the Mind teams from Bailey's, Belle View, Colvin Run, Nottingham, and Stratford Landing Elementary Schools; Hughes Middle School; and Herndon, Oakton, and Thomas Jefferson High Schools for advancing to the world finals competition. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. SEAN FLETCHER** (9:45 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Sean Fletcher for his national accomplishment in swimming. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE HERNDON HIGH SCHOOL ROBOTICS TEAM 116** (9:49 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Herndon High School Robotics Team 116 for advancing to the semi-final level of the competition held in Richmond. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO INOVA FAIRFAX HOSPITAL** (9:55 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Inova Fairfax Hospital for being named one of the nation's 50 Best Hospitals by HealthGrades, an independent healthcare rating organization. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING MAY 2009 AS "COMMUNITY ACTION MONTH" IN FAIRFAX COUNTY** (10:05 a.m.)

Supervisor Foust moved approval of the Proclamation to designate May 2009 as "*Community Action Month*" in Fairfax County. Supervisor Hyland seconded the motion.

Discussion ensued, with input from John Ruthinoski, Management Analyst III, Department of Family Services, regarding the poverty simulations and the timing and locations where these simulations take place.

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

7. **PROCLAMATION DESIGNATING MAY 28–31, 2009, AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (10:16 a.m.)

Supervisor McKay, jointly with Supervisor Cook, Supervisor Herrity, and Chairman Bulova, moved approval of the Proclamation to designate May 28–31, 2009, as "*Springfield Days*" in Fairfax County. Supervisor Herrity seconded the motion and it carried by unanimous vote.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO THE METRORAIL ACCESS GROUP AND STAFF FROM THE COUNTY AND STATE** (10:26 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to the Metrorail Access Group and staff from the County and State for review of

the Wiehle and Reston Parkway Metrorail Stations Access Management Plan. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO COUNTY STAFF**
(10:33 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to County staff for the success of the Polo Fields Residential Permit Parking District Program and the timely completion of the repairs of the Herndon Monroe Park-and-Ride Garage. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

10. **PROCLAMATION DESIGNATING MAY 17–23, 2009, AS “PUBLIC WORKS WEEK” IN FAIRFAX COUNTY** (10:40 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 17–23, 2009, as “*Public Works Week*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Bulova.

11. **10 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (10:50 a.m.)

(BACs) Robert E. Beach, Architect and representative of the History Commission, presented its annual report, noting the following:

- Addition of new Commissioners: Ms. Phyllis Walker Ford of Mason District and Ms. Page Shelp of Dranesville District.
- Placement of County Historical Markers: Ira Gabrielson at the Oakton Library, Civilian Conservation Corps in Lake Accotink Park, Laurel Grove Colored School and Church on Beulah Road in the Franconia area, Beacon Field Airport near the Beacon Mall Shopping Center south of Alexandria, and the “First Confederate Officer Killed” in front of the County Courthouse.
- Congressman Gerry Connolly received the Lifetime Achievement Award on behalf of the History Commission for his consistent and passionate support of maintaining the County’s historical resources.
- Formation of a leadership group to examine the various details associated with the many aspects of developing and operating a County History Museum.

- Ms. Lynne Garvey Hodge serving as the County's Exceptional Design Awards Juror in place of Mr. Beach in 2008.
- The Commission's involvement with Section 106 of the National Historic Preservation Act, which requires Federal agencies to take into account the effects of their undertakings on historic properties.
- The Commission's participation in the Base Realignment and Closure (BRAC) process at Fort Belvoir.
- Quality submissions to the awards program.
- Update of the Commission's inventory list.
- Archaeology grants to input data in a computer format.
- The Commission's updated website on the County's page to include recent marker dedications, publications information, member contact information, and the Commission's accomplishments.
- The current list, since 2004, of people available to speak about the County's history.
- Educating the community about the War of 1812, The Revolutionary War, and the Washington-Rochambeau Revolutionary Route project and their effects on the County and its development.

Mr. Beach introduced the following members of the Commission:

- Deborah Robinson, Chairman
- Elise Ruff Murray, Hunter Mill Representative

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

- Commission's fifth annual conference, which will be held on November 7.
- Public's ability to obtain historical documents.
- Utilization of the Virginia Room to sell maps and publications once the store in the Government Center closes.

- Coordination with Visit Fairfax and the visitor's centers to distribute maps and publications to the public.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding interest in the private sector to operate a retail store within the Government Center.

EBE:ebe

12.

10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (11:09 a.m.)

(APPTS)

(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Chairman Bulova moved the reappointment of Mr. Richard N. Rose as the Builder (Multi Family) Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Citizen, Engineer/Architect/Planner #1 and the Lending Institution Representatives.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

Supervisor Hudgins moved the appointment of Mr. Paul S. Vizcaino as the Hunter Mill District Representative. Chairman Bulova 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.

ATHLETIC COUNCIL

Supervisor McKay moved the appointment of Mr. Michael Rodgers as the Lee District Principal Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Supervisor Gross moved the appointment of Ms. Rachel Rifkind as the Mason District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Supervisor Hudgins moved the appointment of Ms. Susan Kim as the Alternate #4 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Supervisor Hudgins moved the appointment of Mr. Howard R. Green as the Hunter Mill District Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

CHILD CARE ADVISORY COUNCIL

Supervisor Smyth moved the appointment of Ms. Joan Holtz as the Providence District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION ON AGING

Chairman Bulova moved the appointment of Ms. Tena Bluhm as the At-Large Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Ms. Eileen Duggan as the Dranesville District Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Ms. Julie Bloom Ellis as the Mount Vernon District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Joseph Heastie as the Providence District Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Ms. Sally Hottle as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD

Supervisor Cook moved the appointment of The Reverend Juan Ancalle as the Braddock District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

Supervisor Cook moved the reappointment of Mr. Michael Webb as the Braddock District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Kurke Pronske as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Mr. Robert H. Mortensen as the Providence District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

CONFIRMATIONS:

Supervisor Gross moved confirmation of the following appointments:

- Mr. Dan McKinnon as the G-7 Representative

- Mr. David Sittler as the National Association of Industrial and Office Properties Representative
- Mr. Jon Lindgren as the Northern Virginia Building Industry Association Representative

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

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Providence District Representative.

ECONOMIC ADVISORY COMMISSION

CONFIRMATION:

Supervisor Herrity moved confirmation of the following appointment:

- The Honorable Stuart Mendelsohn as the President of the Chamber of Commerce Representative

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

ENGINEERING STANDARDS REVIEW COMMITTEE

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Mr. David Ouderkirk as the Hunter Mill Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Bulova announced her intent to reappoint Ms. Diane Engster as the At-Large #1 Chairman's Representative.

Supervisor Hudgins announced her intent to reappoint Mr. Glenn Kamber as the Hunter Mill District Representative.

Supervisor McKay announced his intent to reappoint Ms. Martha Lloyd as the Lee District Representative.

The Board deferred the appointment of the Braddock District Representative.

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN RIGHTS COMMISSION

Supervisor Cook moved the appointment of Ms. Amy Owen as the At-Large #10 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

INDUSTRIAL DEVELOPMENT AUTHORITY

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Cook moved the appointment of Mr. Steven Lam as the Braddock District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the appointment of Mr. Walter H. Williams as the Springfield District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Supervisor Foust moved the appointment of Mr. Richard Sullivan as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Lee A. Rau as the Hunter Mill District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

ROAD VIEWERS BOARD

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

TENANT LANDLORD COMMISSION

Chairman Bulova moved the appointment of Mr. Mark Thomas as the Tenant Member #1 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

TRAILS AND SIDEWALKS COMMITTEE

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

TRANSPORTATION ADVISORY COMMISSION**CONFIRMATION:**

Supervisor Gross moved confirmation of the following appointment:

- Ms. Kelly Greenwood as the Fairfax Area Disability Services Representative

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

WETLANDS BOARD

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

13. **ADMINISTRATIVE ITEMS** (11:22 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Hudgins called the Board's attention to Admin 11 – Approval of Supplemental Appropriation Resolution (SAR) AS 09137 for the Department of Family Services (DFS) to Accept Grant Funding, on behalf of the Northern Virginia Workforce Investment Board (NVWIB), from the Virginia Community College System for the Workforce Investment Act (WIA) Title 1 Adult, Youth and Dislocated Worker Program.

Discussion ensued, with input from Juana M. Diaz, Director, Self-Sufficiency Division, DFS, and Dai Nguyen, Program Manager, DFS, regarding the funding allocation and the percentage of funds targeted for youth programs.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding:

- Specific programs that are available in the community
- A description of how and where they are being conducted
- The total funding of the program

Without objection, it was so ordered.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, Mr. Nguyen, and Ms. Diaz, regarding the recovery of indirect costs associated with administering the grant.

Supervisor Frey called the Board's attention to Admin 12 – Additional Time to Commence Construction for the Special Exception Application SE 2005-SU-031, Unicorp National Developments, LLC (Sully District) and asked unanimous consent that the Board direct staff to report with information regarding the requests for additional time process and the possibility of a Zoning Ordinance amendment to address the issue. Without objection, it was so ordered.

Following further discussion regarding requests for additional time, Supervisor McKay asked unanimous consent that the Board direct staff to report with information regarding why the process takes so long. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff include this issue on the agenda of the next Development Process Committee meeting. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Gross asked unanimous consent that the Board direct staff to address the sometimes complicated issues between applicants and the residents of the neighborhoods that are often part of the requests for additional time. Without objection, it was so ordered.

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

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, MOUNT VERNON, 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>
Bryn Mawr Parcel A	Dranesville	Laughlin Avenue (Route 1801) (Additional ROW Only)
		Lowell Avenue (Route 1837) (Additional ROW Only)
		Emerson Avenue (Route 1811) (Additional ROW Only)
Cliff Edge	Dranesville	Cliff Edge Drive (Route 7220)
Collingwood Estates	Mount Vernon	Glen Cove Court
		Collingwood Road (Route 628) (Additional ROW Only)
Pleasant Valley Road Properties	Sully	Pleasant Forest Drive
		Rosalie Ridge Drive
		Braddock Road (Route 620) (Additional ROW Only)
		Pleasant Valley Road (Route 609) (Additional ROW Only)

**ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART
OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-
TAP) (MOUNT VERNON DISTRICT)**

- Endorsed traffic calming measures for Shenandoah Road consisting of two speed humps on Shenandoah Road (Mount Vernon District).
- Directed staff to request the Virginia Department of Transportation to install the approved measures as soon as possible.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5941 COLCHESTER ROAD (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2009, at 4:30 p.m.** to consider a spot blight abatement ordinance for 5941 Colchester Road, Fairfax, Virginia, Tax Map Number 066-4-((06))-0001C.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 3282 ANNANDALE ROAD (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2009, at 4:30 p.m.** to consider a spot blight abatement ordinance for 3282 Annandale Road, Falls Church, Virginia, Tax Map Number 060-1-((33))-0001.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9310 GUNSTON COVE ROAD (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2009, at 4 p.m.** to consider a spot blight abatement ordinance for 9310 Gunston Cove Road, Lorton, Virginia, Tax Map Number 107-4-((01))-0009B

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9915 OLD COLCHESTER ROAD (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2009, at 4:30 p.m.** to consider a spot blight abatement ordinance for 9915 Old Colchester Road, Lorton, Virginia, Tax Map Number 114-1-((01))-0015.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 11307 STUART MILL ROAD (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2009, at 4 p.m.** to consider a spot blight abatement ordinance for 11307 Stuart Mill Road, Oakton, Virginia, Tax Map Number 036-2-((01))-0019.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7401 McWHORTER PLACE (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2009, at 4 p.m.** to consider a spot blight abatement ordinance for 7301 McWhorter Place, Annandale, Virginia, Tax Map Number 071-1-((01))-0038A.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2703 GROVETON STREET (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2009, at 4 p.m.** to consider a spot blight abatement ordinance for 2703 Groveton Street, Alexandria, Virginia, Tax Map Number 093-1-((18H))-0306.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 8620 OX ROAD (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2009, at 4:30 p.m.** to consider a spot blight abatement ordinance for 8620 Ox Road, Fairfax Station, Virginia, Tax Map Number 097-3-((01))-0012.

ADMIN 11 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09137 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING, ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), FROM THE VIRGINIA COMMUNITY COLLEGE SYSTEM FOR THE WORKFORCE INVESTMENT ACT (WIA) TITLE 1 ADULT, YOUTH AND DISLOCATED WORKER PROGRAM

- (SAR) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 12.)

Approved SAR AS 09137 to accept funding from the Virginia Community College System in the amount of \$1,447,227 for WIA programs. This WIA funding is being accepted on behalf of NVWIB to continue to provide employment and training services to economically disadvantaged youth and adults, and to displaced workers.

ADMIN 12 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2005-SU-031, UNICORP NATIONAL DEVELOPMENTS, LLC (SULLY DISTRICT)

(AT) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 12.)

Approved the request for six months of additional time to commence construction for Special Exception Application SE 2005-SU-031 to September 25, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 13 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT A GRANT FROM SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES FOR PRIMARY AND BEHAVIORAL HEALTH CARE INTEGRATION

Authorized CSB to apply for and accept Substance Abuse and Mental Health Services funds of up to \$500,000 per year for four years, for a total possible award of \$2 million. Upon receipt of the actual award, the CSB will request expenditure authority and commensurate revenue increases of the actual award amount as part of the Fiscal Year 2009 Carryover Review.

ADMIN 14 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT FUNDING FROM THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FROM THE US DEPARTMENT OF HOMELAND SECURITY (DHS)

Authorized FRD to apply for and accept funding, if received, from DHS for the Assistance to Firefighters Grant in the amount of \$248,125, including the required 20 percent local cash match of \$49,625.

14. **A-1 – APPROVAL OF THE SALE OF SEWER REVENUE BONDS, SERIES 2009** (11:34 a.m.)

(BONDS)

(Rs)

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

- Series Resolution authorizing the sale of sewer revenue bonds
- Amended and restated General Bond Resolution which will effect changes prospectively in key credit covenants
- Resolution adopting certain financial policies

15. **A-2 – APPROVAL OF REVISIONS TO PERSONNEL REGULATIONS MODIFYING ELIGIBILITY REQUIREMENTS FOR PUBLIC SAFETY PROFICIENCY PAY, EXPANDING FAMILY MEDICAL LEAVE, AND CLARIFYING PROCEDURE FOR ASSIGNING CIVIL SERVICE COMMISSION APPEAL PANELS (CHAPTERS 4, 10, AND 17)**
(11:35 a.m.)

Supervisor Gross moved approval of the proposed changes to Chapters 4, 10, and 17 of the Personnel Regulations to modify eligibility requirements for public safety proficiency pay, expand family and medical leave, and clarify the procedure for assigning Civil Service Commission appeal panels. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Susan Woodruff, Director, Department of Human Resources and Sara Simmons, Executive Director, Civil Service Commission, regarding a memorandum dated April 29, 2009, from the Civil Service Commission regarding issues raised by the Commission.

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

16. **A-3 – APPROVAL TO AWARD HOME FUNDS TO THE BRAIN FOUNDATION; REALLOCATE FUNDS WITHIN THE HOUSING TRUST FUND TO MAKE TWO LOANS TO THE BRAIN FOUNDATION (MASON DISTRICT)** (11:41 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and:

- Approved the request to loan up to \$229,992 of federal HOME Program Community Housing Development Organization (CHDO) set-aside funds to the Brain Foundation (TBF).
- Authorized reallocation of Fund 144 Housing Trust Funds in the amount of:
 - \$23,817 from Project 014013 Tier 1 (Pre-Development Fund for the Affordable Housing Partnership Program)
 - \$29,651 from Project 014098 Magnet Housing
 - \$4,623 from Project 013948 Braddock Glen

for a loan of up to \$58,091 to Project 014310, the Brain Foundation.

17. **A-4 – APPROVAL OF RECOMMENDATIONS FOR FISCAL YEAR (FY) 2009 AWARDS OF FEDERAL NEIGHBORHOOD STABILIZATION PROGRAM FUNDS UNDER THE SILVER LINING PLUS FORECLOSURE PURCHASE PROGRAM TO RESTON INTERFAITH HOUSING CORPORATION, PATHWAY HOMES, INCORPORATED, AND CHRISTIAN RELIEF SERVICES OF VIRGINIA** (11:42 a.m.)

Supervisor Herrity and Supervisor Hudgins jointly moved to approve shared equity, second trusts, and other related eligible project costs to:

- Reston Interfaith Housing Corporation in an amount not to exceed \$228,600
- Pathway Homes, Incorporated in an amount not to exceed \$454,167
- Christian Relief Services of Virginia in an amount not to exceed \$203,534

Supervisor Gross seconded the motion.

Discussion ensued, with input from Audrey Spencer-Horsley, Associate Director, Department of Housing and Community Development, (HCD) regarding the coordination with the District Supervisor regarding the purchase of the properties.

Supervisor McKay asked to amend the motion to clarify the terms of management of the grant and the coordination with the District Supervisor prior to signing a contract, and this was accepted.

Further discussion ensued, with input from John Payne, Deputy Director, Real Estate, HCD, and Ms. Spencer-Horsley, regarding the Community Development Block Grant, (CDBG) Program requirements regarding equity sharing options under the grant and how the income from the sale of the properties will be used.

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

18. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-S09-4, FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (SPRINGFIELD DISTRICT)** (12:02 p.m.)

The Board next considered an item contained in the Board Agenda dated May 18, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-S09-4. The application sought approval to renovate and expand the existing West Ox Animal Shelter at 4500 West Ox Road to include extensive modifications/renovations to the existing structure and site and new construction

integrated with the renovated structure. The proposed improvements will provide additional space to meet current and future needs, improve the space layout, and provide better animal care, Tax Map 56-1 ((1)) 2.

19. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-D09-5, FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DRANESVILLE DISTRICT)** (12:03 p.m.)

The Board next considered an item contained in the Board Agenda dated May 18, 2009, announcing the Planning Commission's approval of Public Facilities Application 2232-D09-5. The application sought approval to renovate and expand the existing Dolley Madison Library at 1244 Oak Ridge Avenue, McLean, to renovate and expand upper level library spaces and renovate lower level support spaces. The proposed improvements will update this community library facility that first opened in 1967 and has outgrown its existing space and will accommodate current technologies, services, customer demand, and staffing, Tax Map 30-2 ((1)) 3; 30-2 ((3)) 21, 24.

NV:nv

ADDITIONAL BOARD MATTERS

20. **HEALTH AND SURVIVAL WEEK** (12:03 p.m.)

Chairman Bulova announced that during the week of June 14-20, 2009, the Fairfax County Fire and Rescue (EMS) Department will promote the importance of the life saving services provided by firefighter and paramedic teams. They will also be encouraging residents to actively take part in their personal safety with this year's theme, "Protect Yourself: Your Safety, Health, and Survival Are Your Responsibility." This department is essential to the well being and safety of County residents.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to invite members of the Fire and Rescue Department to appear before the Board on June 1 to receive a Proclamation declaring the week of June 14-20, 2009, as "*Health and Survival Week*" in Fairfax County. Without objection, it was so ordered.

21. **HIV TESTING DAY ON JUNE 27** (12:04 p.m.)

Chairman Bulova stated that the Health Department has a number of programs designed to increase public health awareness surrounding the issue of HIV. These programs include free and confidential testing, counseling, and referrals.

To promote the recognition of HIV testing and its ability to significantly impact

the lives of those diagnosed with the virus, HIV Testing Day will be held on June 27. Early detection and treatment are paramount to prolonging and protecting life. With the Virginia Department of Health estimating as many as 7,200 Virginians being undiagnosed and unaware of their HIV infection, Chairman Bulova asserted that it is imperative that residents be attentive to their status.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation recognizing June 27, 2009, as “*HIV Testing Day*” in Fairfax County. Without objection, it was so ordered.

22. **FOUR METRO STATIONS IN TYSONS CORNER (DRANESVILLE DISTRICT)** (12:05 p.m.)

In a joint Board Matter with Supervisor Foust, Supervisor Hudgins, Supervisor McKay, and Supervisor Smyth, Chairman Bulova reported that as of this spring, construction of the four metro stations in Tysons Corner is underway. Service to Tysons Corner will begin late fall in 2013. To increase the use of Metrorail when traveling to and from Tysons and traveling within Tysons, she asserted that it is essential to provide quick and convenient access for Metrorail passengers to and from locations within Tysons that are beyond walking distance from the Metrorail stations, and to provide a quick and convenient way to travel within Tysons corner without a vehicle.

Therefore, to ensure that the County is planning ahead to fully realize the vision for an interconnected transit system in Tysons Corner, Chairman Bulova moved that the Board direct staff to provide a status report at the next Transportation Committee meeting to address:

- The transit services that will be complementary to Metro that should be introduced and operational when Metrorail service begins in 2013.
- The current plan for implementing these services and steps that need to be taken by staff to be ready for the beginning of service in 2013.
- Process for securing funding for these services.

Supervisor Smyth seconded the motion and discussion ensued regarding the need for interconnected transit for the Tysons Corner neighborhoods and securing funding and setting criteria for the operation.

Supervisor Frey asked to amend the motion to direct staff to provide funding options for the ongoing operating costs for the rail itself in advance of the Board’s retreat, and this was accepted.

Following further discussion regarding the long term (past the year 2013), the question was called on the motion, as amended, which carried by unanimous vote.

23. **FAIRFAX TO BENEFIT FROM REVITALIZED FEDERAL COMMUNITY ORIENTED POLICING SERVICES (COPS) PROGRAM**
(12:11 p.m.)

Chairman Bulova said that the County has benefited tremendously over the years from the COPS program. Since the program was initiated in 1994, the County has received more than \$20.5 million through the COPS or COPS in Schools programs, allowing the hiring of 257 additional police officers. The Board was able to ease the pressure on local taxpayers with the help of those federal dollars, and would not have been able to make those critical investments without them.

Chairman Bulova stated that although COPS proved to be a successful model for helping local governments meet public safety needs, the previous administration chose to dismantle and ultimately stop funding the COPS program. She said that the County and other local governments fought to have that funding restored, and she is thankful for recent action taken by the new Congress and the new administration to revive the COPS program.

Chairman Bulova shared with the Board copies of correspondence she received from former Chairman Gerry Connolly, who now represents a major part of Fairfax County in the House of Representatives, detailing the actions taken by the new Congress in support of the COPS program and other public safety services. According to Congressman Connolly, the Eleventh District, which includes most of Fairfax County, stands to gain up to 155 additional officers over the next five years as a result of this new funding. Restoration of these funds is particularly well timed given the difficult financial situation the County and other local governments are facing as a result of the current financial crisis.

Vice-Chairman Gross clarified that those portions of the County outside the Eleventh Congressional District will also benefit.

Discussion ensued regarding both the old and new COPS programs and their funding and phase-out as well as required continuation of the affected positions over the course of the 25 year career of the positions, with input from Anthony H. Griffin, County Executive.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

24. **McLEAN COMMUNITY CENTER (MCC) ELECTIONS (DRANESVILLE DISTRICT)** (12:17 p.m.)

(APPTS) Supervisor Foust expressed appreciation to the MCC staff and MCC Board for another spectacular "McLean Day" event on Saturday, May 16, attended by

approximately 10,000 people. He also expressed appreciation to Chairman Bulova for her attendance.

Supervisor Foust said that on Saturday May 16 the MCC held elections for five positions on the MCC's Board of Directors including three adult 3-year terms, one youth 1-year term for the Langley High School area, and one youth 1-year term for the McLean High School area. He distributed copies of the MCC's Elections and Nominations Committee's certification of the results of the election.

Pursuant to the Memorandum of Understanding between the Board of Supervisors and the Governing Board of the MCC dated February 8, 1984, Supervisor Foust said that the full results of the election shall be reported to the Board at its first meeting following the election. The Board of Supervisors, after determining that it is in the public interest to do so, shall appoint those persons receiving the highest number of votes to the MCC Governing Board.

Based on the results of the election, as certified by the MCC's Elections and Nominations Committee, Supervisor Foust moved that the Board find that it is in the public interest to appoint those persons receiving the highest number of votes in this election of Governing Board Members, and that the following individuals be appointed to the MCC:

- Adults, three year terms: Mr. David G. Sanders,
Mr. Edward J. Shahin, Jr., and Ms. Susan Bourgeois
- Youth, one year term - Langley High School area:
Ms. Angela Wertz
- Youth, one-year term - McLean High School area:
Ms. Jennifer Dunn

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

25. **EXPEDITIOUS PROCESSING FOR SPECIAL EXCEPTION
AMENDMENT APPLICATION SEA 2005-SP-033 (SPRINGFIELD
DISTRICT)** (12:20 p.m.)

Supervisor Herrity said that there is a special exception amendment application currently being processed to add an additional carrier to an existing telecommunications pole located at the Village West Pool, 7008 Elkton Drive. The proposed carrier will be located lower on the pole than the approved positions, and therefore no additional height is requested. The applicant is working with staff and the community, but so far no substantive issues have been raised.

Therefore, to ensure that this application proceeds as expeditiously as possible, and to allow for concurrent advertising and posting, Supervisor Herrity moved

that the Board direct staff to expedite the processing of Special Exception Amendment Application SEA 2005-SP-033, Tax Map Parcel 89-4 ((5)) A. The applicants are aware that the expediting of this application should not be construed to prejudice the consideration of this application in any way. Supervisor Foust seconded the motion, which carried by unanimous vote.

26. **MONITORING THE IMPACT OF CHANGES TO THE GOVERNMENT CONTRACTING INDUSTRY** (12:21 p.m.)

In a joint Board Matter with Supervisor Foust, Supervisor Herry asserted that the County has one of the most dynamic and vibrant local economies in the world. The main driver of this economic success is the presence of a large number of successful government contracting firms which are either headquartered or have a large presence in the County. According to the US Census Bureau, the County was first among all US counties in the value of federal contracts performed locally with more than \$14 billion in contracts performed for Fiscal Year 2006. Moreover, since the County is the economic engine of Virginia, these companies are essential to the economic vitality of the Commonwealth as a whole.

As was noted at the last meeting of the Economic Advisory Commission, Supervisor Herry said that there have been a number of stories in the press about significant potential changes to federal government contracting policy and regulations under the Obama Administration. It is not known yet how significant these changes will be to government contractors or whether new obstacles to doing business with the federal government will be put in place. He asserted that the Board needs to be on top of any pending changes because government contracting is so important to the economic success of the County.

Therefore, Supervisor Herry moved that the Board direct the County Executive to request the federal lobbyists to provide the Board with a current status report on significant potential changes to government contracting policy and that they regularly keep it informed on potential developments going forward. Supervisor Foust seconded the motion, which carried by unanimous vote.

27. **REALLOCATING HOUSING FUNDS FROM THE COUNTY FORECLOSURE INITIATIVE TO THE HOME SHARE PROGRAM** (12:23 p.m.)

Supervisor Herry said that on June 30, 2008, the Board approved a new foreclosure initiative to assist first time homebuyers by taking advantage of low cost foreclosed housing. Specifically, the Silver Lining Program provides buyers with County funds to purchase the properties directly from the banks at below market pricing. Since approving the program, the County has received federal funds for this initiative. At the Housing Committee meeting in March of this year, Housing and Community Development staff reported that most of the funding for this program was coming from federal HOME funds and that of the \$1.8 million allocated for this program from the County's One Penny Fund, only

\$108,854 had been expended. In addition, this program has largely been overcome by events as private buyers are active in the foreclosure market as recently reported by Dr. Stephen Fuller at the last Economic Advisory Commission meeting.

Supervisor Herrity said that at previous 50+ Committee meetings, many Board Members heard presentations from Ms. Vicki Doff and Ms. Nina Pitkin who are advocating renewal of a home share program in the County. The goal of the home share program is to assist 50+ home owners to remain independent in their homes with the help of those seeking housing who are willing to pay affordable rents. This concept is supported not only by the Board, but has the support of many other organizations, including the Commission on Aging, Faith Alliance in Action, and others. Ms. Doff and Ms. Pitkin have created a strategic plan with a vision to establish a sustainable home share program that will become institutionalized within an established non-profit human services agency. This program will effectively provide additional affordable housing. It will require initial funding of \$125,000 which they have not been able to secure in these tough economic times.

Therefore, Supervisor Herrity asked unanimous consent that the Board discuss reallocating \$125,000 of the One Penny Funds currently unexpended for the Silver Lining Program to the establishment of the Home Share program at the Board Retreat during the affordable housing discussions and that staff prepare a proposal for such discussion at the retreat. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to report on the status of the Home Share program as requested when the Board adopted its Budget Guidance in April. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

28. **NEW YORK TIMES ARTICLE REGARDING STIMULUS AID TO STATES** (12:26 p.m.)

Supervisor Herrity called the Board's attention to an article in the May 12 edition of the *New York Times* entitled "Stimulus Aid Trickles Out, but States Seek Quicker Relief." He noted that the article asserts that "Virginia has yet to send the Transportation Department its list of projects."

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct the staff of the Department of Transportation to report on the status for the request for stimulus funding and discussion ensued regarding action and approved projects. Without objection, the request was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to determine the facts relating the

article and the status of Virginia's stimulus funding for transportation projects. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

29. **TRAILS AND SIDEWALKS COMMITTEE** (12:30 p.m.)

(BACs) Supervisor Gross said that the Trails and Sidewalks Committee is concerned that the high cost for construction of sidewalks and trails may limit the County's ability to provide new sidewalks and trails. Some of the cost factors are the County's and the Virginia Department of Transportation's (VDOT) engineering requirements, construction standards and permitting; land acquisition costs; constructing facilities in already developed areas; and utility relocations. The Trails and Sidewalks Committee believes that it may be beneficial in the long term to establish a study team to seek opportunities to reduce sidewalk and trail construction costs, including balancing new construction and maintenance costs and right sizing escrow accounts. Rather than establish a study team, as an initial step, Supervisor Gross moved that the Board direct the County Executive to conduct a study to:

- Identify the major cost drivers affecting sidewalk costs.
- Compare current sidewalk construction and financing practices in the County with practices in other jurisdictions.
- Share the findings with the Board and the Trails and Sidewalks Committee.

Chairman Bulova seconded the motion.

Following discussion regarding coordination of construction and master planning for pedestrian facilities, Supervisor Gross asked to amend her motion to direct staff to also review the master plan and its funding, and this was accepted.

Further discussion ensued regarding engineering requirements and retaining walls as well as the rules and regulations of VDOT.

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

30. **MASON DISTRICT SEMINAR ON UNIVERSAL DESIGN AND AGING IN PLACE** (12:36 p.m.)

Supervisor Gross said that in 2006, the County published a demographic study entitled "Anticipating the Future; A Discussion of Trends in Fairfax County." The study pointed out that the population is "aging in place." The Board then

created a Committee on Aging, a committee of the whole, which issued its Fairfax 50+ Action Plan 2007 in October 2007, setting a direction for the County in 11 areas to make Fairfax a more “aging-friendly” community.

This directive has included the concept of “universal design” and has undertaken to educate citizens in the use of these principles in the home to make aging in place easier. In November 2008, the Building for All Committee, along with several other entities staged a full day conference on “Universal Design.” The needs addressed by that conference were so important that Supervisor Gross hosted a mini-sized seminar on the same issues for the residents of Mason District.

On April 22 the Mason District Governmental Center was filled with almost 100 people for a half day seminar which included a mix of County and private experts and a roomful of exhibitors who were able to address and display many of the issues and items discussed at the seminar.

Supervisor Gross reported that the seminar was such a success that the Northern Virginia Community College’s Lifetime Learning Institute has asked the County to hold a series of lectures on the same subjects that the Mason District seminar covered. She asserted that this topic is one that is of great interest not only to the elderly population, but the citizenry as a whole. She also said that a similar session for caregivers and family members would be helpful.

Supervisor Gross urged other Board Members to consider holding a similar seminar for their constituents. She said that County staff were very helpful in providing an excellent agenda and securing excellent presenters at very little cost.

(NOTE: Later in the meeting, the Board mentioned related information. See Board Matter 1b.)

DAL:dal

31. **MOUNT VERNON AT HOME GROUP AND PRESENTATION BY SUPERVISOR PENELOPE GROSS** (12:40 p.m.)

Supervisor Hyland noted that he previously gave the Board information on the Mount Vernon at Home group, which was formed to help senior citizens.

Supervisor Hyland said that he had the pleasure of attending the Chesapeake Bay Executive Council meeting at Mount Vernon where Supervisor Gross made a presentation on behalf of the Local Government Advisory Committee. He noted that the commentary and address that she made was absolutely superb and was very well received by the two governors in attendance, Maryland Governor O’Malley and Virginia Governor Kaine. He asked Supervisor Gross to share it with the Board.

Supervisor Gross said that she would forward her remarks to the Clerk by email for distribution.

Supervisor Herrity noted that Mount Vernon at Home and Clifton Fairfax Station Transition in Place will both be presenting the status of their initiative at the next 50+ Aging Committee meeting.

32. **LIGHT GLOBAL MISSION – REQUEST FOR EXPEDITED REVIEW AND CONCURRENT PROCESSING (SULLY DISTRICT)** (12:42 p.m.)

Supervisor Frey said that the Trustees for Light Global Mission Church is preparing rezoning and proffer condition amendment applications for their property which includes Tax Map Parcels 46-3((1))15A1 and 46-3((1))15A2 and the Pender Village Center that is owned by Pender, LLC located on Tax Map Parcel 46-3((1))15A3. Together with the adjacent Dominion Power substation property, these parcels were previously approved to permit a shopping center, currently under construction, an existing church and day care center, and three office buildings. Supervisor Frey said the applications are necessary to separate the properties from the Dominion Power substation and to permit a conversion 90,000 square feet of approved, but not yet constructed, office space to a 100-unit independent living facility consisting primarily of affordable units, consistent with pending Area Plans Review Nomination APR S08-III-FC1, that the Board will review in July.

Supervisor Frey said the proposed use will address a pressing need in the County by providing affordable senior living units in a desirable location that is accessible and adjacent to support uses. No change in the maximum permitted gross floor area is proposed and no site modifications will occur to the shopping center that is currently under construction or the Dominion Power sub-station.

Therefore, Supervisor Frey moved that the Board direct the:

- Zoning Evaluation Division of the Department of Planning and Zoning to expedite the review of the rezoning and proffered condition amendment applications for this independent living use, with a Planning Commission hearing date as early as possible this fall and that the date certain before the Board be assigned.
- Department of Public Works and Environmental Services to concurrently process the site plan with the zoning applications.

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

PMH:pmh

33. **BASE REALIGNMENT AND CLOSURE COMMISSION (BRAC)
COMPREHENSIVE PLAN REVIEW AMENDMENTS (LEE DISTRICT)**
(12:44 p.m.)

Supervisor McKay said that as a result of the 2005 BRAC, Fort Belvoir which includes the Engineer Proving Grounds, will see a substantial increase in military personnel coming to the area. Several government defense contractors also want to relocate to the area which will help the revitalization of Springfield and Route 1.

Supervisor McKay noted that recognizing the change that was occurring the County and community engaged in the BRAC Area Plan Review (APR) process, which began in 2008. The BRAC APR is a review process that was set up by the Planning Commission (PC) and the Department of Planning and Zoning (DPZ) to find areas around Fort Belvoir, the transit stations areas, the Springfield CBC, and other areas in the Southeast portion of the County that could accommodate BRAC related development. Last summer a task force that included representatives from Lee, Mount Vernon, and Springfield District, and the Chairman's office reviewed all the nominations for Comprehensive Plan amendments in the areas designated by the PC. Nearly 40 nominations were presented to the task force through the summer and fall last year, and subsequently the Lee District Land Use Committee and the Mount Vernon Council of Citizen Associations also reviewed the nominations during separate meetings.

Supervisor McKay said that on January 26 the Board adopted seven of these nominations, two from Lee and five from Mount Vernon, as Comprehensive Plan amendments. The remainder of these nominations are scheduled to come before the Board before the August recess with a possibility that it will not get through all of them until September.

Supervisor McKay pointed out that the success of BRAC is based in large part on timing and deadlines. With the BRAC deadline fast approaching, it is crucial that the Board is not caught off guard in the review process of applications intended to accommodate this move.

Therefore, Supervisor McKay moved that the Board direct DPZ to designate a specific member of its staff to handle the future rezoning applications for these Comprehensive Plan amendments when they return through the process. It will be vital to BRAC's success in the County that the Board ensures that the County is able to accommodate the off-site government defense contractors that want to come to the area and help revitalize Springfield and Route 1. It is important that there is not a different individual handling of every case as it comes through the process, given the complexity of the cases and the uniqueness of Springfield and Route 1. This motion should mirror the design that was set forth in handling the

County's revitalization districts some years back. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following discussion of the motion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by unanimous vote.

34. **FEDERAL AND STATE APPROPRIATIONS REQUESTS** (12:49 p.m.)

(BACs) Jointly with Chairman Bulova, Supervisor McKay said that the County, along with every other jurisdiction in the country, must rely on the State and federal governments for critical funds.

Supervisor McKay said that at its last retreat, the Board adopted a procedure for developing its appropriations priorities through its Legislative Committee so that they clearly have the standing of the full Board under the leadership of the Chairman. The work done by the Legislative Committee, including detailed analysis and strategies for success, has proven to be invaluable. This process was very successful in Fiscal Year 2009; an example of this was securing full funding for the Dulles Corridor Metrorail project.

Accordingly, Supervisor McKay asked unanimous consent that:

- The Board funnel all federal and state appropriations requests through the Legislative Committee. If due to time constraints the request cannot be brought through the Legislative Committee, those recommendations should be submitted to both the Chairman of the Board and the Chairman of the Legislative Committee. These time-sensitive requests will then be forwarded to appropriate staff for their expeditious review prior to being brought before the Board for action at the next possible meeting.
- This procedure be used when making appropriations requests to State and federal representatives.

Supervisor Hudgins asked to amend the request to copy Board Members on this request, and this was accepted.

Following discussion regarding the proposal, without objection, the request as amended, was so ordered.

35. **INCREASED AWARENESS OF 2-1-1 – A PHONE NUMBER THAT CONNECTS PEOPLE WITH FREE INFORMATION ON AVAILABLE COMMUNITY SERVICES** (1:01 p.m.)

Jointly with Chairman Bulova, Supervisor McKay said that 2-1-1 is an easy-to-remember phone number that connects people with free information on available

community services. When someone dials 2-1-1, a trained professional will listen to his or her situation and suggest sources of help using a large Virginia database of health and human services that includes nonprofit organizations, as well as federal, State, and local governments.

Some of the community services covered include food banks; shelters, rent and utility assistance; physical and mental health resources, support for seniors, the disabled, children, and families; and work initiatives.

Supervisor McKay noted that 2-1-1 is also a resource during emergencies. It works with local and state emergency management and response officials to provide accurate and up-to-date information, volunteer and donation coordination, crisis intervention and human services coordination, and access to disaster support services during the emergency recovery period.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to help increase awareness of 2-1-1-Virginia in the community. Without objection, it was so ordered.

36. **SHAPE UP AND LIVE WELL WORKFORCE CHALLENGE** (1:02 p.m.)

Supervisor McKay invited Board Members to join him and his staff in the Shape Up and Live Well Workforce Challenge. He invited Board Members to join his team – The Board of Exercisers – or set up their own team and compete against them in the amount of time exercised. All participants get a pedometer and assistance in setting goals. The competition starts June 1 and the deadline to sign up is May 22.

37. **HONOR GUARD** (1:04 p.m.)

Supervisor McKay announced that on May 2 the Sheriff's Office Honor Guard took second place at the Washington Metropolitan Council of Governments Honor Guard Competition.

38. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2007-LE-007 (LEE DISTRICT)** (1:04 p.m.)

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

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #58.)

39. **RESTON CRESCENT (HUNTER MILL DISTRICT)** (1:06 p.m.)

Supervisor Hudgins said that Two Crescent Company, LLC and One Reston Company, LLC propose to develop three new commercial buildings, two new parking structures, and an expansion of the existing parking structure for a total floor area ratio (FAR) of .70 on properties identified on Tax Map 17-3 ((8)) 1A-1 and 1-B. The applicant is seeking a further amendment to Special Exception Amendment Application SEA 01-H-027 to increase the height of the existing buildings on Parcel 1-B, to bring in the land area of Parcel 1A-1, to increase allowable building height on Parcel 1A-1, and to increase the total FAR on the property from .50 to .70. The applicant has worked to address some last minute concerns, requiring a deferral in the Planning Commission date. To maintain the previous development track, the applicant is requesting an expedited Board date.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to expeditiously process Special Exception Amendment Application SEA 01-H-027, including scheduling of a Board public hearing before the August recess. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Chairman Bulova seconded the motion and it carried by unanimous vote.

40. **THE ACADEMY OF CHRISTIAN EDUCATION (HUNTER MILL DISTRICT)** (1:08 p.m.)

Supervisor Hudgins said that the Academy of Christian Education has filed Special Exception Amendment Application SEA 99-H-022 to increase the maximum number of employees that were originally conditioned. The request is necessary due to changes in State regulations that have increased the teacher/student ratio. In addition, the applicant has the opportunity to lease additional space from the office/warehouse unit immediately next to the school. The addition will require interior work only, and no ground disturbance or exterior renovations are proposed. No additional students are proposed with this application. The property is located in an industrial district and is surrounded by industrial flex and office uses. To implement the additional staff in time for the fall session, the applicant is requesting an expedited Board date.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to expeditiously process Special Exception Amendment Application SEA 99-H-022, including scheduling of a Board public hearing before the August recess. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

41. **USE OF TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) EMERGENCY CONTINGENCY FUND** (1:10 p.m.)

Supervisor Hudgins said that it was brought to her attention that under the American Recovery and Reinvestment Act the Commonwealth may receive additional resources to serve some of Virginia's neediest families during this period of economic distress through the use of the TANF Emergency Contingency Fund. She explained that Virginia is eligible to receive up to \$79 million from this fund during federal Fiscal Years (FY) 2009 and 2010 to be used for the increased spending on assistance, including child care as well as subsidized employment.

Supervisor Hudgins noted that the County, after adoption of the FY 2010 Budget, continues to have a waiting list for child care assistance and other needs. She added that Richmond is considering using some of the Emergency Contingency Funds for data tracking, reducing the amount of funding to be applied to waiting lists Statewide.

Therefore, Supervisor Hudgins moved that the Board direct staff to send a letter to Governor Kaine requesting that Virginia access these funds in a way that allows the Commonwealth and the County to further reduce caseloads for service request to needy families. Supervisor Foust seconded the motion and it carried by unanimous vote.

42. **RESTON-DULLES CORRIDOR STUDY (DRANESVILLE AND HUNTER MILL DISTRICT)** (1:11 p.m.)

Jointly with Chairman Bulova and Supervisor Foust, Supervisor Hudgins referred to the written Board Matter pertaining to the extension of Metro in the Dulles Corridor and the review of 20 deferred North County APR nominations in the Hunter Mill District.

Supervisor Hudgins said that the Dulles Corridor has four transit stations planned between Wiehle Avenue and Route 28. In June 2008, as part of the current 2008-2009 North County Area Plans Review (APR), the Planning Commission (PC) received 20 nominations in the Hunter Mill District for proposed Comprehensive Plan changes in the three Reston-area transit station areas of the Dulles Corridor (namely the Wiehle Avenue, Reston Parkway, and Herndon-Monroe Transit Station Areas). Given the number of nominations and the complexity of the issues raised by them, the PC deferred consideration of these nominations and recommended that the Board authorize a special study to evaluate them.

At the fourth station, Route 28/CIT, three APR nominations were received for the north side of the transit station area, which is located in the Dranesville District. The Route 28/CIT nominations were recently deferred by the PC to allow additional time for review. In addition, the Dranesville APR Task Force has been expanded to include additional representation from the Town of Herndon.

Prior to the submission and PC deferral of the Hunter Mill APR items in the Dulles Corridor, Department of Planning and Zoning (DPZ) staff had begun working with the Hunter Mill District Office and the Reston community to develop a process to review the Reston Master Plan. This update was to include the Reston neighborhoods, the village centers, the Town Center, and the portion of the Dulles Corridor that is within Reston. Last October, after conducting an extensive community outreach effort, DPZ staff held a community meeting and presented a recommended process for reviewing the Reston Master Plan. Staff outlined a four-phase process for this review.

The first phase includes an education component, called the Reston Land Use College. This multi-session course will be designed to familiarize a broad cross section of the community, especially newer residents, with some of the history and guiding principles of Reston. In addition, it will discuss the value of such planning concepts as mixed-use development, housing diversity, and transit oriented development, which are exemplified to a great degree in Reston. This initial phase also includes an analysis of existing land use and the supporting transportation system.

The second phase was to focus on the development of general planning principles to guide the later phases and a review of residential areas in Reston. The third phase was to be a review of the Reston Town Center and the portion of the Dulles Corridor that bisects Reston. The fourth phase was to consist of a review of the Village Centers that serve the Reston community (excluding Lake Anne).

The Dulles Corridor Metrorail Project is now under construction. It is progressing on a timetable that requires the plan guidance for future development of the Reston transit station areas to be reviewed now to ensure it supports the County's Policy for transit-oriented development as rail arrives. In 2001 the Board approved the recommendations of the Dulles Corridor Land Use Task Force to amend the Comprehensive Plan to encourage mixed-use development linked to rail. Supervisor Hudgins noted that in December 2007 the Board supported her motion for consideration of a Plan amendment for the Rocks site on the south side of the Route 28/CIT station to look at ways to encourage transit-oriented development and get better access to that station. The deferred Hunter Mill APR nominations are in or near the three Reston station areas in the Dulles Corridor. A timely review of these nominations is important to determine the appropriate planning for this portion of Reston to support the implementation of the Dulles Corridor Metrorail Project.

Supervisor Hudgins said that in light of the need to address these deferred APR nominations in a timely manner and to do so in a way that keeps her commitment to a review of the Reston Master Plan, she is requesting that staff begin immediately with the formal review of the Reston Master Plan generally as outlined in their recommendation to the community last October. However, the process should be reorganized so that the review of the corridor and the deferred

APR nominations can begin immediately after the completion of the Reston Land Use College and the existing conditions analysis which Supervisor Hudgins hoped could be conducted between now and the end of September.

Supervisor Hudgins asked staff to prepare a detailed outline and schedule of this planning process as well as a map showing the recommended study area for the Board's information. In addition, she requested that staff identify any funding needed to assist in this effort. She said that the review of the Plan in no way prejudices the outcome of this process.

Therefore, Supervisor Hudgins moved that the Board authorize a special study of the Reston-Dulles Corridor. The study will include a review of the 20 deferred North County APR nominations in the Hunter Mill District. It should be conducted in the context of the planning process outlined for the review of the Reston Master Plan, beginning with the Reston Land Use College and the existing conditions analysis. That initial work should be followed, as soon as possible, by the Reston-Dulles Corridor study. An update on the schedule for the study and any funding needed to assist in completing these activities should be prepared, together with a map of the study area, by the end of June for the Board's information. Chairman Bulova seconded the motion.

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

43. **VIVA VIENNA! (HUNTER MILL DISTRICT)** (1:19 p.m.)

Supervisor Hudgins announced that Viva Vienna! is scheduled for Saturday, Sunday, and Monday, May 23-25. She invited everyone to attend.

44. **OAKTON SCHOOL HOUSE (PROVIDENCE DISTRICT)** (1:20 p.m.)

Supervisor Smyth announced that the ribbon cutting on the Oakton School House was held. She noted the:

- Moving of the school
- Restoration
- Engineering for phase 1 and 2 of the Oakton Community Park
- Endowment for the Park Authority
- Endowment for the Friends of the Oakton School House

came to a total cost of close to a million dollars which was not paid for by the taxpayers. All of the funding was through private sources and the land use process.

45. **ESTABLISHMENT OF A COUNTY HOME PURCHASE ASSISTANCE PROGRAM** (1:21 p.m.)

Supervisor Cook noted that the Board expressed interest in finding ways to help police officers, firefighters and Emergency Medical Services (EMS) personnel, teachers, and other County employees find affordable ways to live within the County. Too many employees are driven to live in other jurisdictions to take advantage of lower housing costs, resulting in an undesirable commute, providing a disincentive to their remaining as County employees, and depriving communities of the benefits of having these employees live in the County.

Supervisor Cook asserted that at the same time as these employees desire to live in the County, thousands of homes in Fairfax sit vacant due to foreclosures, and thousands of others are much more affordable today than they were just a few years ago.

Supervisor Cook urged the Board to adopt a program to help police officers, firefighters and EMS personnel, and teachers to purchase homes in the County. He noted that there are some existing programs that seek to meet this goal. The Redevelopment and Housing Authority strives to create workforce housing opportunities by way of its Magnet Housing Program. It is anticipated that the project on the campus of the Government Center will be heavily focused on County employees. In March, the Board directed staff to examine the possibility of establishing a program similar to Prince William County's Home Help program.

Supervisor Cook proposed that eligible employees under his proposal would be police officers, firefighters and EMS personnel, and teachers who have been permanent employees of the County or School System for five straight years and have received at least satisfactory performance evaluations during that time period. These employees could then apply to receive a no-interest, but capped, loan from the County without further collateral for use as a down payment on a principal residence in the County. For the subsequent ten years, the County would forgive one-tenth of the loan each year, provided the employee remained working for the County or School System and continued to receive at least satisfactory performance appraisals. If the employee left through resignation or a for-cause termination, the balance of the loan would be due and owed immediately.

Supervisor Cook explained that the exact structure of the program would be designed by staff or the Board at a later date, but for the purpose of illustration, assume the following hypothetical example: The Board appropriates \$2.5 million in a fiscal year, and sets a maximum loan amount of \$25,000. Therefore, at least 100 eligible employees could be served in that year. The loan amount represents about half of the required 20 percent down payment on a \$250,000 home. Many homes in that price range are currently for sale in the County, which is a change from past years. A participating employee borrows \$25,000. He or she buys a

home in the County, probably focusing on homes in foreclosure or other homes which have entered the price range where the employee can now make the monthly payments. For each of the next ten years, \$2,500 of the loan is forgiven. At the end of ten years, the loan has been totally forgiven.

Supervisor Cook pointed out that the participating employee is able to buy a home in the County that he or she may not have otherwise been able to purchase. The employee has received a \$2,500 benefit each year, which is a modest benefit from the County. The employee has a strong incentive to remain with the County and to keep his or her job performance at a satisfactory level. The County has retained, and can attract, quality employees. The communities gain upstanding neighbors to fill empty homes.

The program would be flexible enough to change the level of appropriated funds each year and could be expanded to other employees if it proves a success.

Supervisor Cook said that details of this program need to be worked out and it should be discussed by the Board at its upcoming retreat during the discussion of other housing issues.

Therefore, Supervisor Cook moved that this proposal be referred to the County Executive with instructions to have staff review and refine the proposal in advance of the Board's June retreat, and that this matter be added to the agenda for the retreat. Supervisor Hyland seconded the motion.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide analysis in terms of regulation. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to determine how many homes are vacant versus how many are in foreclosure. Without objection, it was so ordered.

Chairman Bulova suggested that the Board also consider including other County employees.

Discussion ensued regarding the proposal.

Supervisor McKay asked unanimous consent that the Board direct staff to report with information regarding:

- Other programs already available to assist employees.
- The demand for this program.

Without objection, it was so ordered.

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

46. **FIFTEENTH SUMMER OF BRADDOCK NIGHTS (BRADDOCK DISTRICT)** (1:38 p.m.)

Supervisor Cook announced the beginning of the fifteenth season of music in the parks with the start of Braddock Nights. Beginning June 5 and running through August 30 every Friday night at 7:30 p.m. at both Royal Lake and Lake Accotink, and at 6 p.m. on Sundays at Ossian Hall Park, attendees can enjoy FREE live music ranging from Bluegrass to Big Band and Classic to Country.

Supervisor Cook said that Braddock Nights is an outstanding tradition, begun in large part due to the efforts of Chairman Bulova, that allows the community to come together and celebrate with each other an evening of entertainment and fellowship. It is a fantastic series of events that truly help strengthen the neighborhood spirit.

Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs publicize these events. Without objection, it was so ordered.

47. **FIRST CONSTITUENT DAY ON MAY 27 (BRADDOCK DISTRICT)** (1:39 p.m.)

Supervisor Cook said that to better serve the people of Braddock District he will hold a number of "Constituent Days." The first constituent day is scheduled for Wednesday, May 27, from 4:30 p.m. until 9 p.m. at Oak View Elementary School. At these "constituent days" there will be no fixed agenda, no speeches or presentations, no television cameras, and no panel of government officials. Residents may drop in at any time to talk about whatever is on their minds. The events will be informal, and there will be a discussion and dialogue. He encouraged residents to stop by with their questions, concerns, and suggestions, or just to say "hi!"

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

48. **RECESS/CLOSED SESSION** (1:40 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely

affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Nicholas Theofilos v. Fairfax County*, Case No. CL-2009-0003344 (Fx. Co. Cir. Ct.) (Dranesville District)
 2. *Kevin M. O'Brien, Victoria O'Brien, and WJMJ, LLC v. Board of Supervisors of Fairfax County, Virginia, Braddock Road Project, LLC, and The County of Fairfax, Virginia*, Case No. CL-2009-0006355 (Fx. Co. Cir. Ct.) (Mason District)
 3. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
 4. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose O. Montecino and Maria Montecino*, CL-2009-0005331 (Fx. Co. Cir. Ct.) (Sully District)
 7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Strohl and Pamela L. Strohl*, Case No. CL-2008-0016691 (Fx. Co. Cir. Ct.) (Lee District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Chi*, Case No. CL-2008-0015530 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Edward Marr and Elizabeth DeMarr*, Case No. CL-2009-0003562 (Fx. Co. Cir. Ct.) Providence District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gerson Arnez*, Case No. CL-2008-0010868 (Fx. Co. Cir. Ct.) (Springfield District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manuel Padilla Zapata*, Case No. CL-2009-0000541 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos*, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edwin Wendorff*, Case No. CL-2009-0000592 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)
14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton Property Maintenance Code Official for Fairfax County, Virginia v. Sonia Marlene Lopez De Cejas*, Case No. CL-2009-0002076 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton Property Maintenance Code Official for Fairfax County, Virginia v. Juana E. Flores*, Case No. CL-2009-

- 0002349 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teresa Van Huet*, Case No. CL-2009-0002258 (Fx. Co. Cir. Ct.) (Lee District)
 17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Munoz*, Case No. CL-2009-0003770 (Fx. Co. Cir. Ct.) (Lee District)
 18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Backlick, LLC*, Case No. CL-2009-0006208 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio De Leon, a.k.a. Julio Daniel De Leon-Gramajo, and Filiberta Gonzales De Leon*, Case No. CL-2009-0006009 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
 20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose R. Reyes and Ana Gladis Valdez*, Case No. CL-2009-0006262 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
 21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph B. Howell, Garland Howell, and Teri Howell*, Case No. CL-2009-0006290 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel Park Futrell and You Sook Lund*, Case No. CL-2009-0006457 (Fx. Co. Cir. Ct.) (Mason District)
 23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Castellon*, Case No. CL-2009-0006456 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Meena Joshi and Dheeraj Joshi*, Case No. CL-2009-0006507 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Jones*, Case No. 09-0007023 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyo S. Kim*, Case No. 09-0007022 (Fx. Co. Gen. Dist. Ct.) (Sully District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yonis A. Rodriguez and Belen P. Rodriguez*, Case Nos. 09-0009169 and 09-0009171 (Fx. Co. Gen. Dist. Ct.) (Sully District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lester R. Kerfoot, Jr., and Carole Jean Kerfoot*, Civil Case Nos. 09-0010583 and 09-0010584 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Wrongful Death Claim of the Estate of Debra Chiles
- *Bigg Wolf v. Montgomery County, Md.*, 256 F. Supp. 2d 385
- *Fairfax County Water Authority v. City of Falls Church v. County of Fairfax, Virginia, and Board of Supervisors of Fairfax County, Virginia*, Case No. 2008-16114
- *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2009-006589

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

DET/PMH:det/pmh

At 3:33 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:33 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. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

50. **FAIRFAX WATER AUTHORITY VERSUS CITY OF FALLS CHURCH, AND THE VIRGINIA SUPREME COURT CASE OF CITY OF FALLS CHURCH VERSUS FAIRFAX COUNTY, ET AL** (3:34 p.m.)

Supervisor Smyth moved that the Board reject the settlement proposal made by the City of Falls Church in its May 6, 2009, letter to the Fairfax County Attorney with respect to the disputes set forth in the Fairfax County Circuit Court case of *Fairfax Water Authority versus City of Falls Church*, Case Number CL-2008-16114 and the Virginia Supreme Court case of *City of Falls Church versus Fairfax County, et al.* filed May 6, 2009. Supervisor Hyland seconded the motion and it carried by unanimous vote.

51. **BENTLEY PROPERTIES, LLC, AND PAPERMOON-SPRINGFIELD, INCORPORATED VERSUS BOARD OF ZONING APPEALS OF FAIRFAX COUNTY, VIRGINIA** (3:35 p.m.)

Supervisor McKay moved that the Board join the Zoning Administrator in filing a Motion to Intervene as a party defendant in the case currently pending in the Fairfax County Circuit Court styled *Bentley Properties, LLC, and Papermoon-Springfield, Incorporated versus Board of Zoning Appeals of Fairfax County, Virginia*, Case Number CL-2009-006589. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

DET:det

52. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-012 (QUAN Q. NGUYEN AND NGAN T. NGUYEN) (MASON DISTRICT)** (3:35 p.m.)

(NOTE: On May 4, 2009, the Board deferred the public hearing on this item until May 18, 2009.)

The application property is located at 4217 Evergreen Lane, Tax Map 71-2 ((2)) 27.

Ms. Sue A. McWilliams reaffirmed the validity of the affidavit for the record.

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

- Quan Q. Nguyen and Ngan T. Nguyen, the applicants/title owners

Ms. McWilliams 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 Amendment Application SEA 84-M-012, subject to the development conditions dated May 12, 2009.
- Modification of the transitional screening requirement in favor of the existing onsite landscaping, and as conditioned.
- Waiver of the barrier requirement in favor of the existing onsite landscaping.

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

53. 3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-DR-037 (MARK AND LYN MCFADDEN) (DRANESVILLE DISTRICT) (3:42 p.m.)

The application property is located at 1470 Ingleside Avenue, Tax Map 30-2 ((7)) (1) 8.

Mr. Stuart Mendelsohn reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed campaign contributions which he had received in excess of \$100 from the following partners at Holland and Knight, LLP:

- Mr. Richard O. Duvall
- Mr. Mark E. Baker
- Mr. John P. Rowley, III

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

Following the public hearing, Catherine E. Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2008-DR-037, subject to the development conditions dated May 12, 2009.
- Modification of the transitional screening requirement along the western property line to permit the proposed landscaping, as depicted in Exhibit B of the proposed development conditions.
- Modification of the barrier requirements along the north and west, in favor of the existing barriers as shown on the SE Plat.
- Modification of the front yard requirements in a Commercial Revitalization District to permit setbacks of 25.8 and 25.3 feet along Ingleside and Meadowbrook Avenues, as shown on the SE Plat.
- Reduction of the parking requirements in a Commercial Revitalization District to permit three spaces instead of four.

- Waiver of the required trails construction along Ingleside Avenue and Meadowbrook Avenue, in favor of the future dedication of an additional seven feet of right-of-way along Ingleside Avenue, as set forth in the proposed development conditions.

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

54. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 83-S-011-03 (OBER TRUST, SARAH OBER) (SPRINGFIELD DISTRICT)** (3:49 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 30 and May 7, 2009.

The application property is located at 8226 and 8228 Roseland Drive, Tax Map 96-4 ((1)) 7Z, 8Z, 10Z and 11Z.

Suzianne Zottl, Planner II, Staff Coordinator, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural Renewal Application AR 83-S-011-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Walnut Ridge Local Agricultural and Forestal District, subject to the Ordinance provisions dated April 28, 2009. Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

55. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO ESTABLISH AGRICULTURAL FORESTAL APPLICATION AF 2009-SP-001 (MARY T. KINCHELOE, JOHN T. KINCHELOE, AND JOHN T. KINCHELOE, TRUSTEE) (SPRINGFIELD DISTRICT)** (3:52 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 30 and May 7, 2009.

The application property is located at 7900 My Way, 7875, 7901, 7925, 7955, 8001, 8009, 8015, 8021, 8025, 8031, 8037 and 8041 Evans Ford Road, Tax Map 85-1 ((6)) 2; 85-3 ((2)) 18 – 20, 48 – 53; 85-4 ((1)) 1Z, 10Z, 20Z, 21Z, 22Z, 23Z; 85-4 ((6)) 2 and 3.

Suzianne Zottl, Planner II, Staff Coordinator, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural Forestal Application AF 2009-SP-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Kincheloe Local Agricultural and Forestal District, subject to the Ordinance provisions dated April 28, 2009. Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Hyland and Supervisor Smyth being out of the room.

56. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO ESTABLISH AGRICULTURAL FORESTAL APPLICATION AF 2009-SP-002 (RAYMOND S. CRAWFORD III AND TERESA A. CRAWFORD) (SPRINGFIELD DISTRICT)** (3:55 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 30 and May 7, 2009.

The application property is located at 12655 Wiltonshire Drive, Tax Map 85-2 ((10)) 1 – 4.

Suzianne Zottl, Planner II, Staff Coordinator, Department of Planning and Zoning, presented the staff report.

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

Supervisor Herrity moved approval of Agricultural Forestal Application AF 2009-SP-002, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Crawford Local Agricultural and Forestal District, subject to the Ordinance provisions dated April 28, 2009. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity,

Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Hyland and Supervisor Smyth being out of the room.

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-LE-015 (SPRINGFIELD PARCEL C LLC) (LEE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-LE-064 (SPRINGFIELD PARCEL C LLC) (LEE DISTRICT)

(3:57 p.m.)

- (O) The Rezoning Application RZ 2008-LE-015 property is located on the west side of Springfield Center Drive and to the southwest of the Springfield Metro Center, Tax Map 90-4 ((1)) 11B pt.

The Proffered Condition Amendment Application PCA 1998-LE-064 property is located at the terminus of Metropolitan Center Drive and to the southwest of the Springfield Metro Center, Tax Map 90-2 ((1)) 56C pt.

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

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

Following the public hearing, which included testimony by one speaker, Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 1998-LE-064, subject to the proffers dated April 29, 2009.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-LE-015, from the I-4 District to the C-4 District, subject to the proffers dated April 29, 2009.
- Modification of the transitional screening along the property boundary abutting multifamily dwellings in favor of that shown on the Generalized Development Plan.
- Waiver of the barrier requirement along the property boundary abutting multifamily dwellings.

Supervisor Gross and Supervisor Herrity jointly seconded the motion. Discussion ensued concerning transit-oriented development (TOD).

Supervisor Smyth expressed her concerns particularly with respect to higher goals for transportation demand management (TDM) and her intent to abstain.

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

58. **4 P.M. – PH ON REZONING APPLICATION RZ 2007-LE-007 (FRANCONIA TWO LP) (LEE DISTRICT)** (4:17 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2007-LE-007 until **July 13, 2009, at 3:30 p.m.** Supervisor Smyth seconded the motion, and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

59. **4 P.M. – PH FOR THE LEASING OF COUNTY-OWNED PROPERTY AT 7936 TELEGRAPH ROAD TO CRICKET COMMUNICATIONS, INCORPORATED (LEE DISTRICT)** (4:19 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 30 and May 7, 2009.

Marguerite Verville Guarino, Assistant Director, Real Estate Division, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the Resolution to execute a lease agreement for County-owned property at 7936 Telegraph Road and identified as Tax Map Number 100-1 ((1)) 16, to Cricket Communications, Incorporated, for the purpose of installing a telecommunications base station. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

60. **4 P.M. – PH FOR THE LEASING OF COUNTY-OWNED PROPERTY AT 9220 OLD KEENE MILL ROAD TO CRICKET COMMUNICATIONS, INCORPORATED (SPRINGFIELD DISTRICT)** (4:22 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 30 and May 7, 2009.

Marguerite Verville Guarino, Assistant Director, Real Estate Division, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Herrity moved adoption of the Resolution to execute a lease agreement for County-owned property located at 9220 Old Keene Mill Road and identified as Tax Map Number 88-2 ((1)) 4, to Cricket Communications, Incorporated, for the purpose of installing and maintaining a telecommunications base station. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

61. **4 P.M. – PH FOR THE DE-CREATION/RE-CREATION OF A SMALL SANITARY DISTRICT FOR VACUUM LEAF COLLECTION SERVICE (PROVIDENCE DISTRICT)** (4:25 p.m.)

- (R) (NOTE: On May 4, 2009, the Board deferred the public hearing on this item until May 18, 2009.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 16 and April 23, 2009.

Terry Czarny, Sanitary District Administrator, Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth stated that she had transmitted items for the record to the Office of the Clerk to the Board.

Supervisor Smyth moved adoption of the Resolution approving the proposed petition for the De-Creation/Re-Creation of a Small Sanitary District for leaf collection service within Providence District as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 2 within Providence District	De-Create/ Re-Create	Remove from Leaf	Approve

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

62. **BOARD ADJOURNMENT** (4:31 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards.....	2-4
Presentation of the History Commission Annual Report.....	4-6
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups.....	6-11
Items Presented by the County Executive	
Administrative Items.....	11-16
Action Items.....	16-18
Information Items.....	18-19
Board Matters	
Chairman Bulova.....	19-21, 29-30, 32-34
Supervisor Cook.....	35-37
Supervisor Foust.....	20-22, 23, 32-34
Supervisor Frey.....	27
Supervisor Gross.....	25-26
Supervisor Herrity.....	22-25
Supervisor Hudgins.....	20, 31-34
Supervisor Hyland.....	26-27
Supervisor McKay.....	20, 28-30
Supervisor Smyth.....	20, 34
Actions from Closed Session.....	42
Public Hearings.....	43-50