



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 12, 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, January 12, 2010, at 9:37 a.m., there were present:

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

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:37 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Mr. John Hudson who died recently. He was a social worker who devoted his career to support and rehabilitation of the disabled. He helped to develop a medical and social needs registry to assist those with disabilities in emergency preparedness efforts.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Harold E. Brown, Jr. a Springfield resident who was killed in Afghanistan along with seven others in a Taliban suicide bombing a couple of weeks ago. He died in service to his country.

Supervisor Gross asked everyone to keep in thoughts the family of Ms. Margaret K. White, who died just shy of turning 104. In 1999 she sold her 13 acre property in Falls Church to the Park Authority for a small amount and retained the life estate. The master planning process for the John C. and Margaret K. White Horticultural Park will proceed to make her dream come alive.

Following input from Anthony H. Griffin, County Executive, Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. JoAnne M. Jorgenson, who died recently. She recently retired as Deputy Director from the Health Department.

(NOTE: Later in the meeting, the Board acknowledged other deaths. See Clerk's Summary Item #50.)

2. **SPECIAL ELECTION DAY** (9:41 a.m.)

Supervisor Frey announced that today was special Election Day and encouraged all registered voters living in the 37th Senate District to go out and vote.

AGENDA ITEMS3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WESTFIELD HIGH SCHOOL GOLF TEAM** (9:43 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Westfield High School Golf Team for winning the Virginia AAA State Golf Championship. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SHAWN AKARD** (9:50 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Shawn Akard for receiving the American Horticultural Society 2009 Annual Great American National Award for Youth and Children's Gardening. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO SYDENSTRICKER UNITED METHODIST CHURCH** (9:58 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Sydenstricker United Methodist Church for its one hundredth anniversary. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING JANUARY 2010 AS "MENTORING MONTH" IN FAIRFAX COUNTY** (10:05 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate January 2010 as "*Mentoring Month*" in Fairfax County. Supervisor Hyland and Supervisor Frey jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING 2010 AS "THE YEAR OF APPRECIATION OF OLDER ADULTS" IN FAIRFAX COUNTY** (10:14 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate 2010 as "*The Year of Appreciation of Older Adults*" in Fairfax County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MR. KEN GARNES** (10:44 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Mr. Ken Garnes upon his retirement for his years of service to the County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

9. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JIMMIE JENKINS** (10:52 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Mr. Jimmie Jenkins upon his retirement for his years of service to the County. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Former Chairman Katherine K. Hanley, Secretary of the Commonwealth, presented, on behalf of Congressman Gerald E. Connolly, another former Chairman of the Board, a plaque he had presented to members of Congress.

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

10. **RESOLUTION OF RECOGNITION PRESENTED TO MR. VERDIA HAYWOOD** (11:09 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Mr. Verdian Haywood upon his retirement for his years of service to the County. Supervisor Gross, Supervisor Hyland, and Supervisor McKay jointly seconded the motion.

Former Chairman Katherine K. Hanley, Secretary of the Commonwealth, presented, on behalf of Congressman Gerald E. Connolly, another former Chairman of the Board, a plaque he had presented to members of Congress.

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

11. **10 A.M. – BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (11:40 a.m.)

Supervisor Hyland moved approval of the list of Appointments of Board Members to various Regional Agencies, Committees, and Subcommittees for Calendar Year 2010, as distributed, with the inclusion of Supervisor Foust as the Vice-Chairman of the Budget Committee. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Frey moved to reappoint Supervisor Gross as the Vice-Chairman of the Board. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

The entire list is as follows:

**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR
YEAR 2010**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Gerald Hyland, Chairman
Sharon Bulova
Penelope Gross
Jeffrey McKay

ARLINGTON

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

DISTRICT OF COLUMBIA

Sharon Bulova
Gerald Hyland
Jeffrey McKay
Linda Smyth

FAIRFAX CITY

Linda Smyth, Chairman
Sharon Bulova
John Cook

FALLS CHURCH

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

FORT BELVOIR (Board of Advisors/Base Realignment and Closure)

Sharon Bulova
Patrick Herrity
Gerald Hyland
Jeffrey McKay

HERNDON

John Foust, Chairman
Sharon Bulova
Catherine Hudgins

LOUDOUN COUNTY

Michael Frey, Chairman
Sharon Bulova
John Foust
Catherine Hudgins

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)
Michael Frey, Chairman
Patrick Herrity
Sharon Bulova
Gerald Hyland

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Catherine Hudgins

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Sharon Bulova, Principal
John Foust, Principal
Penelope Gross, Principal
Michael Frey, Alternate
Patrick Herrity, Alternate
Catherine Hudgins, Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Sharon Bulova, Principal
John Cook, Principal
Linda Smyth, Principal
Gerald Hyland, Alternate (for any member)

COG CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE

Penelope Gross, Principal
Gerald Hyland, Principal

COG CLIMATE, ENERGY AND ENVIRONMENTAL POLICY COMMITTEE

Penelope Gross – Principal
Kambiz Agazi (staff) – Principal

COG EMERGENCY PREPAREDNESS COUNCIL

John Foust, Principal

COG HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE

Penelope Gross
Catherine Hudgins

COG METROPOLITAN DEVELOPMENT POLICY COMMITTEE

Sharon Bulova, Principal
John Cook, Principal
Michael Frey, Principal

COG TASK FORCE ON REGIONAL WATER SUPPLY ISSUES

Penelope Gross

COG TRANSPORTATION PLANNING BOARD

Catherine Hudgins, Principal
Linda Smyth, Principal
Sharon Bulova, Alternate
Patrick Herrity, Alternate

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

John Foust
Michael Frey

COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE

Sharon Bulova
Penelope Gross

CLEAN AIR PARTNERS

John Cook

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

INOVA HEALTH CARE SERVICES BOARD

Michael Frey
Gerald Hyland

LIAISON WITH CENTRAL FAIRFAX CHAMBER OF COMMERCE

See interjurisdictional committee

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Sharon Bulova
John Cook
John Foust
Penelope Gross
Patrick Herrity
Catherine Hudgins
Linda Smyth

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)

(including WMATA and VRE Representatives)
Sharon Bulova, Principal (VRE Operation)
John Cook, Principal (VRE Operation)
John Foust
Catherine Hudgins, Principal (WMATA)
Jeffrey McKay, Alternate (WMATA) and Alternate (VRE Operation)

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Sharon Bulova, Chairman
John Foust
Catherine Hudgins
Linda Smyth

**PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Sharon Bulova
John Foust
Catherine Hudgins

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

Sharon Bulova
John Foust
Michael Frey
Catherine Hudgins

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Catherine Hudgins, Principal
Jeffrey McKay, Alternate

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

Sharon Bulova
Penelope Gross
Catherine Hudgins
Gerald Hyland
Linda Smyth

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE

(Committee of the Whole)
Patrick Herrity, Chairman
John Cook, Vice-Chairman

AUDIT COMMITTEE (meets in Chairman's office)

John Foust, Chairman
Sharon Bulova
Michael Frey
Patrick Herrity

BOARD PROCEDURES COMMITTEE

Penelope Gross, Chairman
Michael Frey, Co-Chairman

BUDGET POLICY COMMITTEE

(Committee of the Whole)
Sharon Bulova, Chairman
John Foust, Vice-Chairman

COMMUNITY REVITALIZATION AND REINVESTMENT COMMITTEE

(Committee of the Whole)
Gerald Hyland, Co-Chair
Jeffrey McKay, Co-Chair

DEVELOPMENT PROCESS COMMITTEE

(Committee of the Whole)
Michael Frey, Chairman
Penelope Gross, Vice-Chairman

ECONOMIC ADVISORY COMMITTEE

(Committee of the Whole)
John Foust, Chairman
Patrick Herrity, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)
Penelope Gross, Chairman

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

(Committee of the Whole)
Catherine Hudgins, Chairman
John Foust, Vice-Chairman

HUMAN SERVICES COMMITTEE

(Committee of the Whole)
Catherine Hudgins, Chairman
Penelope Gross, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)
Linda Smyth, Chairman
Catherine Hudgins, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)
Penelope Gross, Chairman
Linda Smyth, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)
Gerald Hyland, Chairman

SMART SAVINGS/SMART SERVICES TASK FORCE (JOINT WITH MEMBERS OF THE SCHOOL BOARD)

Sharon Bulova, Chairman
Penelope Gross
Jeffrey McKay

TRANSPORTATION COMMITTEE

(Committee of the Whole)
Jeffrey McKay, Chairman
John Foust, Vice-Chairman
Catherine Hudgins, Vice-Chairman

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12. **ADMINISTRATIVE ITEMS** (11:43 a.m.)

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

Supervisor Herrity asked to amend the motion to vote on Admin 7 separately, and this was accepted.

Supervisor Foust called the Board's attention to Admin 6 – Supplemental Appropriation Resolution (SAR) AS 10099 for the Department of Family Services to Accept Grant Funding from the US Department of Health and Human Services (DHHS) for Early Head Start Expansion. Discussion ensued concerning the cost-per-child, with input from Anne-Marie Towhie, Acting Director, Office for Children, Department of Family Services, concerning federal and County funding.

Supervisor Herrity called the Board's attention to Admin 1 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, to Add a New Chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance), Regarding Protection of Coastal Sand Dunes and Beaches. Discussion ensued, with input from Mary Ann Welton, Environmental Planner, Department of Planning and Zoning, concerning staffing. Following an inquiry from Supervisor Frey, a map depicting the County's tidal shoreline was distributed, with input provided by Anthony H. Griffin, County Executive, who identified the Mount Vernon area of the Potomac which is a tidal river.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 7, 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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO ADD A NEW CHAPTER, CHAPTER 123 (COASTAL PRIMARY SAND DUNE ZONING ORDINANCE), REGARDING PROTECTION OF COASTAL SAND DUNES AND BEACHES

(A) (NOTE: Earlier in the meeting, the Board discussed this item. See above.)

Authorized the advertisement of a public hearing to be held before the Board on **February 9, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, to add a new Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance), regarding protection of coastal sand dunes and beaches.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, MASON, PROVIDENCE, AND SULLY 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-M09-62	Clearwire US LLC Antenna colocation on existing light pole 6560 Braddock Road (Thomas Jefferson High School) Mason District	March 13, 2010
FS-Y09-117	New Cingular Wireless PCS LLC Rooftop antennas 14900 Conference Center Drive Sully District	March 22, 2010
FS-D09-138	Clearwire US LLC Antenna colocation on existing tower 9916 Georgetown Pike (Great Falls VFD Station) Dranesville District	March 13, 2010
FS-D09-154	T-Mobile Northeast LLC Rooftop antennas 10135 Colvin Run Road Dranesville District	March 22, 2010
FSA-P01-24-2	Verizon Wireless Additional and replacement antennas 3050 Chain Bridge Road Providence District	March 26, 2010
FSA-P01-49-1	Verizon Wireless Replacement antennas 2600 Park Tower Drive Providence District	March 26, 2010

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, LEE, MASON, MOUNT VERNON, PROVIDENCE,
SPRINGFIELD, AND SULLY DISTRICTS)**

(R) Approved the request that the following streets be accepted into the State System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Totonji Property	Dranesville	Elizabeth Street (Route 3887)
Anne Ly Estate II	Lee	Anne Ly Lane Old Rolling Road (Route 803) (Additional ROW Only)
Highgrove Estates Section 4	Lee	Deer Ridge Trail (Route 10189)
Highgrove Estates Section 5	Lee	Deer Ridge Trail (Route 10189) Highgrove Park Court
Highgrove Estates Section 6	Lee	Meriwether Lane (Route 4105) Willowfield Way
Habitat for Humanity of Northern Virginia, Incorporated	Lee	Lockheed Boulevard (Route 723) (Additional ROW Only)
Skyline Homes	Lee	Old Franconia Road (Route 5228) (Additional ROW Only)
School for Contemporary Education	Mason	Backlick Road (Route 617) (Additional ROW Only)
Pohick Creek Estates	Mount Vernon	Pohick Road (Route 641) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Grays Oakton	Providence	Palmer Street (Route 4470) (Additional ROW Only)
		Gray Street (Route 674) (Additional ROW Only)
McDonalds Corporation and Rutherford	Providence	Leesburg Pike (Route 7) Service Drive (F-758) (Additional ROW Only)
Fair Chase Section 4	Springfield	Dixie Hill Road (Route 1579) (Additional ROW Only)
Fair Ridge Executive Plaza	Sully	Fair Ridge Drive (Route 7960)
Faircrest-Centreville Farms Lots 95-99, 152 (Phase I)	Sully	Centreville Farms Road
		Lee Highway (Route 29) (Additional ROW Only)
		Leland Road (Route 7773) (Additional ROW Only)
MOR Dulles South, LLC	Sully	Dulles South Court
		Lee Jackson Memorial Highway (Route 50) (Additional ROW Only)
Thompson Road Property	Sully	Rose Grove Drive (Route 10303)
		Percheron Lane
		Belle Cote Lane
		Meyer Woods Lane
		Thompson Road (Route 669) (Additional ROW Only)

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SPRINGFIELD COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 9, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Springfield CPD, in accordance with current large area CPD restrictions.

ADMIN 5 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF MULTI-WAY STOP AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND MOUNT VERNON DISTRICTS)

- (R)
- Endorsed a traffic calming measure for Birch Street consisting of one speed hump and one multi-way stop (Dranesville District)
 - Approved multi-way stops at the following intersections:
 - Quincy Adams Drive at Wendell Holmes Drive and Quincy Adams Drive at McLearen Road (Hunter Mill District)
 - Abby Oak Drive and Meadowlark Road (Hunter Mill District)
 - Magna Carta Drive and Keele Drive (Hunter Mill District)
 - Greenview Lane and Harland Drive (Springfield District)
 - Adopted the Resolution authorizing installation of “Watch for Children” signs on the following streets:
 - Rosedown Drive (Hunter Mill District)
 - Bois Avenue (Hunter Mill District)
 - Wolftrap Road (Providence District)
 - Riverwood Road (Mount Vernon)

- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10099 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR EARLY HEAD START EXPANSION

(SAR) (NOTE: Earlier in the meeting, the Board discussed this item. See page 11.)

Approved SAR AS 10099 to accept funding from DHHS in the amount of \$660,581, including \$50,000 in local cash match, for the Early Head Start expansion.

ADMIN 7 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

(NOTE: Earlier in the meeting, the Board took action to vote on this item separately. See page 11.)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item #13.)

13. **ADMIN 7 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT** (11:50 a.m.)

(NOTE: Earlier in the meeting, the Board took action to vote on this item separately. See Clerk's Summary Item #11.)

Chairman Bulova restated the motion as authorization for the FRD to apply for and accept funding, if awarded, in the amount of \$2,463,009 to be received over two years from DHS for the SAFER grant program. No local cash match is required. However, the required County funding over a three-year period is \$1,803,099. The total cost of this program activity over a three-year period is \$4,266,108, including DHS funding, non-eligible grant costs, and full position costs for one year after the initial two-year grant period, as required by grant regulations.

Discussion ensued with input from Ron Mastin, Fire Chief, and Anthony H. Griffin, County Executive, concerning:

- The application's due date.
- Whether the application had already been written.
- The County's chances of being awarded the grant.
- Staffing requirements/priorities and the role of the fourth ladder truck position.
- Organizations in opposition.
- Standards and mandates.
- Safety.
- The County's pursuit of grants.
- Budget implications.
- Personnel mandates.
- Previous rule changes.

Discussion continued, with further input from Mr. Griffin, concerning whether:

- Reductions in uniform staff were under consideration for the upcoming budget.
- The Board would have the opportunity to further consider acceptance of the grant if it was awarded the grant.
- Staffing levels were applicable at the time of application or at the time the grant is accepted.

To ensure that the Board could re-evaluate this item if the application was accepted, Supervisor Cook asked to amend the motion to delete the words "**and accept**," and this was accepted.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide additional information identifying the uniformed personnel mandated in the grant. Without objection, it was so ordered.

Discussion continued regarding the loss of uniformed positions with further input from Chief Mastin.

Chairman Bulova restated the motion as amended: “The Board of Supervisors authorizes the Fire and Rescue Department to apply for funding and, if awarded in the amount of \$2.4 million to be received over a two-year period of time, and for the SAFER program.”

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

14. **A-1 – APPROVAL OF THE BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2010** (12:09 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the meeting schedule for January through December, 2010. Chairman Bulova seconded the motion.

Following an inquiry concerning the 3 p.m. start times of the budget hearings on April 7 and 8, 2010, with input from Nancy Vehrs, Clerk to the Board, the question was called on the motion and it carried by unanimous vote.

15. **A-2 – ENDORSEMENT OF DESIGN PLANS FOR THE SEVEN CORNERS TRANSIT CENTER (MASON DISTRICT)** (12:10 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 endorsed the design plans for the proposed Seven Corners Transit Center as presented at the November 18, 2009, public hearing.

16. **A-3 – REQUEST OF FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY TO ISSUE BONDS FOR PURPOSES OF FINANCING THE WIEHLE AVENUE METRORAIL STATION GARAGE PROJECT, APPROVAL OF PRELIMINARY BOND DOCUMENTS FOR WIEHLE AVENUE METRORAIL STATION GARAGE PROJECT AND AUTHORIZATION OF JUDICIAL PROCEEDINGS TO VALIDATE BONDS** (12:11 p.m.)

(BONDS)

(R)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt a Resolution which:

- Requests the Economic Development Authority (EDA) to issue bonds to finance the Project.
- Approves the form and authorizes the execution of the Installment Purchase Contract between EDA and the Board which contract sets out the terms and conditions for the County to make payments to EDA to pay the debt service on the Bonds and the responsibilities of the parties relating to the Project.

- Approves the form of the Trust Agreement, between EDA and a trustee, which agreement sets forth the terms for issuing the Bonds; the application of the proceeds of the Bonds; and the pledging of funds for the payment of the Bonds
- Authorizes the Office of the County Attorney, in conjunction with EDA Counsel and Bond Counsel, to initiate proceedings to validate the Bonds.

Supervisor Hyland seconded the motion.

Supervisor Smyth asked unanimous consent that the Board direct staff to prepare information on commercial and industrial (C&I) tax revenue. Without objection, it was so ordered.

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

17. **C-1 – APPEAL OF VIRGINIA CODE ANN. § 15.2-2232 DETERMINATION – APPLICATION 2232-D08-19, T-MOBILE NORTHEAST, LLC (DRANESVILLE DISTRICT)** (12:13 p.m.)

Chairman Bulova announced that this item would be deferred until after the 3:30 p.m. public hearing on Appeal of Virginia Code Annotated § 15.2-2232 Determination – Application 2232-D08-19, T-Mobile Northeast, LLC.

(NOTE: Later in the meeting, this item was considered. See Clerk’s Summary Item #59.)

18. **I-1 – CONTRACT AWARD – OSSIAN HALL PARK – PHASE II IMPROVEMENTS (BRADDOCK DISTRICT)** (12:13 p.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2010, requesting authorization for staff to award a contract to Jeffrey Stack, Incorporated, in the amount of \$1,321,482.50 for the Ossian Hall Park – Phase II Improvements in Project 474408, Park and Building Renovation and in Project 474763, Grants, both in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

19. **I-2 – SERVICE CHANGES TO FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED IN JANUARY 2010** (12:13 p.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2010, requesting authorization for the Department of Transportation to implement service changes.

The staff was directed administratively to proceed as proposed.

20. **I-3 – PLANNING COMMISSION ACTION ON APPLICATION 2232-V09-10, T-MOBILE NORTHEAST LLC (MOUNT VERNON DISTRICT)** (12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2010, announcing the Planning Commission's approval of Application 2232-V09-10, T-Mobile Northeast LLC. The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval to construct a 125 foot telecommunications treepole, with collocation potential for up to two additional future providers, at George Washington RECenter, 8426 Old Mount Vernon Road, Alexandria, on property owned by the Park Authority. It will also include nine panel antennas and three equipment cabinets within a compound that will be screened by an eight foot tall board-on-board wood fence, Tax Map 101-4 ((1)) 47A.

21. **I-4 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING (A/E) BASIC ORDERING AGREEMENT (BOA) CONTRACT FOR THE LUKMIRE PARTNERSHIP, INCORPORATED**

(NOTE: Later in the meeting, this item was considered. See Clerk's Summary Item #24.)

22. **I-5 – CONTRACT AWARD FOR ENVIRONMENTAL ENGINEERING SERVICES FOR THE SOLID WASTE MANAGEMENT PROGRAM** (12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2010, requesting authorization for staff to award contracts to the following firms:

- Malcolm Pirnie, Incorporated
- SCS Engineers
- Camp Dresser and McKee
- Solid Waste Services

The amount expended with each contractor is anticipated to be less than \$500,000 per year for Professional Engineering Services for the Solid Waste Management Program (SWMP) to solicit proposals and establish a contract or contracts for professional engineering and consultation services required by County disposal and collection operations, as well as recycling programs.

The staff was directed administratively to proceed as proposed.

23. **I-6 – REQUEST FOR PROPOSAL FOR AN EXTENDED DAY PILOT PROGRAM AT TWO OF THE SIX ELEMENTARY SCHOOLS THAT DO NOT CURRENTLY HAVE A SCHOOL AGE CHILD CARE (SACC) PROGRAM: WHITE OAKS AND CLEARVIEW ELEMENTARY SCHOOLS** (12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2010, requesting authorization for the Department of Family Services/Office for Children to release the Request for Proposal (RFP) in January 2010 for an extended day pilot program at two of the six elementary schools that do not currently have a SACC program: White Oaks and Clearview. The contract will be awarded for two years with two optional renewals.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information concerning the comparative costs of the current and proposed RFPs. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

24. **I-4 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING (A/E) BASIC ORDERING AGREEMENT (BOA) CONTRACT FOR THE LUKMIRE PARTNERSHIP, INCORPORATED** (12:15 p.m.)

The Board next considered an item contained in the Board Agenda dated January 12, 2010, requesting authorization for staff to award a contract to The Lukmire Partnership, Incorporated, in the amount of \$500,000 for the initial year, with two one-year renewals at the option of the County, for professional services for the preparation of required documents for feasibility studies, special design studies, special services, and for design and construction administration of small capital facility projects.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS25. **COMPOSITE INDEX OF LOCAL ABILITY-TO-PAY (LCI)** (12:17 p.m.)

In a joint Board Matter with the entire Board, Supervisor McKay, Chairman of the Board's Legislative Committee, stated that the LCI is the measure used to determine the State and local shares of K-12 education costs, and is based on data derived from local sources of revenue (adjusted gross income, taxable retail sales, and true value of real property). The County's LCI is scheduled to drop from .76 to .71, as a result of the difficult economic times the County is facing and reflecting the County's decreased "ability to pay" for K-12 education. As a result, the County would receive nearly 29 percent funding from the State, rather than the 24 percent it receives now.

Because the LCI divides State funding among localities, Supervisor McKay said that every biennium some divisions receive a greater percentage of State aid than they did in the previous biennium, and some divisions receive less. While the LCI formula is imperfect, and is by no means a perfect measurement of wealth or ability to pay, it has at least been consistently implemented and relied upon. The LCI is counted on by local governments and school divisions every two years to plan their budgets and the receipt of State aid.

In his final budget, Governor Kaine proposed deferring the composite index update until Fiscal Year (FY) 2012. Supervisor McKay explained that the Governor indicated that his decision to maintain the existing composite index for one year was an effort to protect the 97 local school divisions that would have lost funds under the new calculation; however, this single action penalizes the County and other Northern Virginia localities, as this delay will cost the County alone approximately \$61 million, and will cost Fairfax, Loudoun, and Prince William Counties a combined total of over \$118 million. The County and the 30 other localities that would be hurt by the deferral of the composite index update comprise 465,000 pupils, or 38 percent of the public school children in Virginia. (The County has 169,000 school children). After adding in the localities that are not affected by this change in composite index (because they are already at the maximum composite index level), 509,000, or 42 percent of school children in the State, are either hurt or do not benefit from this change.

Supervisor McKay said that eliminating the freeze on the LCI for FY 2011 will require a coordinated effort with the School System, other localities, the business community, and the County's General Assembly delegation. These outreach efforts are currently underway, and the Board has already received positive feedback from many members of the General Assembly delegation, and the business community. Just today the Northern Virginia Technology Council voted to support the Board's efforts to overturn the recommended freeze.

Therefore, in a joint motion with the entire Board, Supervisor McKay moved that the Board take the following actions:

- Adopt the following position statement to be conveyed to the Fairfax County School Board for a joint position, expressing strong opposition to this change:
 - “Strongly oppose the arbitrary delayed implementation of the routine biennial re-benchmark update to the 2010-2012 Local Composite Index contained in the executive budget. While imperfect, the LCI has been the Commonwealth’s accepted measure of local ability to pay for K-12 education. State K-12 funding formulas must be implemented consistently, fairly and equitably, so that all localities benefit from their partnership with the Commonwealth. Though this proposal disproportionately penalizes many Northern Virginia localities in the current year, this breach of trust will be felt by urban, suburban, and rural localities throughout the Commonwealth both now and into the future.”
- Send a letter to the Governor-elect expressing the Board’s objections, and direct staff to continue to coordinate efforts with the School Board and to advocate the Boards’ position with the County’s General Assembly delegation, other localities, the business community and other interested organizations in support of the Board’s strong objection to freezing the composite index for FY 2011.
- Direct the County Attorney to work with Fairfax County Public Schools’ counsel to look at any legal recourse available if this freeze is adopted by the Commonwealth.
- Raise this issue for consideration at the next meeting of the Northern Virginia Regional Commission.

Chairman Bulova seconded the motion and discussion ensued regarding:

- Strengthening the letter.
- Sending a letter to Governor Kaine in the last few days of his term.
- The history of the County’s composite index.

- The unfairness and legality of changing the established funding rules.
- The School Superintendent's budget and the fact that the \$61 million helps ease the budget shortfall.
- Solid support from the local delegation to the General Assembly.
- The County still sends more revenue to the State than it receives regardless of the LCI.
- Help for localities versus help for the greatest number of children.

Supervisor McKay amended the motion to copy the members of the General Assembly delegation and outgoing Governor Timothy Kaine, and this was accepted. The question was called on the motion, as amended, which carried by unanimous vote.

26. **CERTIFICATES OF RECOGNITION** (12:35 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite the following organizations and individuals to appear before the Board:

- Representatives from the Department of Family Services to accept a resolution on January 26, 2010, declaring January 29, 2010, as Earned Income Tax Credit Awareness Day.
- Representatives from the Complete Count Committee to accept a resolution on January 26, 2010, urging all residents living in the County to fill out their census forms on April 1, 2010.
- Representatives from the Office of Human Rights and Equity Programs to accept a proclamation on January 26, 2010, declaring February 2010 as "African American History Month" in Fairfax County.
- Representatives of the Vietnam Veterans of America, Chapter 227, to accept a proclamation on March 23, 2010, in honor of "Welcome Home Vietnam Veterans Day" in Fairfax County (jointly with Supervisor Gross).
- Representatives of the local Jewish community to receive a proclamation on April 6, 2010, designating April 21, 2010, as a Day of Remembrance in memory of the victims of the Holocaust and in honor of the survivors, rescuers, and liberators.

- John Adair, Auditor to the Board and Ron Coen, Assistant Auditor, to be recognized for their years of service (jointly with Supervisor Foust and Supervisor Herrity).
- Scotty Boatright, who retired last Monday after working 39 years for the County, to accept a proclamation recognizing him for his service.

Without objection, it was so ordered.

27. **TYSONS TIMELINE BOARD MATTER (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (12:38 p.m.)

(BACs)

In a joint Board Matter with Supervisor Foust, Supervisor Hudgins, and Supervisor Smyth, Chairman Bulova said that in September of 2008 the Tysons Land Use Task Force presented the Board with a report that included its recommendations for a future vision and area wide recommendations for development of Tysons Corner. This report was accepted by the Board. Staff and the Planning Commission (PC) were directed to develop detailed Comprehensive Plan text for the entirety of Tysons Corner, guided by the area wide recommendations of the task force, the population and employment forecasts developed by George Mason University, the transportation and other public facility impact analyses, and fiscal analyses. Staff has completed draft Comprehensive Plan text. This document will be published later this week and will be reviewed by the PC's Tysons Corner Committee and other interested stakeholders. This draft represents a significant step by staff in translating the work of the task force and the PC committee into Plan text. To ensure that the Board brings this process to a close, Chairman Bulova moved:

- That the Board affirm and accept the schedule for the Tysons Plan Amendment as outlined in the attachment to the Board Matter.
- That the Board direct staff to draft a timeline that addresses the issues of the Zoning Ordinance amendments as well so that upon adoption of the Comprehensive Plan amendment the County is immediately prepared to receive rezoning applications under the newly adopted plan.
- Given the critical role that Tysons Corner plays in the local economy, direct staff to schedule a joint meeting with the PC on February 2 at 4:30 p.m. so that the Board may be briefed on the status of the plan and the demonstration project that is underway and have the opportunity for discussion with members of the PC about this effort prior to public hearings before the two respective bodies.

Chairman Bulova noted that the task force will hold its final meeting later this month and further moved that the Board direct staff to invite its members to appear before the Board on February 9 to be recognized for their efforts in putting together a community vision for the redevelopment of Tysons Corner. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

28. **APPOINTMENTS TO THE PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD (DRANESVILLE AND HUNTER MILL DISTRICTS)** (12:41 p.m.)

(APPTS) Chairman Bulova stated that Section 33.1-434 of the *Code of Virginia* provides that within 30 days after creating a transportation improvement district, the Board should appoint six members to the district advisory board. Three of the members are to be nominated by the petitioning landowners. To form a staggered term board, three of the six initial appointments are to be for four-year terms and three for two-year terms.

The Board created the Phase II Dulles Rail Transportation Improvement District on December 21, 2009, so it must appoint the members of the district advisory board on or before January 20. Chairman Bulova reported that Board has the petitioning landowners' nominations for three appointments to the district advisory board as well as their suggestions for the other three appointments, all of whom represent landowners who signed the petition to create the Phase II District.

Accordingly, Chairman Bulova moved appointment of the following individuals to the Phase II District Advisory Board:

For initial terms of four years each:

- Mr. Peter Johnson of Boston Properties
- Mr. Michael Cooper of Brandywine Realty Trust
- Mr. Kevin Dougherty of Crimson Partners

For initial terms of two years each:

- Mr. Ernie Whitich of Vornado/Charles E. Smith
- Mr. Anthony Balestrieri of Tishman Speyer
- Mr. Michael Paukstitus of Washington Real Estate Investment Trust

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

29. **INVITATION TO RECEPTION TO CELEBRATE THE NEW YEAR**
(12:43 p.m.)

Chairman Bulova called the Board's attention to an invitation for the Board to attend a chairman's holiday reception to celebrate the new year on Wednesday, January 13 from 4 p.m. to 7 p.m. in the Government Center forum. She also noted that at 3:30 p.m., there will be a ceremony to accept from the Federation of Citizens Associations an artist's display of photos of the living persons who have served as chairman under the County's urban county executive form of government. Other photos will feature deceased former chairmen.

Chairman Bulova indicated that no County tax dollars are paying for this reception. Students from the Annandale High School culinary arts program will cater the event, volunteers are contributing food, and the Fairfax Symphony will perform free of charge.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

30. **EXPEDITED AND CONCURRENT PROCESSING FOR SULLY EAST LC/DULLES DISCOVERY SOUTH (SULLY DISTRICT)** (12:45 p.m.)

Supervisor Frey reported that Sully East LC filed a rezoning and accompanying proffered condition amendment and special exception amendment applications to amend previous approvals and rezone its property known as "Dulles Discovery South" to allow the development of a secure office complex. The applications are in conformance with the Comprehensive Plan and applicable provisions of the Zoning Ordinance. The applications have been accepted, but the Planning Commission hearing dates have not been set yet. The applicant intends to file a site plan for the development of a secure office complex in the near future. To meet the occupancy needs of the potential tenant, the applicant has requested the Board's assistance in securing expedited scheduling and concurrent processing of all necessary site and subdivision plans with the zoning plans.

Accordingly, Supervisor Frey moved that the Board authorize:

- Expedited processing and direct staff to schedule a public hearing to be held before the Board on Rezoning/Final Development Plan Application RZ/FDP 2009-SU-024, Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2003-SU-035, and Special Exception Amendment Application SEA 2003-SU-023, Sully East LC, to occur as soon as practicable after the Planning Commission hearing.
- Concurrent processing of the associated site and subdivision plans.

Supervisor Frey noted that the applicant understands that this motion does not relieve it of any obligation, ordinance, or standards, and will not prejudice the

consideration of the applications in any way. Chairman Bulova and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

31. **CHANTILLY YOUTH ASSOCIATION (CYA) CHEERLEADERS WIN NATIONAL COMPETITION (SULLY DISTRICT)** (12:46 p.m.)

Supervisor Frey announced that the CYA's Cheer Select squad won a US National Competition and was ranked first of 125 teams. In addition, Cheer Select's 14 and under team was crowned the Overall Level Winner with the highest division score of all teams competing in the US. This was the first time in history that all four age categories from one youth organization took first prize.

Accordingly, Supervisor Frey moved that the Board direct staff to invite all of the teams and their directors to appear before the Board on February 9 in recognition for this outstanding performance. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland asked unanimous consent to request the squads to present some cheers. Without objection, it was so ordered.

32. **RETIREMENT OF ELLEN GALLAGHER FROM THE DEPARTMENT OF TRANSPORTATION** (12:47 p.m.)

Supervisor McKay announced that after more than 20 years with the County, most recently as Chief of the Capital Projects and Operations Division in the Department of Transportation, Ellen Gallagher recently retired. He recapped Ms. Gallagher's career, with her most recent achievement being her leadership in the effort to revise the parking ordinance to limit the parking of oversized vehicles in residential neighborhoods

Accordingly, Supervisor McKay asked unanimous consent that the Board direct staff to invite Ms. Gallagher to appear before the Board for recognition at the February 9 meeting. Without objection, it was so ordered.

33. **PRIVATIZATION OF STATE-OPERATED RETAIL LIQUOR STORES** (12:49 p.m.)

Supervisor McKay noted that on January 16, Bob McDonnell will be inaugurated as the seventy-first governor of the Commonwealth of Virginia. A part of Governor-elect McDonnell's transportation funding plan is the possible privatization of the State-operated retail liquor stores. While he understands and applauds the Governor-elect's sense of the urgency in identifying additional revenue to fund transportation projects, Supervisor McKay expressed his concern about the impact this idea will have on County neighborhoods and revitalization areas.

Currently there are 28 State-operated Alcohol Beverage Control (ABC) stores in the County dispersed in shopping centers from Reston to Lorton and Fairfax to McLean. There is about one store for every 35,000 residents. Governor-elect McDonnell pointed to Senator Mark Obenshain's legislation during the 2009 General Assembly session as a model for how privatization could be structured. Senator Obenshain's bill, which died during the last session, required a fixed number of licenses for each locality based on population. Even with a fixed number of licenses, the County could have seen about a 70 percent increase in the number of private liquor stores in the County if the bill had passed last session as presented. Supervisor McKay posed the following questions:

- Where would those stores be located?
- Do the current Comprehensive Plan and Zoning Ordinance address private retail liquor stores?
- Is there any way to limit the concentration of private liquor stores in certain areas – especially revitalization areas?

Supervisor McKay agreed that retail liquor stores are not a core State function. However, he said that if the governor-elect plans to allow privatization of ABC stores to fund transportation costs, everyone must be ready for the unintended consequences of the free enterprise system – namely many more liquor stores in County communities – the same communities undergoing revitalization efforts.

Therefore, Supervisor McKay moved that the Board direct the:

- County Executive to conduct a review of the Comprehensive Plan and Zoning Ordinance and how to limit the possible growth of private liquor stores in the County.
- County Executive and Legislative staff to provide routine updates to the Board on this issue during regularly scheduled Legislative Committee meetings.

Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Discussion ensued regarding the following:

- Rationale for undesirability of liquor stores in revitalization areas as opposed to other areas of the County.
- Distribution of liquor store licenses.
- Constitutionality of restrictions on retail liquor stores.
- Planning staff's workload.

- Nationwide trends for locating liquor stores.
- Implementation of any possible restrictions.
- Answering the legal questions prior to proceeding with planning staff analysis.
- Updates from staff on this legislation during routine Legislative Committee meetings
- Ability to regulate and encourage the number and location of liquor stores.
- Concentration of liquor stores in areas of nearby localities.
- Staff consideration of the Board's discussion of this issue today.
- The use of the word "limit" in the motion instead of "address the possibility."

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

34. **LEE DISTRICT OPEN HOUSE** (1:01 p.m.)

Supervisor McKay said that on Saturday, January 30, he and his staff will host the traditional Lee District New Year's open house from 1-3 p.m. in the community room of the Franconia Governmental Center. He announced with pleasure that again this year, students from Edison High School's Culinary Academy will prepare the refreshments.

Supervisor McKay invited Board Members and County staff to attend.

35. **ADDITION MILES OF A NEW FOURTH LANE ON INTERSTATE 95 (LEE DISTRICT)** (1:01 p.m.)

Supervisor McKay announced that on December 15, 2009, three additional miles of the new fourth northbound lane opened to motorists just past the Route One on ramp north toward the Fairfax County Parkway on I-95. This new northbound lane is the first of three I-95 widening project milestones and adds a fourth lane in both directions from the Parkway to Route 123 in Woodbridge. At peak morning rush hours about 6000 vehicles per hour travel north on this stretch of I-95. With the new fourth lane, motorists have felt this impact immediately and are saving as much as ten minutes of travel time between Route One and the Springfield Interchange.

Supervisor McKay expressed appreciation to the Virginia Department of Transportation's Region Transportation Program Director Ronaldo "Nick" Nicholson. He also recognized VDOT's commitment to a comprehensive communication and public outreach program under the direct of Mr. Steve Titunik.

36. **HONORING JACK AND LAURIE CORKIE FOR 20 YEARS OF SERVICE (DRANESVILLE DISTRICT AND HUNTER MILL DISTRICT)**
(1:03 p.m.)

In a joint Board Matter with Supervisor Hudgins, Supervisor Foust said that Laurie and Jack Corkie, longtime Town of Herndon residents, are celebrating the twentieth anniversary of the Great Harvest Bread Stores in Herndon and in Vienna as well as their retirement. Not only have they had a successful business that has produced some of the best bread in the area, they have contributed to the community in which they live. Over the years they have been there for the hundreds of people who participate in the Herndon Festival Race and Reston Triathlon; they have also sponsored the Reston and Vienna stops on the annual Bike to Work event held every May. They have participated in many special occasions for local Boy and Girl Scout Troops, the Council of the Arts, the Juvenile and Diabetes Research, Giving Circle of Hope, Elden Street Players, and provided communion bread for local churches. And, they have given free slices of bread to anyone who walked into their store.

Accordingly, jointly with Supervisor Hudgins, Supervisor Foust asked unanimous consent that the Board direct staff to invite Laurie and Jack Corkie to appear before the Board to be recognized for their many contributions to improving the quality of life in the community. Without objection, it was so ordered.

37. **QUARTERLY STATUS REPORT ON OPERATIONS FROM THE OFFICE OF FINANCIAL AND PROGRAMS AUDITOR** (1:05 p.m.)

(BACs) Supervisor Foust, Chairman of the Board's Audit Committee, said that the Board received the Office of Financial and Programs Auditor's Quarterly Status Report on Operations as of December 16, 2009.

Supervisor Foust noted that the report presents the Auditor's findings based on review of the Police Department's Asset Forfeiture Program, change orders associated with the Dulles Corridor Metrorail project, and income verification procedures for determining eligibility to participate in the County's affordable housing rental programs. In addition, the report includes the Auditor's finding with respect to his continuing review of the County's take home vehicles.

The Police Department's Asset Forfeiture Program involves monies and goods seized in connection with illegal activity including gambling and narcotics distribution. After successful criminal and civil trials, proceeds of the seizures may be used by the police to promote law enforcement. At the Audit Committee's

request, the Auditor reviewed the procedures for accounting for the seized assets and investigated whether there were opportunities to increase revenues to the Police Department. The Auditor found that the police had over 100 vehicles and cash and other assets totaling over \$2 million that could be forfeited to the Police Department after successful civil proceedings. Because the Commonwealth Attorney's Office had high priority criminal cases that made it difficult to process the civil seizure cases, the Auditor worked with the Police Department, the Commonwealth Attorney's Office, and the County Attorney's Office to establish procedures to expedite these civil proceedings. As a result of this inter-agency cooperation, over 60 civil cases involving \$172,000 in seized cash and 14 seized vehicles have already been filed. The Audit Committee is especially grateful to County Attorney David Bobzien for volunteering resources from his office to assist in expediting this process.

Supervisor Foust reported that at the request of the Audit Committee, the Auditor reviewed change orders and the change order process associated with the \$2.6 billion contract for Phase I of the Dulles Corridor Metrorail Project. The Auditor found that as of October 2009, change orders totaling a net of approximately \$26.9 million had been issued. The Auditor reported that the process used for initiating, reviewing, and approving change order requests was appropriate and that at this time there was no indication that the amount of change orders on the project would exceed the contingency amount in the contract price. The Auditor also reported that the Metropolitan Airports Authority (MWAA) publishes a monthly progress report that includes change orders approved and under consideration. The Auditor noted that reviewing this report each month would enable County officials to keep informed with regard to the project's progress as well as the reason for the change orders.

At the Audit Committee's request, the Auditor reviewed procedures used by the County's Department of Housing and Community Development (HCD) to verify income eligibility for participants in affordable housing rental programs. As detailed in the report, the Auditor found that HCD takes action annually, as well as throughout the year, to monitor incomes and adjust the subsidies of the residents in low income rental programs and maintains a compliance unit and fraud hotline to receive calls and initiate investigations of alleged program violations.

Supervisor Foust said that as previously noted by the Auditor, in Fiscal Year (FY) 2010, eight County agencies eliminated a combined total of 30 take home vehicles. In this report, the Auditor focused on the public safety agencies which have 466 take home vehicles, or more than 90 percent of the County's take home vehicles. The Audit Committee concluded that this information could be useful to the County Executive as he prepares the Advertised Budget.

Accordingly, jointly with Chairman Bulova and Supervisor Herrity, Supervisor Foust moved that the Board:

- Adopt the report.
- Direct the County Executive to review and consider the Auditor's findings with respect to take home vehicles as he prepares the FY 2011 Advertised Budget.
- Direct staff of HCD to continue to conduct, and expand if necessary, random inspections to ensure eligibility for participation in the County's affordability housing rental program.
- Direct staff to continue to review the progress reports for the Dulles Corridor Metrorail Project each month and advise the Board if staff determines that there are grounds for suspecting that the cost of Phase I of the project might exceed the original contract amount.

Chairman Bulova seconded the motion and discussion ensued regarding:

- The operation of the Board's auditor.
- Reviewing and tracking proffer commitments regarding the Dulles Corridor Metrorail Project.
- Providing more detail regarding the data on the percentage change, status, and actions for the contingency and change order piece in its review with regard to the Dulles Rail Phase I Project.

Anthony H. Griffin, County Executive, indicated that MWAA provides a monthly report and he will provide it to the Board.

Supervisor Foust asked to amend the motion to direct staff to provide the MWAA report electronically and to review and confirm that the proffer commitments to support the project are being enforced, and this was accepted.

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

DET:det

38. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (1:15 p.m.)

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

39. **MOTION TO EXPEDITE BOARD HEARING FOR WESTLAWN LIMITED PARTNERSHIP (MASON DISTRICT)** (1:16 p.m.)

Supervisor Gross stated that Rezoning Application RZ 2009-MA-011 and Special Exception Amendment Application SEA 95-M-039 are concurrent applications by the Westlawn Limited Partnership to:

- Rezone the Westlawn Shopping Center and the adjoining Bill Page Honda dealership from the C-6 and C-8 Districts to the C-6 District.
- Amend an existing special exception to cover the entire site.
- Allow a vehicle sales, rental, and ancillary service operation; a drive-through financial institution; and a drive-through pharmacy.
- Allow an increase in building height.

Supervisor Gross noted that the applicant is currently working with staff on the remaining outstanding issues in the applications and that they had agreed to defer the public hearing before the Planning Commission to allow additional time for this work.

To allow the applicant to expeditiously proceed, Supervisor Gross moved that the Board's public hearing be scheduled for March 9, 2010. She added that the applicant is aware that expediting this application should not be construed to prejudice the consideration of the application in any way. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

40. **MOTION TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-015 (MASON DISTRICT)** (1:17 p.m.)

Supervisor Gross stated that on December 7, 2009, she made two motions for Special Exception Application SE 2009-MA-015:

- Instructing the Director of the Zoning Evaluation Division of the Department of Planning and Zoning to expeditiously review and schedule a public hearing for the special exception.
- Directing the Director of the Department of Public Works and Environmental Services (DPWES) to accept, for current and simultaneous review, a site plan, architectural drawings, and other plans as may be necessary to implement the improvements contemplated by the application with the special exception.

She noted that the proposed development conditions required:

- Dedication of the right-of-way at no cost to the County.
- That the dedication occur by March 2010.

Supervisor Gross added that while the public hearing had been scheduled for today, the Planning Commission decision previously scheduled for January 7, 2010, had been deferred until February 4, 2010, to allow additional time to address concerns raised by adjacent property owners.

Therefore, Supervisor Gross moved that the Board defer the public hearing for Special Exception Application SE 2009-MA-015 to March 9, 2010. Supervisor Herry and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #61.)

41.

COMMENTS ON THE INTERCHANGE JUSTIFICATION REPORT (IJR) FOR THE PROPOSED INTERSTATE 395 (I-395) HIGH OCCUPANCY TOLL (HOT) LANES' ACCESS TO THE MARK CENTER PROPERTY IN THE VICINITY OF SEMINARY ROAD (1:19 p.m.)

In a joint Board Matter with Supervisor McKay and Chairman Bulova, Supervisor Gross stated that the Board has been consistent in its opposition to federal action to relocate approximately 6400 employees to the Mark Center site in Alexandria as part of the 2005 Base Realignment and Closing (BRAC) action. Despite the Board's opposition, the federal government selected the Mark Center to house the relocated Washington Headquarters Service. She noted that this federal decision was premised in large part on the assumption that the new capacity and access to be provided by the Interstate 95 (I-95)/I-395 High Occupancy Vehicle (HOV)/HOT lanes project would be in place to serve traffic to the site shortly after the Mark Center facility opens. The Board has previously expressed its concern that without the completion of additional HOT/HOV capacity inside the Beltway and direct ramp access from I-395 into the Mark Center property, that traffic that otherwise should be on I-395 will instead divert to other less desirable arterials, collectors, and neighborhood streets in the region, many of which would be in Mason District, including the intersection of Little River Turnpike and Beauregard Street.

Supervisor Gross stated that an IJR concerning direct access options at the Mark Center in the vicinity of Seminary Road is nearing completion and that an environmental document will be initiated early this year. She added that eight different alternatives have been presented for direct access at this location and that given the significance of this new access point to the successful operation of the I-95/I-395 HOT/HOV and regular lanes and the surrounding transportation

system, that it is important that the Board go on record to state its preference of alternatives to be carried forward into the environmental review process.

Supervisor Gross moved that the Board:

- Endorse the letter attached to her Board Matter addressed to outgoing Transportation Secretary Homer and in-coming Transportation Secretary Connaughton transmitting its comments on the I-395/Seminary Road direct access IJR study.
- State its preference for Alternative D, combined with potential additional ramping to/from the south parking garage (as shown on Alternative E).
- Ask that this hybrid alternative be one of the ones carried forward for additional analysis in the environmental study.

Supervisor McKay seconded the motion.

Following a brief discussion on its urgency, the question was called on the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Gross noted that Congressman Moran was copied on the letter and asked unanimous consent that the Board direct staff to include Congressman Connolly and Congressman Wolf. Without objection, it was so ordered.

PMH:pmh

42. **FURTHER STUDY OF THE COUNTY'S CAPITAL TRANSFER TO THE SCHOOL SYSTEM** (1:23 p.m.)

Supervisor Herrity said that as the School System prepares the Fiscal Year 2011-2015 Capital Improvement Program (CIP), it faces significant capital challenges both in terms of new construction and renovations. One added challenge that the School System faces is the anticipated drop in the amount of capital money the County will transfer to the School System beginning in 2012. In 2012 the annual transfer of capital money is scheduled to drop from \$155 million to \$130 million.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the County Executive and the County Debt Manager to examine the impact and feasibility of keeping the capital transfer to the School System at \$155 million through 2018 on the CIP and the County's total capacity. Findings should be reported to the Board in time for its CIP public hearing. Without objection, it was so ordered.

43. **HONORING ANN WONG FOR WINNING THE MILKEN EDUCATOR AWARD (SPRINGFIELD DISTRICT)** (1:25 p.m.)

Jointly with Chairman Bulova, Supervisor Herrity said that last month, Ann Wong, a science teacher at West Springfield High School, was named a winner of the prestigious Milken Educator Award by the Milken Family Foundation. The Milken Educator Awards, which are selected by a State blue-ribbon panel, recognize individuals who exhibit exceptional educational talent as evidenced by student achievement and instructional practices, outstanding accomplishments and long-range potential for professional leadership, and the ability to engage and inspire students and colleagues. Ms. Wang is just one of 53 educators nationwide to win the award this year.

Supervisor Herrity referred to his written Board Matter outlining Ms. Wong's accomplishments and asked unanimous consent that the Board direct staff to invite Ms. Wong to appear before the Board at a future Board meeting to receive a resolution capturing her accomplishments as a teacher and to be recognized for receiving this prestigious award. Without objection, it was so ordered.

44. **DISCUSSION OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) RESPONSE TO THE DECEMBER 19, 2009, RECORD SNOWFALL** (1:28 p.m.)

Supervisor Herrity said that in the days following the record snowfall the area experienced December 19, 2009, his office received hundreds of calls and emails regarding the lack of treatment neighborhood streets received during and after the storm. VDOT stated in its news releases that its priorities lie with the main, more heavily traveled roadways, and that residential streets would receive treatment in the form of a one-lane path in and out; though the latter was not widely known to residents. An exceedingly frustrating issue was the inconsistency of treatment between neighborhoods with no apparent reason behind it. A good example of this occurred in two communities in the Springfield District. One received several passes with a plow on its more heavily traveled roads while a community comparable in size approximately five miles away, received no plowing.

Supervisor Herrity noted that there were numerous incidences of lanes dropping which created extremely dangerous situations once traffic returned to speed. Many turn lanes were left unplowed and there are still mountains of snow blocking right-of-ways in some areas.

Supervisor Herrity moved that the Board direct the Department of Transportation to send a letter to the local VDOT office listing the problems identified above as well as problems identified by other Supervisors and staff and encourage VDOT to hold a lessons learned session on the record snowfall. Supervisor Hudgins seconded the motion.

Following discussion, regarding the snowfall, Supervisor Hudgins expressed her appreciation to the Virginia Department of Transportation (VDOT), their supervisors, and the many contractors who were on the road from the start of the December 18 snowstorm and throughout the week for herculean efforts to clear the roads.

Supervisor Hudgins noted that she heard from residents that neighborhood collector roads in north Vienna and Herndon were not treated adequately for residents to be able to reach the main roads. These included: Abbotsford Drive and Buds Avenue. In north Vienna, both on hills, as well as John Milton Drive in Herndon. Residents in north Vienna also expressed concern about seeing snow plows repeated times on adjacent streets and none on their own. She said that all calls were forwarded to VDOT and she will be working with them in the next month to address specific concerns.

Supervisor Hudgins said that there is a specific issue that has been shared in the past and one that remains unacceptable — the Reston District Police tell her that they had to beg a County snow plow operator at an adjacent site to plow the North Governmental Center Parking lot.

Supervisor Herrity amended his motion to include Supervisor Hudgins' concerns.

Chairman Bulova clarified that the motion, as amended, should include all concerns regarding the recent snowfall.

Supervisor Foust stated for the record that one pass by the snow plow is not adequate.

Supervisor Smyth noted that the Providence District had the best snow removal job in years and the efforts of VDOT were appreciated.

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

45. **OFFERING WI-FI ON EXPRESS BUSES** (1:38 p.m.)

Supervisor Herrity said that the Potomac and Rappahanock Transportation Commission (PRTC) recently began offering express bus service from several locations in Prince William County into the Tysons Corner area.

Supervisor Herrity moved that the Board direct staff to determine whether offering Wi-Fi service on longer routes is feasible and to provide a cost estimate for service on these routes. Supervisor Hyland seconded the motion and it carried by unanimous vote.

46. **UPCOMING TOWN HALL MEETING REGARDING I-66 SOLUTIONS (SPRINGFIELD AND SULLY DISTRICTS)** (1:39 p.m.)

Supervisor Herrity said that along with Congressman Wolf, he and Supervisor Frey will be hosting a Town Hall meeting on February 6 from 10 a.m. until 11:30 a.m. at Chantilly High School. He said that they are inviting the public to learn about short and long-term solutions to the congestion on I-66 outside of the Beltway that are in process or being discussed including:

- Extended use of shoulder lanes
- Use of shoulder lanes on weekends
- Non HOV use of the ramps for Monument and Stringfellow during non HOV times
- The bus only ramp at Nutley Street
- The interchange at I-495 and I-66
- The status of the Environmental Impact Statement for I-66
- A session on Bus Rapid Transit (BRT)

Supervisor Herrity invited Board Members to attend and asked unanimous consent that the Board direct the Office of Public Affairs to send out a press release and post information about the Town Hall on the County's website in an effort to alert as many interested residents as possible of this event. Without objection, it was so ordered.

47. **ALTERNATIVE DISPUTE RESOLUTION MONTH** (1:40 p.m.)

Supervisor Smyth said that the citizens of the Commonwealth of Virginia recognize that resolving conflict through mediation and other forms of alternative disputes resolution promotes mutually agreeable outcomes, preserves relationships, and enhances collaborative efforts. The Northern Virginia Mediation Service (NVMS) is the sole community mediation organization in the County and this year it celebrates its twentieth anniversary serving the public and private entities throughout the area.

Therefore, Supervisor Smyth asked unanimous consent that the Board:

- Proclaim March as “Alternative Dispute Resolution Month” in Fairfax County.

- Direct staff to invite representatives of the Northern Virginia Mediation Service to appear before the Board to receive a proclamation recognizing its accomplishments on February 23, 2010.

Without objection, it was so ordered.

48. **DEATH OF MS. JoANNE JORGENSEN** (1:41 p.m.)

Supervisor Hudgins announced that JoAnne Jorgenson, a retired nurse from the Health Department, recently died.

49. **LONG TERM CARE COORDINATING COUNCIL MULTI-YEAR REPORT** (1:41 p.m.)

(BACs) Supervisor Hudgins said that the Long Term Care Coordinating Council was created by the Board in 2003 upon the recommendation of the Board's Long Term Care Task Force and its Strategic Plan. The Council was tasked with oversight and leadership in coordinated and collaborative efforts to improve long term care for adults in the Fairfax area. The Council includes 45 members from both public and private long term care providers, as well as representatives of the County's boards and commissions that oversee various aspects of long term care services.

Therefore, as Chair of the Board's Human Services Committee, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Council to make a brief presentation at an upcoming Board meeting. Without objection, it was so ordered.

50. **DEATH OF MR. JAMES ROSSETT (HUNTER MILL DISTRICT)** (1:42 p.m.)

Supervisor Hudgins announced that James Rossett, one of the earlier planners of Reston, recently died.

51. **ADDITION TO SUPERVISOR COOK'S FAMILY (BRADDOCK DISTRICT)** (1:43 p.m.)

Chairman Bulova announced that Supervisor Cook's family had recently grown by two members (twin baby sons).

52. **PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD)** (1:43 p.m.)

Jointly with Chairman Bulova, Supervisor Cook said that last month, the Board unanimously adopted the first part of a four part plan to address a dangerous and debilitating parking condition in Kings Park West, caused by the excessive

parking of students at George Mason University (GMU). The second and third parts of the plan require an ordinance amendment.

Supervisor Cook noted that two townhouse communities located near the GMU campus have been experiencing significant parking problems in their communities and on Tapestry Drive, which is adjacent to both of their developments and is used by the townhouse residents for overflow parking. He added that staff advised him that this portion of Tapestry Drive does not currently qualify under the RPPD Ordinance for restricted permit parking because it does not contain any residential addresses. The part of Tapestry Drive that includes residential addresses is now part of RPPD Number 40, adopted by the Board on December 7, 2009. The Board's action in adopting RPPD Number 40 was the first in the four part plan and predictably increased the parking problem for the two adjacent townhouse communities. RPPDs have, until now, been limited to local streets with residential addresses of single-family dwellings.

Supervisor Cook said that these townhouse communities that are close to a university campus warrants the Board's consideration of a possible amendment to the RPPD Ordinance to address the situation.

Having consulted with staff, Supervisor Cook said that an amendment to the RPPD Ordinance could be developed that would allow a townhouse community to create its own RPPD if its entrance is located within 2000 feet of a pedestrian entrance of a university or college and abuts or is adjacent to a local street that has no residential addresses. This new RPPD would be processed in the same manner as a Temporary RPPD, a recently adopted amendment to the RPPD Ordinance that addresses temporary parking problems caused by short term impacts like construction projects. He added that the RPPD that he is proposing would not interfere with already established RPPDs because the restricted parking would be limited to the portion of the adjacent local street that has no residential addresses.

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

- Prepare an amendment to the RPPD Ordinance in the County Code that will allow the creation of an RPPD for townhouse communities based on the criteria described above, which would be administered like a Temporary RPPD.
- Report with the proposed RPPD Ordinance amendment for authorization to advertise at the next Board meeting along with a proposal to create a RPPD for the townhouse communities adjacent to Tapestry Drive.

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

53. **INTENT TO DEFER PUBLIC HEARINGS (MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)** (1:48 p.m.)

Chairman Bulova announced that the following public hearings would be deferred later in the meeting:

- Special Exception Application SE 2008-MV-031
- Special Exception Application SE 2009-MA-015
- The lease of County-Owned property to Washington, DC SMSA Limited Partnership d/b/a Verizon Wireless

(NOTE: Later in the meeting, the above-listed public hearings were formally deferred. See Clerk's Summary Items #58, #61, and #64.)

54. **RECESS/CLOSED SESSION** (1:48 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. *John McIntosh, et al. v. Amanda Perry*, Case No. CL-2009-0000354 (Fx. Co. Cir. Ct.)
 2. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
 3. *Tevores Wade v. Romon Robertson, PFC; Anthony Taormina, PFC; Daniel Griffith, PFC; Mount Vernon District Station, et al.; County of Fairfax*,

Virginia, in Official Capacity; Commonwealth of Virginia; Fairfax County Police Department; David M. Rohrer, Chief; Frank Wernlein, Major; John Brennan, Lieutenant; Fairfax County Board of Supervisors; Gerald E. Connolly; Sharon Bulova; Catherine Hudgins; Jeff McCoy; Penelope Gross; Gerald Hyland; Linda Smyth; Pat Herrity; Michael Frey; John Foust, Case No. 09-7733 (4th Cir. Ct. of App.)

4. *Rita Illes v. Fairfax County, Virginia, Case No. 1:09-CV-858 LO/JFA (E.D. Va.)*
5. *Elena Norfolk v. Detective Douglas Middlebrooks, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)*
6. *Mary Ann and Robert Berkowitz and Mary Ann Brewer v. County of Fairfax, Case No. CL-2009-0012972 (Fx. Co. Cir. Ct.) (Braddock District)*
7. *Kaveh Sari v. Detective T. W. Bacigalupi, George Mason University, Officer L. A. Robinson, Fairfax County Police Department, Ayah Wali, and Mariam B. Alwarith, Case No. CL-2009-0016309 (Fx. Co. Cir. Ct.)*
8. *Hong Theng Ker v. Vinnita M. Macri, Case No. CL-2009-0017367 (Fx. Co. Cir. Ct.)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon, Case No. CL-*

- 2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert R. McKim*, Case No. CL-2009-0013286 (Fx. Co. Cir. Ct.) (Springfield District)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raimundo Guevara-Mendieta*, Case No. CL-2007-0012705 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
 16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gerald M. Bowen*, Case No. CL-2009-0001835 (Fx. Co. Cir. Ct.) (Sully District)
 17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Seung Ik Seo and Myung Soon Han*, Case No. CL-2009-0008136 (Fx. Co. Cir. Ct.) (Springfield District)
 19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No. CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
 20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Mesewicz*, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene A. Velasquez and Tomasa Velasquez*, Case No. CL-2009-0007700 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Magana and Saira N. Magana*, Case No. CL-2009-0007699 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan P. Bonilla*, Case No. CL-2009-0011661 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. William J. Cook*, Case No. CL-2009-0006975 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul L. Veeder*, Case No. CL-2009-0003259 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Deborah R. Hakenson and Melvin E. Hakenson*, Case No. CL-2009-0005303 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omer Villarroel, Roberto Villarroel, and Diego Villarroel*, Case No. CL-2009-0013289 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter A. Shultz*, Case No. CL-2009-0012158 (Fx. Co. Cir. Ct.) (Springfield District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Potomac Custom Homes II, LLC*, Case No. CL-2009-0010550 (Fx. Co. Cir. Ct.) (Mount Vernon District)

30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas N. Robinson, Jr.*, Case No. CL-2009-0013944 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Paz and Marlene B. Paz*, Case No. CL-2009-0010924 (Fx. Co. Cir. Ct.) (Braddock District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Han Sun Lee and Hyun Jin Lee*, Case No. CL-2009-0010263 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yong Ho Kwon and Kristi L. Karls*, Case No. CL-2009-0010821 (Fx. Co. Cir. Ct.) (Mason District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar*, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy Mark*, Case No. CL-2009-0010262 (Fx. Co. Cir. Ct.) (Braddock District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ena Xiomara Martinez*, Case No. CL-2009-0013130 (Fx. Co. Cir. Ct.) (Mason District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones*, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cleto Rojas, Ismael Dante Casildo-Ordonez, and Delia Luisa Berrospi-*

Romero, Case No. CL-2009-0016908 (Fx. Co. Cir. Ct.) (Mason District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young C. Kim and Ok Ja Kim*, Case No. CL-2009-0016977 (Fx. Co. Cir. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Brenda M. Hunt*, Case No. CL-2009-0017027 (Fx. Co. Cir. Ct.) (Mount Vernon District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Argueta*, Case No. CL-2009-0017349 (Fx. Co. Cir. Ct.) (Sully District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fernando Vargas and Graciela Vargas*, Case No. CL-2009-0017350 (Fx. Co. Cir. Ct.) (Sully District)
44. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 1519 & 6460 Linway Terrace, LLC*, Case No. CL-2009-0017505 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 1519 & 6460 Linway Terrace, LLC*, Case No. CL-2009-0017506 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eun S. Sul*, Case No. CL-2009-0017508 (Fx. Co.

- Cir. Ct.) (Springfield District) (Strike Team/BNV Case)
47. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira*, Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
 48. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles*, Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team/BNV Case)
 49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Villarroel-Romero, Carlos Rogelio Renjel, and Celia Vargas-Mendez*, Case No. CL-2009-0017629 (Fx. Co. Cir. Ct.) (Mason District)
 50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio Moya*, Case No. CL 2009-0017993 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Silva-Guzman*, Case No. CL-2009-0018052 (Fx. Co. Cir. Ct.) (Lee District)
 52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Darwin Santos Gonzalez*, Case Nos. 09-0030069 and 09-0030070 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
 53. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Almendarez*, Civil Case Nos. 09-0029452 and 09-0029453 (Fx. Co. Gen. Dist. Ct.) (Mason District)
 54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rocio L. Veizaga*, Case Nos. 09-0030296 and 09-0030297 (Fx. Co. Gen. Dist. Ct.) (Lee District)

55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young B. Cho*, Case Nos. 09-31115 and 09-31116 (Fx. Co. Gen. Dist. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ryan Denmark and Amy Denmark*, Case Nos. 09-0031512 and 09-0031513 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- T-Mobile Northeast LLC, SE-2009-DR-005 and 2232-D08-19
- Fairfax County Water Authority v. City of Falls Church, Law Number 2008-16114
- Fairfax County Department of Public Works and Environmental Services v. C. Ray Davenport, Commissioner, Department of Labor and Industry, Record Number 0745-09-4
- Fairfax County Code Section 30-3-6(k)

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

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At 4:34 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

55. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:34 p.m.)

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

56. **LAND ACQUISITIONS IN THE RICHMOND HIGHWAY CORRIDOR BETWEEN THE FAIRFAX COUNTY PARKWAY AND ROUTE 235 SOUTH** (4:35 p.m.)

Supervisor Hyland moved to allow staff to proceed with land acquisitions in the Richmond Highway corridor between the Fairfax County Parkway and Route 235 South that will be needed in the future for the widening of Richmond Highway associated with the Base Realignment and Closure (BRAC) relocations to Fort Belvoir. Supervisor McKay seconded the motion and it carried by unanimous vote.

57. **SALARIES OF COUNTY EXECUTIVE AND COUNTY ATTORNEY** (4:36 p.m.)

Supervisor Gross said the Board has completed its annual performance evaluation of County Executive Anthony H. Griffin and County Attorney David P. Bobzien. The evaluations were in-depth and comprehensive and represented input from all Board Members. The County is well served by these outstanding gentlemen. However, despite their superior performance, the current fiscal atmosphere precludes any adjustments to salaries at this time. Therefore, Supervisor Gross moved that the salaries of the County Executive and the County Attorney remain frozen at their current levels, subject to any potential adjustments that may be made for the general County workforce in the Fiscal Year 2011 adopted budget. Other terms of their employment remain unchanged. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

58. **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)** (4:37 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 2008-MV-031, concurrent with Public Facilities Application 2232-V08-6, until **February 23, 2010, at 3:30 p.m.** This motion, the second to which was inaudible, carried by unanimous vote.

59. **3:30 P.M. – PH ON APPEAL OF VIRGINIA CODE ANN. § 15.2-2232 DETERMINATION – APPLICATION 2232-D08-19 (T-MOBILE NORTHEAST, LLC) (DRANESVILLE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2009-DR-005 T-MOBILE NORTHEAST LLC (DRANESVILLE DISTRICT) (4:38 p.m.)

AND

C-1 – APPEAL OF VIRGINIA CODE ANN. § 15.2-2232 DETERMINATION – APPLICATION 2232-D08-19, T-MOBILE NORTHEAST, LLC (DRANESVILLE DISTRICT) (4:38 p.m.)

(NOTE: Earlier in the meeting, the Board deferred Consideration Item C-1 until after this public hearing. See Clerk's Summary Item #17.)

The application property is located on Virginia Department of Transportation Right-of-Way Access Road off Colonial Farm Road, Tax Map 22-3 ((1)) 40.

Ms. M. Colleen Canovas reaffirmed the validity of the affidavits for the record.

David Jillson, staff, Planning Division, Department of Planning and Zoning (DPZ), gave a presentation regarding the appeal of Public Facilities Application 2232-D08-19.

Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, DPZ, gave a presentation regarding the description of the application and site location for Special Exception Application SE 2009-DR-005.

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

Discussion ensued with input from Ms. Canovas regarding the proposed utility transmission pole.

Following the public hearing, which included testimony by two speakers, Supervisor Foust stated that he submitted items for the record to the Clerk's Office.

Ms. Lin presented the staff and Planning Commission recommendations for Special Exception Application SE 2009-DR-005.

Mr. Jillson presented the staff and Planning Commission recommendations for Public Facilities Application 2232-D08-19.

Ms. Canovas presented rebuttal.

With respect to the consideration and public hearing application items, Supervisor Foust moved that the Board:

- Affirm the Planning Commission's decision to DENY Public Facilities Application 2232-D08-19 and adopt the reasons stated, in the Board Agenda Item dated January 12, 2010, on the record as a basis for the decision.
- DENY Special Exception Application SE 2009-DR-005.

Supervisor Smyth seconded the motion.

Following discussion regarding the utility transmission pole, the question was called on the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Chairman Bulova raised a question regarding whether additional action was needed for the consideration, with input from David P. Bobzien, County Attorney, who noted that it was included in the motion.

60. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-DR-014 (SHERWOOD DEVELOPMENT GROUP LLC) (DRANESVILLE DISTRICT) (5:28 p.m.)**

The application property is located at 8100 Old Dominion Drive, Suite E, Tax Map 20-4 ((1)) 27A.

Ms. Elizabeth McKeeby reaffirmed the validity of the affidavit for the record.

Ms. McKeeby 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 Foust moved approval of Special Exception Application SE 2009-DR-014, subject to the development conditions dated October 29, 2009. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Hyland being out of the room.

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-015 (ANA A. CORNEJO) (MASON DISTRICT)** (5:33 p.m.)

(NOTE: Earlier in the meeting, Supervisor Gross announced the reason for deferring this public hearing. See Clerk's Summary Item #40.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2009-MA-015 until **March 9, 2010, at 3:30 p.m.** Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Hyland being out of the room.

62. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-SP-019 (NEW CINGULAR WIRELESS PCS LLC D/B/A AT&T MOBILITY NORTHERN VIRGINIA ELECTRIC COOPERATIVE AND SMARTPOLE, INCORPORATED) (SPRINGFIELD DISTRICT)** (5:34 p.m.)

The application property is located at 4904 Mattie Moore Court, Tax Map 56-4 ((1)) 20A.

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

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 monopoles.

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

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2009-SP-019, subject to the development conditions dated December 10, 2009.
- Modification of the transitional screening requirements.
- Waiver of the barrier requirement in favor of that shown on the SE plat.

Supervisor Foust seconded the motion.

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

- Study current levels of demand for service in the County as it pertains to telecommunication facilities.
- Provide information regarding any issues that are being discovered and addressed with these specific types of applications.

Without objection, it was so ordered.

Supervisor Smyth noted that there may be a need for staff to revisit the Zoning Ordinance in the future to review the regulations for telecommunication facilities.

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

(NOTE: On December 10, 2009, the Planning Commission approved Public Facilities Application 2232-S09-17, noting that the proposed telecommunications facility (located at 4904 Mattie Moore Court on 1.38 acres of land zoned R-C and WS, Tax Map 56-4 ((1)) 20A, was in conformance with the criteria of location, character and extent, as set forth in Section 15.2-2232 of the *Code of Virginia*, as amended.)

63. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-S-023-03 (COSTCO WHOLESALE CORPORATION)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SP-001 (COSTCO WHOLESALE CORPORATION) (SPRINGFIELD DISTRICT)
(5:47 p.m.)

The Proffered Condition Amendment Application PCA 87-S-023-03 property is located in the northeast quadrant of the intersection of West Ox Road and Lee Highway, Tax Map 56-3 ((1)) 5C and 5D.

The Special Exception Application SE 2007-SP-001 property is located at 4725 West Ox Road, Tax Map 56-1 ((1)) 5C.

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

Mr. Gill 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 Herrity moved:

- Approval of Proffered Condition Amendment Application PCA 87-S-023-03, subject to the proffers dated October 7, 2009.
- Approval of Special Exception Application SE 2007-SP-001, subject to the development conditions dated November 24, 2009.
- Waiver of the trail requirement along Lee Highway (Route 29), associated with PCA 87-S-023-03 only.
- Modification of the transitional screening requirement to the east in favor of the existing vegetation as shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat.
- Waiver of the barrier requirements to the east in favor of the landscape berm shown on the GDP/SE Plat.

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

64. **4 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY TO WASHINGTON, DC SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS (PROVIDENCE DISTRICT)** (5:56 p.m.)

Supervisor Smyth moved to defer the public hearing to lease County-owned property to Washington, DC SMSA Limited Partnership d/b/a Verizon Wireless until **February 9, 2010, at 4 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

65. **4 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY TO CLEAR WIRELESS, LLC (PROVIDENCE DISTRICT)** (5:56 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 December 24 and December 31, 2009.

Marguerite Guarino, Assistant Director, Facilities Management Department, presented the staff report.

Pamela Wilson, agent for the applicant, gave a brief presentation.

Following the public hearing, Supervisor Smyth moved that the Board authorize the County to enter into a communications lease with Clear Wireless that is

substantially in accordance with the Lease Agreement, as contained in Attachment B of the Board Agenda Item dated January 12, 2010. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE TIMBER RIDGE COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD 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 December 24 and December 31, 2009.

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

Following the public hearing, which included testimony by two speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Timber Ridge CPD, in accordance with current CPD restrictions. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room.

67. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S09-CW-3CP, GENERALLY SURROUNDING THE INTERSECTION OF INTERSTATE 95 AND FRANCONIA/OLD KEENE MILL ROADS, EAST AND SOUTH OF COMMERCE STREET, WEST OF THE CSX RAILROAD TRACKS, AND NORTH OF SPRINGFIELD CENTER DRIVE (LEE DISTRICT)** (6:07 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 December 24 and December 31, 2009.

Meghan Van Dam, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of the Planning Commission recommendation for Plan Amendment S09-CW-3CP, with modifications shown on his handout dated January 12, 2010, which further revises the map notations and adds

language to address interim uses and by-right development within the study area. Supervisor Foust seconded the motion.

Following discussion regarding noise issues, the question was called on the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

(NOTE: On December 9, 2009, the Planning Commission denied Base Realignment and Closure (BRAC) Area Plan Review nominations BRAC APR-08-IV-5FS, BRAC APR-08-IV-7FS, and BRAC APR-08-IV-9FS. The Commission noted that these items were taken into consideration with the creation of the proposed text for Plan Amendment S09-CW-3CP.)

68. **BOARD ADJOURNMENT** (6:29 p.m.)

The Board adjourned.

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