



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 23, 2010**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 23, 2010, at 9:08 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 Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:15 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, Office of the County Executive; 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 MATTER1. **MOMENT OF SILENCE** (9:08 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Frank Chianese, father of Assistant County Executive Catherine A. Chianese, who died on February 11, 2010. He retired from the Marine Corps in 1962.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING MARCH 2010 AS "WOMEN'S HISTORY MONTH" IN FAIRFAX COUNTY** (9:10 a.m.)

Supervisor Gross moved approval of the Proclamation to designate March 2010 as "*Women's History Month*" in Fairfax County. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Supervisor Hudgins reminded everyone about the upcoming Women's Voices Forum organized by the Commission for Women, which will be held on Saturday, March 20, 2010, from 9 a.m. to 3 p.m.

3. **PROCLAMATION DESIGNATING FEBRUARY 7-14, 2010, AS "CONGENITAL HEART DEFECT AWARENESS WEEK" IN FAIRFAX COUNTY** (9:29 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate February 7-14, 2010, as "*Congenital Heart Defect Awareness Week*" in Fairfax County. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MARVIN CANTOR** (9:39 a.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Mr. Marvin Cantor for his service on the Board of Building and Fire Prevention Code Appeals. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO TYSONS LAND USE TASK FORCE** (9:49 a.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Tysons Land Use Task Force for its work to develop a community vision for the redevelopment of Tysons Corner. This motion was multiply seconded and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING MARCH 2010 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (10:04 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate March 2010 as "*Alternative Dispute Resolution Month*" in Fairfax County. Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE PARK AUTHORITY** (10:23 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to the Park Authority for its sixtieth anniversary. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

8. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:41 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, said that the committee met on February 19, and noted that updates of the report were in Board Member's red folders.

Supervisor McKay noted that the 2010 General Assembly is scheduled to adjourn on Saturday, March 13. He said that staff provided the Legislative Committee with a report last Friday on the status of bills post "crossover." Two of the County's initiatives made it over to the Senate: House Bill (HB) 517, which deals with building code violations in nonresidential properties; and HB 1207, which deals with computer crimes.

Supervisor McKay stated that the House funded the Local Composite Index (LCI) implementation by reducing Northern Virginia's "cost of competing" differential; the Senate did not. Both houses, at substantial cost, provided different "hold harmless" provisions to those localities who lose under the LCI. While implementation of the LCI in the 2010-12 biennium should have been routine, these subsequent proposals, by their nature, could hold long-term ramifications for future K-12 funding in the Commonwealth.

Supervisor McKay moved adoption of Legislative Report Number Three dated February 23, 2010. Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Herrity voting “NAY,” Supervisor Cook and Supervisor Hudgins being out of the room.

Supervisor McKay further moved to incorporate the two requests for the Park Authority to add land to the Centreville area and to request funding for the Lee District Family Park and Recreation Center to be incorporated into the federal legislative package that were discussed on Friday. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor Hudgins and Supervisor Herrity being out of the room.

NV:nv

9. **10:15 A.M. – PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2011 BUDGET BY THE COUNTY EXECUTIVE** (10:46 a.m.)

Following an acknowledgement to staff for their hard work on the budget, Anthony H. Griffin, County Executive, presented his proposed FY 2011 Budget and distributed copies of the PowerPoint presentation with the themes of sustainability, resiliency, and transformation.

Chairman Bulova distributed a detailed FY 2011 Budget Process Board Calendar and briefly explained it. She noted that a discussion on the Massey Building will also be on the agenda for March 26.

Discussion ensued, with input from Mr. Griffin, regarding:

- The number of positions proposed for abolishment as well as additional positions.
- Retirement funding increase and a possible briefing on this.
- Additional Health Department positions and a detailed justification.
- Proposed decrease in the School transfer and funding from the State.
- Cost of snow removal at County facilities (Government Center, police stations, fire stations, et cetera).
- Agency reorganizations including the new Department of Neighborhood and Community Services.
- Increase of sewer service charges and environmental requirements.

Chairman Bulova explained the budget question-and-answer (Q&A) and Consideration Item process. If Board Members have funding requests, they should communicate them in writing to the Chairman as well as Susan Datta, Director, Department of Management and Budget. It will then be shared with the Board, but is not guaranteed for funding. Consideration Items for revenue enhancements or reorganization suggestions will be handled the same way.

Chairman Bulova said that when Board Members raise questions that are not immediately answered and require more research, they will be handled as budget Q&As. Board Members will receive periodic packets of Q&As.

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

- The proposed “sinking of the County Navy,” (the Police Department’s Boat Patrol).
- Deep reductions to Parks and Libraries.
- Public safety reductions and their ramifications.

Supervisor Frey asked unanimous consent that the Board direct staff to provide a detailed description of the changes implemented in FY 2010 that were built into the FY 2011 base. Without objection, it was so ordered.

Discussion continued, with input from Mr. Griffin, regarding the:

- Housing Blueprint.
- Quality of life in the County and the tipping point where recovery of the quality is more costly than the benefits derived from reductions.
- System of care reorganization piece and integrated service with Schools.

Chairman Bulova recognized the presence of Jane Strauss, Dranesville District Representative to the School Board and its Budget Committee Chair, and warmly welcomed her to the Board Auditorium.

Further discussion ensued, with input from Mr. Griffin and Ms. Datta, regarding:

- Handouts for residents at community meetings and the absence of a Citizen’s Guide this year.
- Applied balance and Managed Reserve (two percent).

- Proposed vehicle decal fee.
- The value of one penny on the real estate rate equals \$18.6 million.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to include the following on the Budget Committee agenda for discussion:

- Housing Blueprint on March 26.
- Fluctuation Reserve on March 16.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Smyth asked unanimous consent that the Board direct staff to prepare a Consideration Item for a reduction in the budget for Board offices. Without objection, it was so ordered.

Discussion continued briefly regarding fee adjustments, with input from Mr. Griffin.

Chairman Bulova expressed appreciation to Mr. Griffin, Ms. Datta, and the staff who developed the budget. She reminded the audience that the proposed budget is a basis for a discussion with the community and is not a *fait accompli*. She invited Board Members to announce their public meetings on the annual budget.

Supervisor Frey announced that he will be conducting a budget town hall meeting, jointly with Sully District School Board Representative and Chairman Kathy Smith, on Monday, March 1 at 7 p.m. at the Rocky Run Middle School.

Supervisor Hudgins announced the Hunter Mill District will hold two budget meetings as follows:

- Wednesday, March 3, at 7 p.m. at the Reston Community Center, Lake Anne, with Mr. Griffin and Hunter Mill District School Board Representative Stuart Gibson.
- Wednesday, March 24, 7-9 p.m., James Madison High School.

Supervisor Cook announced four meetings as follows:

- Braddock District Council sponsored event on Tuesday, March 9 at 7:30 p.m. in Braddock Hall adjacent to his office

- Monday, March 15 at 7:30 p.m. in the Robinson Secondary School cafeteria
- Saturday, March 20 at 10 a.m. in the Ravensworth Elementary School gymnasium
- Wednesday, March 24 at 7:30 p.m. in the Little Run Elementary School cafeteria

Supervisor Hyland announced a meeting of the Mount Vernon Council on March 3 at 7:30 p.m. at Walt Whitman Intermediate School.

Supervisor Gross announced that she will be hosting the Mason District spring town meeting on the budget on Monday, March 15 at 7 p.m. in the main community room at the Mason District Governmental Center. Mr. Griffin and Chief Financial Officer Edward L. Long, Jr. will be the panelists.

Supervisor Gross also announced that she and Supervisor Cook had been invited to serve on a panel on the budget on March 16 at Annandale High School in the evening.

Supervisor Foust announced three meetings as follows:

- March 3 at 7 p.m. at the Great Falls Grange
- March 11 at 7 p.m. at the McLean Community Center
- March 17 at 7 p.m. in the Herndon Town Council chambers

Supervisor McKay announced that his district's meeting, jointly sponsored by the Lee District Association of Civic Organizations, will be held March 24 at 7:30 p.m. at the Franconia Governmental Center.

Supervisor Herrity announced two meetings with Springfield District School Board Member Elizabeth Bradsher as follows:

- Wednesday, March 10 at 7 p.m. at Willow Springs Elementary School, which will be attended by Mr. Griffin
- Thursday, March 11 at 7 p.m. at West Springfield High School

Supervisor Herrity noted that he will soon be announcing a third meeting with the Springfield Council.

Supervisor Smyth announced that she will be hosting two community budget meetings jointly with Providence District School Board Representative Patricia Reed as follows:

- March 10 at 7 p.m. at Oakton High School
- March 15 at 7 p.m. at Marshall High School

Chairman Bulova said that staff from the Department of Management and Budget will compile all of these meetings and post them on the County’s website.

EBE:ebe

10. **11:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:19 p.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

CONFIRMATIONS:

Supervisor Gross moved confirmation of the following appointments:

- Ms. Gail Ledford as the County Executive Representative
- Ms. Laura Dawson` as the Mothers Against Drunk Driving Representative

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

ANIMAL SERVICES ADVISORY COMMISSION

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

Supervisor Foust moved the reappointment of Ms. Diane D'Arcy as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Lucinda Stewart as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the appointment of Mr. Larry A. Jackson as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Michelle Hupp as the Mason District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Gina Marie Lynch as the Mount Vernon District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Allison Volpert as the Providence District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Robin Kasten-Daryanani as the Sully District Representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

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

ATHLETIC COUNCIL

The Board deferred the appointments of the Dranesville District Alternate, Diversity At-Large Alternate, and the Member At-Large Principal and Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Supervisor Cook moved the appointment of Mr. William Hanks as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Supervisor McKay moved the reappointment of Mr. Brian Halston as the Design Professional #6 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

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

(NOTE: Later in the meeting, the Board made an appointment to this council. See page 12.)

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #8 and #9 Representatives.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Mason District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Frey moved the reappointment of Ms. Laura Granruth as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

ENGINEERING STANDARDS REVIEW COMMITTEE

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

CONFIRMATION:

Supervisor Gross and Supervisor Hyland jointly moved confirmation of the following appointment:

- Mr. Bryan Layman as the Association of Builders and Contractors Board Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Providence and Sully District Representatives.

HUMAN RIGHTS COMMISSION

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Braddock, Mason, and Providence District Representatives.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PLANNING COMMISSION

Supervisor Hyland moved the reappointment of Mr. Earl Flanagan as the Mount Vernon District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Citizen Member #1 and Tenant Member #3 Representatives.

TREE COMMISSION

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

WETLANDS BOARD

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

(NOTE: Later in the meeting, the Board made this appointment. See below.)

ADDITIONAL APPOINTMENTS**CHILD CARE ADVISORY COUNCIL**

Supervisor Hudgins moved the reappointment of Ms. Courtney Park as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

WETLANDS BOARD

Chairman Bulova moved the appointment of Mr. Michael Fuelling as the Alternate #1 Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, the Board made appointments to the Reston Master Plan Special Study Task Force. See Clerk's Summary Item #36.)

DET:det

11. **ADMINISTRATIVE ITEMS** (12:28 p.m.)

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

Supervisor McKay called the Board's attention to:

- Admin 2 – Authorization to Advertise a Public Hearing on a Spot Blight Abatement Ordinance for 7206 Poplar Street (Mason District)

- Admin 3 – Authorization to Advertise a Public Hearing on a Spot Blight Abatement Ordinance for 6439 Little Ox Road (Springfield District)
- Admin 4 – Authorization to Advertise a Public Hearing on a Spot Blight Abatement Ordinance for 5400 Goolsby Way (Springfield District)

Discussion ensued, with input from Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, Department of Public Works and Environmental Services (DPWES), concerning the process and the length of time involved between cases going to the Neighborhood Enforcement Task Force (NETF) and the scheduling of those cases before the Board for authorization to advertise the public hearing.

Supervisor Herrity called the Board's attention to Admin 5 – Authorization to Advertise a Public Hearing on Proposed Amendments to The Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Regarding Sewer Rate Changes, noting significant rate revision increases.

Discussion ensued with input from Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES, concerning:

- Capital upgrade expenditures for five regional wastewater treatment plants necessary to meet new mandatory nitrogen requirements for Chesapeake Bay regulations.
- Resulting increases in operating expenditures to remove additional nitrogen.

Discussion continued concerning rate increase reviews by the Consumer Protection Commission. Supervisor Herrity asked unanimous consent that the Board direct the Commission to review the proposal for justification of the increases.

Anthony H. Griffin, County Executive, provided input concerning:

- Providing information to the Commission
- Current federal and state focus on point-source pollution
- The expense of upgrades relative to the amount of improvement being made

Chairman Bulova restated Supervisor Herrity's request: that the Board direct the Commission to review the increases to ensure that they were not in excess in order to comply with the mandated improvements. Without objection, it was so ordered.

Additional discussion followed concerning mandates, with input from Mr. Mohsenin, regarding generated revenue being returned to the system.

Following an inquiry regarding efforts to reduce costs, Supervisor Foust asked unanimous consent that the Board direct staff to provide a comparison of the current budget to the proposed budget to identify specific increase expenditures. Without objection, it was so ordered.

Mr. Griffin noted that:

- There has been a reduction in personnel over the last ten years as a result of automation to streamline the operation.
- The costs involved are primarily capital costs driven by state and federal requirements in terms of the quality of the effluent coming out of the treatment process.
- The County has had the lowest water-sewer bills on the East Coast.

Supervisor Gross stated that sewer rates, stormwater issues, and related items have been the subject of the Environment Committee's agenda over the last several years and noted that the next meeting of the Committee is the morning of March 16. She asked unanimous consent that the Board direct James Patteson, Director, DPWES, to include this item on the Committee's agenda so that it can have additional discussion on this item while providing staff the time necessary to provide additional information. Without objection, it was so ordered.

Discussion continued regarding chart data on pages 58 and 59 of the Board Agenda Item dated February 23, 2010, with input from Mr. Mohsenin concerning the cumulative increase.

Following an inquiry from Supervisor Herrity, Chairman Bulova stated that this item would be:

- Reviewed by Consumer Affairs or other appropriate body.
- Discussed in the next Environmental Committee meeting.

Supervisor Herrity called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Regarding Election Precincts regarding the March 2 election concerning:

- Clarification of any polling place changes.
- Reminding voters that there is an election in the delegate district and for Mason District School Board Re[resematove].

Discussion ensued, with input from Edgardo Cortés, General Registrar, concerning:

- The advertisement specifying that the changes start with any June primaries
- Individual notification in the Skyline Precinct of a change in a polling place for the March 2 election

The question was called on the motion to approve the Administrative Items 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 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10114 FOR THE FAIRFAX COUNTY JUVENILE AND DOMESTIC RELATIONS (JDR) DISTRICT COURT TO ACCEPT GRANT FUNDING FROM THE NORTHERN VIRGINIA REGIONAL GANG TASK FORCE THROUGH THE CITY OF MANASSAS PARK, VIRGINIA

- (SAR) Approve SAR AS 10114 for the Fairfax County JDR District Court to accept funding from the Northern Virginia Regional Gang Task Force through the City of Manassas Park, Virginia, in the amount of \$351,874 to continue to provide regional gang prevention and intervention services through the Intervention, Prevention and Education Program. No local cash match is required.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7206 POPLAR STREET (MASON DISTRICT)

- (A) (Note: Earlier in the meeting, this item was discussed. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **March 23, 2010, at 4 p.m.** regarding adoption of a Spot Blight Abatement Ordinance for 7206 Poplar Street, Annandale, Virginia, 22003, Tax Map Number 071-1-((04))-0103, 0104.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6439 LITTLE OX ROAD (SPRINGFIELD DISTRICT)

- (A) (Note: Earlier in the meeting, this item was discussed. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **March 23, 2010, at 4 p.m.** regarding adoption of a Spot Blight Abatement Ordinance for 6439 Little Ox Road, Fairfax Station, Virginia, 22039, Tax Map Number 077-3-((01))-0032.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 5400 GOOLSBY WAY (SPRINGFIELD DISTRICT)

- (A) (Note: Earlier in the meeting, this item was discussed. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **March 23, 2010, at 4:30 p.m.** regarding adoption of a Spot Blight Abatement Ordinance for 5400 Goolsby Way, Fairfax, Virginia, 22030, Tax Map Number 067-1-((01))-0042.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), REGARDING SEWER RATE CHANGES

- (A) (Note: Earlier in the meeting, additional action was taken regarding this item. See pages 13–14.)

Authorized the advertisement of a public hearing to be held before the Board on **April 6, 2010, at 2:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), regarding sewer rate changes.

ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MOUNT VERNON AND PROVIDENCE DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P09-188	Clearwire US LLC Antenna colocation on existing tower 8101A Lee Highway Providence District	April 24, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P09-190	Clearwire US LLC Antenna colocation on existing tower 7330 Ronald Street Providence District	April 24, 2010
2232-V09-39	Department of Public Works and Environmental Services 91,100 square-foot vehicle maintenance facility 6900 Newington Road (Newington Maintenance Facility) Mount Vernon District	August 3, 2010

ADMIN 7 – DISCONTINUANCE OF ROUTE 3454 (HOSPITAL LOOP ROAD) FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (PROVIDENCE DISTRICT)

- (R) Adopted a Resolution requesting that Route 3454 (Hospital Loop Road) be discontinued from the Secondary System of State Highways.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), REGARDING ELECTION PRECINCTS

- (A) (Note: Earlier in the meeting, this item was discussed. See page 15.)

Authorized the advertisement of a public hearing to be held before the Board on **March 9, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to move the polling place for Coppermine precinct and rename the precinct; temporarily move the polling place for Masonville precinct; move the polling place for Skyline precinct; and temporarily move the polling place for Greenway precinct.

12. **A-1 – APPROVAL OF REVISIONS TO PERSONNEL REGULATIONS MODIFYING EXTENSION OF PROBATIONARY PERIOD PROVISIONS, EXPANDING FAMILY MEDICAL LEAVE, UPDATING PERFORMANCE MANAGEMENT PROCESS, AND INCREASING EMPLOYEE RESPONSE PERIOD TO PROPOSED DISCIPLINE (CHAPTERS 7, 10, 12 AND 16)** (12:55 p.m.)

Supervisor Gross, noting that the revisions had been reviewed by the Personnel Committee, moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapters 7, 10, 12, and 16 of the Personnel

Regulations. Supervisor Smyth seconded the motion and carried by unanimous vote.

13. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF)** (12:56 p.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign a MOU between the FCPD and the ATF authorizing the assignment of police officers to the Northern Virginia Violent Crimes Task Force.

14. **A-3 – PARKING REDUCTION FOR HUNTER MILL PLAZA (PROVIDENCE DISTRICT)** (12:56 p.m.)

On motion of Supervisor Smyth, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 6.9 percent for Hunter Mill Plaza, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, Paragraph 4(B), based on an analysis of the parking requirements for each use on the site and parking reduction study, on the conditions outlined in the Board Agenda Item dated February 23, 2010.

15. **I-1 – CONTRACT AWARD – GREAT FALLS FIRE STATION (DRANESVILLE DISTRICT)** (12:56 p.m.)

The Board next considered an item contained in the Board Agenda dated February 23, 2010, requesting authorization for staff to award a contract to Harvey-Cleary Builders in the amount of \$5,578,000 for the construction of the Fairfax County Station Number 12, Great Falls Volunteer Fire Department, Project 009224, in Fund 312, Public Safety Construction

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

16. **REQUEST FOR CERTIFICATES OF RECOGNITION** (12:57 p.m.)

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

- Prepare and send a proclamation to the Board of the Northern Virginia Chapter of the Institute of Internal Auditors, recognizing

the twenty-fifth anniversary of the chapter's founding, May 6, 2010.

- Invite Captain Katherine Little, recently retired from the Sheriff's Office, to appear before the Board to accept a certificate recognizing her 36 years of service with that office (joint with Supervisor McKay). Her service is longer than any other Deputy Sheriff in the history of the Sheriff's Office.
- Invite representatives from the Department of Family Services and the Childhelp Children's Center of Virginia, who are co-sponsoring a Blue Ribbon Campaign, to appear before the Board on March 23 to accept a proclamation declaring April 2010 as "*Child Abuse Prevention Month*" in Fairfax County.
- Invite representatives from the County Asian American History Project and sponsors of the project to appear before the Board on May 11 to receive recognition for their book debut. This book honors 143 years of Asian residents living in the County.

Without objection, it was so ordered.

17. **SNOW SUMMIT SCHEDULED FOR MARCH 16** (12:59 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that the recent storms and their aftermath have provided insight into what happens in an emergency and what it means to be prepared. There was a powerful illustration of government performing its primary function—keeping the community safe. He referred to his written Board Matter and expressed his appreciation to the many individuals, organizations, and businesses that helped out.

Noting that valuable lessons can be learned from these extraordinary storms, Supervisor McKay announced that a Snow Summit/Transportation Committee meeting is scheduled for March 16 in the Board Auditorium from 3:30 p.m. until to 5:30 p.m. This will take the place of the Transportation Committee meeting that had been scheduled for that date.

Supervisor McKay explained that the purpose of this meeting is to assess both what worked well and what did not at the State [Virginia Department of Transportation (VDOT)] and County level. He asserted that the lessons learned from this summit will be invaluable not only for the next snowstorm, but for any emergency, natural or manmade. The agenda will include a report on what took place, what worked well and what did not, as well as suggestions and plans to address identified deficiencies.

Supervisor McKay encouraged Board Members, County agencies, and citizens to report problems and issues to the Office of Public Affairs (OPA) in advance of

this meeting and request OPA to provide these comments to the summit presenters prior to the summit. This will allow staff and presenters to be prepared to address issues at the summit. The snow summit will include VDOT, the County's public safety agencies, Schools, the Facilities Management Department, and the public information officers for the above-referenced agencies. He circulated copies of a draft agenda.

Supervisor McKay announced that the Northern Virginia Delegation to the General Assembly will be invited to attend and participate, as well. The summit will be cablecast on Channel 16.

Supervisor McKay noted that agenda items previously slated for the Transportation Committee meeting will be scheduled another day.

Vice-Chairman Gross clarified that this is an open meeting in the Board Auditorium and the public is welcome to attend, but it is not a public hearing.

Chairman Bulova stated that during the question and answer portion, members of the General Assembly will be welcome to ask questions.

Supervisor Cook recognized the efforts of his staff who handled more than 1500 emails and phone calls during the storm, Rosemary Ryan, Lindsey Smith, and Ann Sharp. He also stated his appreciation for the daily conference calls with VDOT as well as the conference call that led to the volunteer effort that allowed the schools to open on February 16.

Further discussion ensued regarding street-related details, the agenda, Board input in advance of the meeting, and impending potholes.

Chairman Bulova stated for the record that VDOT employees are State employees, not County employees. The Board, however, advocates on behalf of its residents to bring items to VDOT's attentions. The Board is also concerned about budget reductions at the State level that will directly impact VDOT's ability to provide maintenance.

Vice-Chairman Gross clarified for the record that the County does not pay the State for snow removal services; it is a State responsibility.

Supervisor Hyland moved that the Board direct staff to request formally from VDOT its plan, if any, to address the pothole issue and its ability to do what is necessary. This would include its present plan, how it anticipates starting it, and how VDOT would like the Board to feed information to them from citizens. This information is requested as soon as possible. Vice-Chairman Gross seconded the motion.

Supervisor McKay asked to amend the motion to direct staff to copy the local General Assembly members and ensure that this is done prior to the end of the General Assembly session, and this was accepted.

Chairman Bulova asked to amend the motion to direct staff to provide the pothole information response on the County's website, and this was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **ELIMINATION OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) STATE FORCES CONSTRUCTION GROUP** (1:13 p.m.)

Supervisor Foust said that last week he learned that, as part of the ongoing cutbacks at VDOT, a decision was made to eliminate the "State Forces Construction" group. This is a small unit of construction employees and equipment which, over the years, has been able to greatly reduce the cost of implementing small-scale construction projects within Northern Virginia and the County. Because these employees work directly for VDOT and have the needed construction equipment on hand, the usual requirements placed on construction projects, such as plan preparation, permit submission and review, and procurement are not necessary for the small-scale projects completed by this crew. This construction unit has installed most of the traffic calming projects in the County as well as many small-scale turn lane extensions, shoulder and ditch improvements, curb and gutter, curb cut, and sidewalk improvements.

Supervisor Foust noted that the County has recently committed approximately \$19 million to pedestrian, bicycle, bus stop, and spot improvements utilizing the County's commercial and industrial revenues for transportation. In preparing cost estimates for these projects, it was assumed that many of the small scale projects, expected to require no right-of-way or utility relocations, could be implemented as "no plan" jobs quickly and cost effectively utilizing the State Forces Construction group. The ability to rely on State Forces Construction for these types of projects now appears to be at risk, meaning that the County project implementation costs will significantly increase.

Therefore, Supervisor Foust moved that the Board direct staff to contact VDOT to obtain further information on the status and impacts of this decision and to determine if other options are available to the County to implement these types of small-scale projects quickly and cost effectively. Chairman Bulova seconded the motion and it carried by unanimous vote.

19. **CHARGING NEWS MEDIA FOR ACCESS TO COUNTY RECORDS**
(1:16 p.m.)

Supervisor Foust said that Virginia's Freedom of Information Act (VFOIA) allows governments to charge for reasonable costs incurred in collecting requested records. He said that his understanding is that the County, like most other local jurisdictions, has typically waived those fees when responding to public information requests from news organizations. However, a recent article in a local paper stated that the County is the only local jurisdiction that has changed that policy. The article stated that the County was now charging a fee to news organizations to respond to such requests.

In these difficult budget times, Supervisor Foust said that staff is to be commended for looking for ways to reduce costs and increase revenues, especially through what is, in effect, a user fee. However, he said that charging a fee to media organizations may run counter to the Board's strong commitment to ensure that government operations are as open as possible. He added that the news media's access to public records plays an essential role in ensuring that openness. His understanding is that media organizations have been hard hit by the downturn in the economy. Therefore, he believes the decision to charge news media for access to public records is a significant policy issue that the Board should consider before it is adopted as County procedure. He said that he would like to hear from staff before establishing a policy, but his sense is that the revenues raised by charging news media for access to public records will be insignificant compared to the disadvantages relative to the goal of conducting an open government.

Therefore, Supervisor Foust moved that the Board direct staff to report with an analysis of the advantages and disadvantages of the policy to charge news media for access to public records and with a proposed policy for consideration by the Board. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the relevance to the fee and the manner in which the request was made, and the current policy. Mr. Griffin explained that the staff tries to be consistent in its application of the policy, and he will circulate it to the Board.

Further discussion ensued, with input from Mr. Griffin and Merni Fitzgerald, Director, Office of Public Affairs, regarding different types of requests for information and the long term use of the current policy.

Supervisor Gross asked to amend the motion to include in the analysis non-news organizations, and this was accepted.

Following input from Mr. Griffin regarding the comprehensive policy, the question was called on the motion, as amended, and it carried by unanimous vote.

20. **DULLES RAIL NOISE WALLS (DRANESVILLE DISTRICT)** (1:21 p.m.)

Supervisor Foust said that the Board has been a consistent and strong supporter of the Dulles Rail Project. The project will bring transportation, land use, environmental, and other benefits to the region. However, like any major transportation project, the Dulles Rail Project comes with consequences to the surrounding communities that must be considered and addressed.

Supervisor Foust noted that a major concern is the noise that will be created by the trains and traffic in the road corridors where the rail will be built. Communities along the Dulles Connector Road (from I-66 to the Beltway where the rail will be elevated and in plain view of many adjacent homes) and the Dulles Toll Road (from the Beltway to Wiehle Avenue and beyond) have organized to seek approval and funding of appropriate noise mitigation walls. As part of the agreement to transfer the Dulles Rail Project to the Metropolitan Washington Airports Authority (MWAA), MWAA agreed to construct three to five miles of new noise walls in the corridor. Senator Janet Howell and Delegate Jim Scott are working hard to obtain State funding for additional noise walls. The Northern Virginia Congressional delegation (including Senators Warner and Webb and Congressmen Moran, Connolly, and Wolf) has sent letters to MWAA and VDOT stating that "it is critical that sound barriers are provided along the corridor to mitigate the noise impact of the project on the residents in neighboring areas." Supervisor Foust said that a citizens group has advised him that at least one member of the delegation may be willing to pursue federal funding for the noise walls and that they were told that a statement of support from the Board would be helpful to that effort.

Therefore, Supervisor Foust moved that this issue of pursuing federal funding for noise walls in this corridor be referred to the Legislative Committee to be considered for inclusion in the Board's federal legislative program. Supervisor Hyland seconded the motion and it carried by unanimous vote.

21. **TYSONS LUNCH TIME SHUTTLE SERVICE** (1:24 p.m.)

Supervisor Herrity said that at the October 20, 2009, Transportation Committee meeting, the Board discussed the implementation of the Tyson's Corner lunch time bus service or "Tyson's Shuttle." At the meeting various concerns were raised including properly gauging internal movements during lunch hours and ongoing surveillance. He indicated his surprise at learning that while the service makes 106 runs on average, only 75 passengers per day were currently using this service. He acknowledged that the lunch shuttle was only recently implemented, but these current ridership numbers are extremely low at this point. With so much construction and congestion in the immediate area, he finds these numbers equally alarming in light of an ongoing marketing program to promote the service and the \$1 million plus cost of the service. While a circulator service in Tyson's will be critical once the High Occupancy Toll (HOT) Lanes and Metro service are complete, and there are additional residents in Tyson's, this service appears to be

well ahead of its time and does not give riders any real time advantage - a key in attracting transit riders.

Supervisor Herrity stated his understanding that this service is funded by Congestion Mitigation and Air Quality (CMAQ), rather than the County. If the original intent and goals of this program are not being sufficiently met, he asserted that these monies, or a portion of them, could be used more effectively in other areas that fall under the criteria for using CMAQ funds.

Therefore, Supervisor Herrity moved that the Board direct:

- Staff to examine the effectiveness of the shuttle service and determine if the program is working sufficiently and meeting its original goals and report with its findings.
- The County Executive to look at options to more effectively utilize these funds if the goals are not being met.

Supervisor Smyth seconded the motion.

Following discussion regarding the motion and giving the service enough time to determine whether it works, the question was called and it carried by unanimous vote.

22. **“STOP HUNGER NOW” PACKAGING EVENT AT PRINCE OF PEACE LUTHERAN CHURCH (SPRINGFIELD DISTRICT)** (1:28 p.m.)

Supervisor Herrity reported that he attended a “Stop Hunger Now” packaging event at Prince of Peace Lutheran Church in Springfield to help the people of Haiti. Mrs. Lee Warren of Virginia Director of Stop Hunger Now coordinated this event along with John Denninger, Senior Pastor of Prince of Peace Lutheran Church, along with other local churches. While he was there, more than 25,000 meals were prepared and over 142,500 meals, which are being shipped out today, were prepared throughout the entire volunteer-based event on both Friday night and Saturday.

Stop Hunger Now is a 501(c)(3) non-profit organization that has provided over \$66 million worth of direct aid and 20 million meals to more than 70 countries worldwide. Since 2005 at Stop Hunger Now packaging events, volunteers have packaged more than 18 million meals for the world’s most impoverished people. In response to the earthquake, Stop Hunger Now has received over 200 tons of supplies for Haiti including:

- 124,000 bottles of purified water
- 123,000 cans of precooked chicken and roast beef

- 5,800 pounds of long grain rice
- 44,000 pounds of peanut butter, canned veggies/fruit/meat, and bottled water

It is important to note that although this particular event was for immediate needs of the victims in Haiti, this program's focus is on day in and day out chronic hunger.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mrs. Warren, Mr. Denninger, and representatives of the other churches that were involved with this event to appear before the Board to be presented with a resolution thanking them and the many volunteers and their organizations for hosting such a worthy event for those victims in Haiti. Without objection, it was so ordered.

23. **ROBOWIZ ROBOTICS TEAM (SPRINGFIELD DISTRICT)** (1:30 p.m.)

Supervisor Herrity announced that on December 6, 2009, the Greenbriar West Elementary School's fifth grade FIRST Lego League (FLL) Robotics team "ROBOWIZ" won the Virginia/DC Division 1 State Champions Award competing against 50 teams from all across Virginia and Washington. Based on their State Championship victory and the overall quality of their performance, ROBOWIZ has been invited as one of only seven teams from the USA and Canada to represent their country and their communities at the European Championship tournament in April 2010 in Istanbul, Turkey.

The team worked on a local transportation problem in the Springfield District and identified reasons why kids and adults do not bike to school or to the nearby stores. They determined through surveys that if road projects included physically separated bike lanes there is a possibility that the community would consider using bicycles instead of driving to nearby locations. They have presented their findings to the local VDOT and County Transportation officials, and received the active support of their district's representative to the Virginia House of Delegates Mr. Jim LeMunyon through multiple meetings.

Supervisor Herrity asked unanimous consent that the Board direct staff to invite the members of ROBOWIZ to appear before the Board to receive a resolution recognizing their achievements, and so that the Board can wish them the best of luck in Istanbul. Without objection, it was so ordered.

24. **NO BOARD MATTERS FOR PROVIDENCE SUPERVISOR LINDA Q. SMYTH** (1:32 p.m.)

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

25. **COMMENTS ON THE SELECTION OF ALTERNATIVES TO BE INCLUDED IN THE NEPA EVALUATION OF THE PROPOSED I-395 HOT LANES ACCESS TO THE MARK CENTER PROPERTY IN THE VICINITY OF SEMINARY ROAD** (1:32 p.m.)

In a joint Board Matter with Chairman Bulova and Supervisor McKay, Supervisor Gross said that on January 12, the Board approved a letter to the Virginia Department of Transportation (VDOT) providing its comments on the Interchange Justification Report (IJR) for the addition of direct access to the Base Realignment and Closure (BRAC) Washington Headquarters Service relocation to Alexandria's Mark Center property in the vicinity of Seminary Road. That letter stated the Board's preference for Alternative D, combined with potential additional ramping to/from the south parking garage (as shown in Alternative E), to be carried forward for additional study. The Board expressed its concern in that letter that without the completion of additional High Occupancy Toll/High Occupancy Vehicle (HOT/HOV) capacity inside the Beltway and direct ramp access from I-395 into the Mark Center property, traffic that otherwise should be on I-395 will instead divert to other less desirable arterials, collectors, and neighborhood streets in the region.

Supervisor Gross said that given the regional significance of the I-95/I-395 corridor and its impact on the functionality of the surrounding transportation system, it is imperative that access options which provide an opportunity to substantially improve transit and HOV access and interchange operations at Seminary Road be carried forward into the environmental review process. Although the full impacts (both positive and negative) of those alternatives will not be determined until the full environmental (NEPA) review process is complete, there has already been considerable opposition in the City of Alexandria to the alternative preferred by the Board due to its partial intrusion into the Winkler Preserve.

Accordingly, jointly with Chairman Bulova and Supervisor McKay, Supervisor Gross moved that the Board endorse the letter to be sent to the Alexandria City Council and the Federal Highway Administration requesting that they fully consider the regional implications of any decision at this location and include Alternative D, combined with potential additional ramping to/from the south parking garage (as shown in Alternative E), in the NEPA evaluation process. Chairman Bulova seconded the motion.

Following discussion regarding previous Board efforts for another site and expected traffic gridlock on I-395, the question was called on the motion, which carried by unanimous vote.

26. **ORDERS OF THE DAY** (1:39 p.m.)

Citing the lateness of the hour and the expectation for a 90-minutes closed session, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and

asked unanimous consent that the Board direct staff to communicate with the cafeteria staff to ensure that it will remain open when the Board recesses following the conclusion of Board Matters. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

27. **MEETING OF THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS (NARC) BOARD OF DIRECTORS** (1:39 p.m.)

Supervisor Gross announced that she would be leaving the meeting early to represent the Mid-Atlantic Region on the NARC Board of Directors. Its conference is ongoing in Washington, DC both yesterday and today and its board meeting is later in the day.

28. **ULTRA HIGH SPEED BROADBAND NETWORK** (1:39 p.m.)

Jointly with Chairman Bulova and Supervisor Smyth, Supervisor Gross said that the American Recovery and Reinvestment Act (ARRA) of 2009 (Recovery Act) was signed into law on February 17, 2009. The Recovery Act authorizes the Federal Communications Commission (FCC) to create a National Broadband Plan that “*shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal.*”

Supervisor Gross noted that two weeks ago Google announced that it was planning to build and test ultra high-speed broadband networks in a small number of trial locations across the US that offer competitively priced Internet access at speeds of one gigabit-per-second through fiber-to-the-home connections. Google has issued a request-for-information (RFI), soliciting input from the public, interested communities, and local governments. The deadline to submit responses is March 26, and Google will announce the selected target communities later this year.

As advocates for County residents, local business, and communities, Supervisor Gross said that the Board should consider opportunities like this that can further strengthen and develop infrastructure and ground the County’s place as leaders in the twenty-first century information economy.

Therefore, jointly with Chairman Bulova and Supervisor Smyth, Supervisor Gross moved that:

- The Board direct the County Executive to investigate this proposal further, as additional information becomes available, and determine if the County is a viable candidate for consideration.
- If staff determines that submitting information to Google is in the County’s best interest, and the County may be a viable candidate,

the Board will authorize staff to submit a response to Google's RFI by the March 26 deadline.

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

29. **REQUEST FOR CONCURRENT AND EXPEDITED PROCESSING OF SPECIAL EXCEPTION APPLICATION SE 2010-MA-001, SITE PLANS AND OTHER RELATED PLANS (MASON DISTRICT)** (1:42 p.m.)

Supervisor Gross said that representatives of Radley Automobiles, Incorporated have requested concurrent and expedited processing of the special exception application, site plans, and other related plans associated with pending Special Exception Application SE 2010-MA-001. The request is to permit a Vehicle Major Service Establishment at 5908 Seminary Road in the Bailey's Crossroads area in a building that was constructed some years ago and was previously occupied by a furniture company. The building is now vacant. It is contiguous to the Radley's Acura dealership and transmission shop. Although these uses are each under a separate special exception, they are components of Radley dealership. The Radley dealership needs more space for its vehicle service and repair component of the business and its contract to purchase will be in jeopardy if this cannot be completed in April. The application is scheduled to be heard by the Planning Commission (PC) on May 13 and before the Board on May 25.

Therefore, Supervisor Gross moved that the Board direct staff to expedite the PC public hearing to a date in April if possible and direct the Director of the Department of Public Works and Environmental Services to accept, for expedited and concurrent processing, the site plan and other related plans associated with Special Exception Application SE 2010-MA-001. The applicant is aware that the expediting of this application should not be construed to prejudice the consideration of this application in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

PMH:pmh

30. **REQUEST FOR A CERTIFICATE OF APPRECIATION FOR MR. RICK NEEL AND SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION (SFDC) BOARD MEMBERS (LEE AND MOUNT VERNON DISTRICTS)** (1:43 p.m.)

Supervisor Hyland moved that the Board direct the Office of Public Affairs to invite the following individuals to appear before the Board to be honored for their service with SFDC:

- Rick Neel, former president, SFDC
- Tom Hook, outgoing Board Member, SFDC

- Randy Bender, outgoing Board Member, SFDC
- Bob Kuhns, outgoing Board Member, SFDC
- Dan Storck, outgoing Board Member, SFDC

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

31. **NATIONAL ASSOCIATION OF COUNTIES (NACo) PRESCRIPTION DISCOUNT CARD** (1:44 p.m.)

Supervisor Hyland said that recently he received an opinion from the County Attorney's Office clarifying that the County does not have to undergo a formal procurement process to participate in the NACo Prescription Discount Card Program.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to discuss this matter with staff and report with recommendations on how to implement this program in the County. Chairman Bulova seconded the motion.

Following discussion regarding the motion, Supervisor Herrity asked to amend the motion to direct staff to also review other discount prescription card programs and move forward, and this was accepted.

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

32. **MOUNT VERNON DISTRICT TOWN MEETING** (1:48 p.m.)

Supervisor Hyland expressed his appreciation to the following individuals who attended the Mount Vernon District Town meeting:

- Chairman Sharon Bulova (panelist)
- Anthony H. Griffin, County Executive (panelist)
- Nancy Vehrs, Clerk to the Board of Supervisors

33. **NO BOARD MATTERS FOR SUPERVISOR MICHAEL FREY (SULLY DISTRICT)** (1:49 p.m.)

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

34. **TAX RELIEF ASSISTANCE FOR ELIGIBLE SENIOR CITIZENS**
(1:49 p.m.)

Supervisor McKay said that on Tuesday, March 23, and Friday, March 26, the Department of Tax Administration will be providing tax relief assistance for eligible senior citizens. No appointments will be necessary. The hours will be from 10 a.m. until 2 p.m. in the community room of the Franconia Governmental Center.

Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to issue a press release informing the community about this service. Without objection, it was so ordered.

35. **ROBINSON SECONDARY SCHOOL SWIM TEAM (BRADDOCK DISTRICT)** (1:50 p.m.)

Supervisor Cook announced that Robinson Secondary School Swim Team won the State Championship and he would be following up with appropriate recognition.

36. **APPOINTMENTS TO RESTON MASTER PLAN SPECIAL STUDY TASK FORCE (HUNTER MILL DISTRICT)** (1:50 p.m.)

(APPTS) Supervisor Hudgins moved the appointments of the following individuals:

- Ms. Stephanie Cortelyou as a Primary At-Large Member
- Mr. Richard Kennedy as a Primary At-Large Member
- Ms. Judith Pew as a Primary At-Large Member

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

37. **INTENT TO DEFER A PUBLIC HEARING (DRANESVILLE DISTRICT)**
(1:51 p.m.)

Chairman Bulova announced that at the appropriate time, later in the meeting, the public hearing on Special Exception Amendment Application SEA 87-D-025 would be deferred.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #46.)

38. RECESS/CLOSED SESSION (1:51 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. *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case No. CL-2009-0007555 (Fx. Co. Cir. Ct.)
 2. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
 3. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kevin R. DeCourcy and Robyn L. Fortune*, Case No. CL-2009-0005333 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 4. *Mark J. Stadsklev and Susan M. K. Stadsklev v. Board of Zoning Appeals of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0015290 and Case No. CL-2009-0015289 (Fx. Co. Cir. Ct.) (Dranesville District)
 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Curtis O. Williams and Barbara J. Williams*, Case No. CL-2009-0011792 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)

6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto*, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *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)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde*, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad*, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association*, Case No. CL-2009-0015518 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Ventura*, Case No. CL-2009-0015574 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Wayne Oliver*, Case No. CL-2010-0001140 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Servet Dag and Cemile Dag*, Case No. CL-2009-0007699 (Fx. Co. Cir. Ct.) (Springfield District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noor Enterprises, LLC*, Case No. CL-2010-0001468 (Fx. Co. Cir. Ct.) (Mason District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0001725 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Azhar Iqbal*, Case No. CL-2010-0001666 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Thomas*, Case Nos. 09-0032664 and 09-0032665 (Fx. Co. Gen. Dist. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Jones*, Case No. 10-0001648 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Latitia D. Jarvis*, Case No. 10-0001646 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Collins*, Case No. 10-0001474 (Fx. Co. Gen. Dist. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Trung Dinh-Chi Phan*, Case No. 10-0002907 (Fx. Co. Gen. Dist. Ct.) (Lee District)
22. *Board of Supervisors of Fairfax County, Virginia v. Ashcraft, LLC*, Case No. CL-2009-0002486 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- *Wood, Muncy, and F&M Services v. Redevelopment and Housing Authority and Board of Supervisors*
- *Livingston, et al. v. The County of Fairfax, et al.*
- *Fairfax County Water Authority v. City of Falls Church*

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

DAL:dal

At 3:29 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:29 p.m.)

Supervisor Foust moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross being out of the room.

40. **ABSENCE OF MASON DISTRICT SUPERVISOR GROSS** (3:30 p.m.)

(NOTE: Earlier in the meeting, Supervisor Gross announced that she would be leaving the early. See Clerk's Summary Item #27.)

Chairman Bulova announced that Supervisor Gross would not be present for the public hearings because she was away on Board business.

AGENDA ITEMS

41. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-P-038-02 (NEVZAT KANSU AND HACER K. KANSU) (PROVIDENCE DISTRICT)** (3:30 p.m.)

(NOTE: On February 9, 2010, the Board deferred the public hearing on this item until February 23, 2010.)

The application property is located on the west side of Juniper Street, approximately 700 feet north of Lee Highway, Tax Map 49-2 ((5)) 5.

Ms. Alice G. Haase reaffirmed the validity of the affidavit for the record.

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

- Richard O. Duvall, a partner in Holland and Knight LLP

- Mark E. Baker, a partner in Holland and Knight LLP
- John P. Rowley, III, a partner in Holland and Knight LLP

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

- Mr. Stuart Mendelsohn
- Holland and Knight LLP

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

- Holland and Knight Virginia Committee for Effective Government, Incorporated

Ms. Haase 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, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 79-P-038-02, subject to the proffers dated January 28, 2010.
- Modification of the open space requirement to 10 percent for the interim development plan.
- Modification of the 10-foot setback for off-street parking to permit a 7-foot setback from Juniper Street and a 4.5-foot setback from any future connector road.
- Direction to the director of the Department of Public Works and Environmental Services to waive the tree inventory and poor condition analysis, as outlined in Section 12.0502.1A of the Public Facilities Manual.

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

42. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-LE-048-03 (CSHV METRO PARK LLC) (LEE DISTRICT)** (3:39 p.m.)

(NOTE: On February 9, 2010, the Board deferred the public hearing on this item until February 23, 2010.)

The application property is located in the southeast and southwest quadrants of the intersection of Walker Lane and Metro Drive and on the west side of Walker Lane, Tax Map 91-1 ((1)) 11B2 and 23E; 91-1 ((28)) 1 and 2A; 91-1 ((31)) 1, 1A, 2, 2A, 2B, 3, 3A, 3B, 4A, 4B and 4C.

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

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

Following the public hearing, Kellie-Mae Goddard Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 1998-LE-048-03, and the associated Conceptual Development Plan Amendment, subject to the proffers dated January 28, 2010.
- Modification of the transitional screening yard and barrier requirements along the southern and eastern boundaries and within Metro Park, in favor of that shown on the Conceptual Development Plan Amendment and referenced in the proffers.
- Approval of a variance, pursuant to Section 16-401 of the Zoning Ordinance, to allow a seven-foot tall wall in a front yard with regard to the proffered fence along the southern boundary of the site.

Supervisor Smyth seconded the motion.

Following a brief discussion, with input from Ms. Sobers, regarding the proposal, the question was called on the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

(NOTE: On January 28, 2010, the Planning Commission approved Final Development Plan Amendment Application FDPA 1998-LE-048-1-3.)

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-033-02 [METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)] (DRANESVILLE DISTRICT)** (3:46 p.m.)

The application property is located at 7305 M Idylwood Road, Tax Map 40-1 ((1)) 25B; 40-3 ((1)) 85, 86, 91A and 93B.

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

Supervisor Hudgins disclosed that she is a primary member of the WMATA Board.

Supervisor McKay disclosed that he is an alternate member of the WMATA Board.

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

Discussion ensued, with input from Mr. Rak, regarding the cover box.

Following the public hearing, which included testimony by two speakers, Mr. Rak presented rebuttal.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Williams, regarding development condition number seven, concerning the noise study.

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 85-D-033-02, subject to the development conditions dated January 28, 2010.
- Modification of the transitional screening requirements and waiver of the barrier requirements along the northern property line in favor of that shown on the SEA Plat.
- Waiver of the Comprehensive Plan trail requirement along Idylwood Road.

Chairman Bulova and Supervisor Smyth jointly seconded the motion.

Following a brief discussion regarding the development conditions, Supervisor Hudgins asked to amend the following development conditions:

- Condition Number Eight: "...A noise study for the rail yard **shall be performed by MWAA** and submitted by the applicant..."
- Condition Number Nine: Revise first sentence – "...the applicant shall meet with a Communications Committee comprised of representatives of nearby homeowners and/or civic associations at the discretion of the Communications Committee, **but not more than twice a year.**"
- Condition Number Nine: Revise last sentence – "Monitoring of the telephone contact line shall be **performed on a daily basis and all calls shall be responded to within one business day.**"

Following a brief discussion, with input from Mr. Rak, regarding the amendment, it was accepted.

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

44. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-MV-031 (TRUSTEES FOR MOUNT VERNON LODGE NUMBER 219, AF & AM, NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY AND T-MOBILE NORTHEAST, LLC) (MOUNT VERNON DISTRICT)**
(4:16 p.m.)

(NOTE: On January 12, 2010, the Board deferred the public hearing on this item until February 23, 2010.)

The application property is located at 8717 Fort Hunt Road, Tax Map 111-2 ((3)) 11.

Mr. James R. Michal reaffirmed the validity of the affidavit for the record.

Kellie Mae Goddard Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Discussion ensued, with input from Mr. Michal, regarding support and opposition to the application and the exploration of alternate locations to place the tree pole.

Following the public hearing, Supervisor Hyland stated that he had items for the record.

Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

Following rebuttal remarks by Mr. Michal, Supervisor Hyland noted that the PC recommended approval of the application.

Supervisor Hyland, following remarks, moved **DENIAL** of Special Exception Application SE 2008-MV-031. Supervisor Smyth seconded the motion.

A lengthy discussion ensued regarding the application and several Board Members expressed their concerns and commented regarding their support and/or opposition.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to request the PC to reconvene a task force to examine/reexamine locations that are suitable for monopoles and provide additional guidance. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

Following further discussion regarding the application, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Cook and Supervisor Herrity voting "NAY," Supervisor Hudgins abstaining, Supervisor Gross being out of the room.

45. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-HM-017 (FIAZA HANNIFA, MONTESSORI CHILDREN’S CENTER) (HUNTER MILL DISTRICT) (5 p.m.)**

The application property is located at 2745 Centreville Road, Tax Map 25-1 ((1)) 34C and 34D.

Mr. David Hunter reaffirmed the validity of the affidavit for the record.

Mr. Hunter 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, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 2006-HM-017, subject to the development conditions dated February 4, 2010.
- Modification of the transitional screening yard requirement along the northern, southern, and eastern boundary lines and modification of the barrier requirement along all lot lines, in favor of the existing screening and barriers shown on the SEA Plat.
- Direct the director of the Department of Public Works and Environmental Services to approve the waiver for construction of a third lane on Centreville Road.

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

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-D-025 (VINSON HALL CORPORATION) (DRANESVILLE DISTRICT)** (5:06 p.m.)

Supervisor Foust moved to defer the public hearing on Special Exception Amendment Application SEA 87-D-025 until **March 23, 2010, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Gross being out of the room.

47. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS** (5:06 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2010.

Jack Reale, Senior Assistant to the Zoning Administrator, presented the staff report.

Discussion ensued, with input from Mr. Reale, regarding outlots, and, if approved, the effective date of the amendment, which will be at 12:01 a.m. the day following approval.

Following the public hearing, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding limitations on yards that abut outlots that are contiguous to streets, as advertised, to include the following grandfathered provisions:

- Lots that existed prior to the effective date of this amendment, provided that such lots were created in accordance with the Subdivision Ordinance, or are validated under Sections 101-1-12, 101-1-13, or 101-1-14 of the Subdivision Ordinance.
- All special permit, special exception, and proffered rezoning applications and amendments thereto that contain outlots that abut a street, when approved prior to the effective date of this amendment.
- All preliminary subdivision plans submitted on or before the effective date of the amendment, provided that the preliminary plan is approved within 12 months of the effective date of the amendment, and the subdivision plat is recorded within 24 months of the effective date of the amendment.
- All site plans submitted on or before the effective date of the amendment, provided that the site plan is approved within 12 months of the effective date of the amendment, and the site plan remains valid.

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

Supervisor Foust moved that the Board direct staff to provide, by no later than the fall of this year, a follow-up Zoning Ordinance amendment proposal that further clarifies limitations on yards that abut multiple outlots that are located between a building lot and a street. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

48. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR)
ITEM 08-III-3UP, LOCATED NORTHEAST OF THE RUGBY ROAD
AND ALDERWOODS DRIVE INTERSECTION (SULLY DISTRICT)**
(5:14 p.m.)

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of February 4 and February 11, 2010.

Bernard Suchicital, Planner II, Environmental and Development Review Branch, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, which included testimony by one speaker, Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of APR Item 08-III-3UP, as recommended by the PC and shown in Attachment Four of the Board Agenda Item dated February 23, 2010. This recommendation supports the nomination at .35 floor area ratio, but in addition, includes Plan text addressing a new single access point, provisions to minimize light emissions, and screening. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Smyth being out of the room.

49. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-6DS, LOCATED SOUTHEAST OF THE ROUTE 28 AND FRYING PAN ROAD INTERSECTION (SULLY AND HUNTER MILL DISTRICTS)** (5:21 p.m.)

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of February 4 and February 11, 2010.

Bernard Suchicital, Planner II, Environmental and Development Review Branch, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, which included testimony by one speaker, Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of APR Item 08-III-6DS, as recommended by the PC and shown in Attachment Four of the Board Agenda Item dated February 23, 2010. This recommendation supports the nomination's proposed increase to .40 floor area ratio, but in addition, includes Plan text addressing heights of the proposed buildings and minimization of light emissions. Supervisor Hudgins seconded the motion.

Following a brief discussion regarding the plan language, lighting of the athletic fields, and adequate buffers, the question was called on the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

50. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT (OTPA) ITEM S08-III-DS1, LOCATED NORTHWEST OF THE ROUTE 28 AND WILLARD ROAD INTERSECTION (SULLY DISTRICT)**
(5:28 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2010.

Bernard Suchicital, Planner II, Environmental and Development Review Branch, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, which included testimony by one speaker, Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of OTPA Item S08-III-DS1, as recommended by the PC and shown in Attachment Four of the Board Agenda Item dated February 23, 2010. This recommendation supports the nomination at .70 floor area ratio with a mix of office and hotel uses. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

51. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-25UP, LOCATED NORTHEAST OF THE FAIRFAX COUNTY PARKWAY AND NEW DOMINION PARKWAY INTERSECTION (HUNTER MILL DISTRICT)** (5:34 p.m.)

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of February 4 and February 11, 2010.

Faheem Darab, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, which included testimony by one speaker, Mr. Darab presented the staff and Planning Commission (PC) recommendations.

Supervisor Hudgins moved approval of APR Item 08-III-25UP, as recommended by the PC and shown in Attachment Four of the Board Agenda Item dated February 23, 2010. The nomination proposes to add an option for the Reston Hospital and associated medical office buildings to develop with a mix of institutional and medical office facilities and up to a 1.0 floor area ratio with conditions. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE NORTHERN VIRGINIA COMMUNITY COLLEGE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)**
(5:39 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2010.

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

Following the public hearing, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Northern Virginia Community College RPPD, District 39. The proposed district expansion includes Ardfour Lane (Route 3030) from Wakefield Chapel Road to Lorene Lane and Lorene Lane (Route 2275) from Ardfour Lane to the end. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Gross and Supervisor Hudgins being out of the room.

53. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SPRINGFIELD COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:42 p.m.)

- (O) (NOTE: On February 9, 2010, the Board deferred the public hearing on this item until February 23, 2010.)

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

The public hearing was held and included testimony by two speakers.

Following the testimony of Larry Leeds (Speaker One), President, Brookfield Civic Association, Supervisor Frey raised a question regarding a small business owner parking his vehicle on his own private driveway, and discussion ensued with input from Mr. Leeds.

Chairman Bulova noted that there are zoning laws that address the parking of vehicles on private property.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to report with information regarding what is allowed and not allowed.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

Following further discussion regarding parking, Supervisor Herrity submitted items for the record.

Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Springfield CPD, in accordance with existing large area CPD restrictions. Existing CPD signs within the Burke Station Square, Caroline Oaks, Cedar Lakes, Cherry Run, Daventry, Greentree Village, Hillside, Keene Mill Village IV, North Lake Village, Old Mill, Orange Hunt, Somerset, South Run Crossing, Stone Creek Crossing, Timber Ridge, and White Oaks CPDs that are within the new district will not be removed. Supervisor Foust seconded the motion.

Following discussion regarding large area CPDs, the question was called on the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross and Supervisor Hudgins being out of the room.

54. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A (RESIDENTIAL PERMIT PARKING DISTRICTS)** (5:55 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 February 4 and February 11, 2010.

Selby Thannikary, Chief, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A, to allow townhouse communities that are within 2000 feet of a college or university pedestrian entrance to be specifically included in the criteria to establish a RPPD. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross and Supervisor Hudgins being out of the room.

55. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE TAPESTRY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 42 (BRADDOCK DISTRICT)** (6 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2010.

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

The public hearing was held and included testimony by eight speakers.

Following the testimony of John Yagersky (Speaker Eight), discussion ensued regarding the parking issue.

Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the Tapestry RPPD, District 42. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Gross being out of the room.

56. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, TO ADD A NEW CHAPTER, CHAPTER 123 (COASTAL PRIMARY SAND DUNE ZONING ORDINANCE), REGARDING PROTECTION OF COASTAL SAND DUNES AND BEACHES** (6:34 p.m.)

- (O) (NOTE: On February 9, 2010, the Board deferred the public hearing on this item until February 23, 2010.)

Mary Ann Welton, Environmental Planner, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Ms. Welton, regarding how much coastal sand dune is located in the County, the fees associated with wetland permits, and the number of permits that have been obtained annually.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, adding a new chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance), regarding protection of coastal sand dunes and beaches, as set forth in the staff report dated December 14, 2009. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor

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

57. **4:30 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (PROVIDENCE DISTRICT)** (6:44 p.m.)

(NOTE: On February 9, 2010, the Board deferred the public hearing on this item until February 23, 2010.)

Marguerite Guarino, Assistant Director, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved that the Board authorize the County to enter into a communications lease with Verizon Wireless that is substantially in accordance with the Lease Agreement. Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Hyland being out of the room.

58. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:47 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2010.

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

The public hearing was held and included testimony by the following individual:

- Mr. Ted Velkoff, regarding the budget and setting the advertised tax rate ceiling.

ADDITIONAL BOARD MATTER

59. **MORE SNOW ANTICIPATED FOR THE REGION** (6:52 p.m.)

Chairman Bulova announced that she had just received an alert message via her BlackBerry that the National Weather Service had issued a winter storm watch which is in effect from late Wednesday night through late Thursday night.

Precipitation type snow with potential accumulations of five inches or more is anticipated.

60. **BOARD ADJOURNMENT** (6:53 p.m.)

The Board adjourned.

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