



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 23, 2010**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, March 23, 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; Cynthia L. Tianti, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

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

Chairman Bulova, jointly with Supervisor Cook, asked everyone to keep in thoughts the family of Dr. Jean Feinberg who died last week. He was a member of the Oak Hill Civic Association in Annandale and a long time volunteer and listener at the Northern Virginia Hotline. He was also a County Auxiliary Police Officer and a graduate of the County's Citizens' Police Academy.

Supervisor Gross, jointly with Supervisor Smyth, asked everyone to keep in thoughts the family of John Mastenbrook who died recently. He was a Providence District Resident, Park Authority Board member, and he created the Mastenbrook Grants which help communities with environmentally friendly projects within neighborhoods.

2. **INTRODUCTION OF BOY SCOUTS (SULLY DISTRICT)** (9:39 a.m.)

Chairman Bulova recognized the presence of Michael Adere, Scout Leader, the Sully District Boy Scouts, and representatives of Western Fairfax Christian Ministries and warmly welcomed them to the Board Auditorium.

(NOTE: Later in the meeting, the Board presented them with a Certificate of Recognition. See Clerk's Summary Item #4.)

AGENDA ITEMS3. **PROCLAMATION DESIGNATING MARCH 30, 2010, AS "WELCOME HOME VIETNAM VETERANS DAY" IN FAIRFAX COUNTY** (9:41 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate March 30, 2010, as "*Welcome Home Vietnam Veterans Day*" in Fairfax County. This motion was multiply seconded and it carried by unanimous vote.

Supervisor Herrity announced that County Executive, Anthony H. Griffin, was a Marine Vietnam War Veteran, and thanked him for his service.

Chairman Bulova announced that there was a reception held in their honor prior to the start of the Board meeting, and Sharon Stark, on behalf of Congressman Connolly, presented a flag that was flown over the Capitol.

Delegate David Bulova announced a joint resolution with Delegate Chap Peterson, which they introduced in the Virginia General Assembly, that proclaimed March 30 annually as "Vietnam Veterans Welcome Home Day in Virginia." This resolution passed unanimously in the General Assembly.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE SULLY DISTRICT OF THE NATIONAL CAPITAL AREA COUNCIL OF THE BOY SCOUTS OF AMERICA** (10:05 a.m.)

(NOTE: Earlier in the meeting, the Board welcomed the Scouts to the Board Auditorium. See page 2.)

Supervisor Frey moved approval of the Certificate of Recognition presented to members of the Sully District of the National Capital Area Council of the Boy Scouts of America for its efforts on behalf of the annual food drive conducted by Western Fairfax Christian Ministries. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JACK CORKEY AND MS. LAURIE CORKEY** (10:14 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Mr. Jack Corkey and Ms. Laurie Corkey for their contributions to improve the quality of life in the County. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING APRIL 21, 2010, AS "HOLOCAUST DAY OF REMEMBRANCE" IN FAIRFAX COUNTY** (10:21 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate April 21, 2010, as "*Holocaust Day of Remembrance*" in Fairfax County. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING APRIL 5-11, 2010, AS "PUBLIC HEALTH WEEK" IN FAIRFAX COUNTY** (10:34 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate April 5-11, 2010, as "*Public Health Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING APRIL 2010 AS "CHILDHOOD IMMUNIZATION MONTH" IN FAIRFAX COUNTY AND CERTIFICATES OF RECOGNITION PRESENTED TO CHILDREN'S MEDICAL ASSOCIATES OF NORTHERN VIRGINIA, PC AND KINDERCARE AT SULLY STATION** (10:40 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate April 2010 as "*Childhood Immunization Month*" in Fairfax County. Supervisor Gross seconded the motion.

Supervisor Hudgins moved approval of Certificates of Recognition presented to:

- Children's Medical Associates of Northern Virginia, PC for its commitment to immunizing children in the community.
- Kindercare at Sully Station for its dedication to promoting timely immunizations, educating parents about the importance of childhood immunization and verifying the immunization records of children at the facility.

Supervisor Gross seconded the motion.

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

9. **PROCLAMATION DESIGNATING APRIL 2010 AS "CHILD ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY** (10:54 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate April 2010 as "*Child Abuse Prevention Month*" in Fairfax County. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

For more information regarding child abuse, citizens should call the 24 hour hotline at 703-324-7400 or the Child Help national hotline at 1-800-4-A Child (1-800-422-4453).

10. **RESOLUTION OF RECOGNITION PRESENTED TO MS. GRACE STARBIRD** (11:04 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Ms. Grace Starbird for her years of service to the County upon her retirement as Director of the Area Agency on Aging. This motion was multiply seconded and it carried by a vote of eight, Supervisor Cook and Supervisor Frey being out of the room.

11. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:18 a.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Supervisor Cook moved the reappointment of Ms. Jane W. Gwinn as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

CONFIRMATIONS:

Supervisor Hyland moved confirmation of the following appointment:

- Mr. Jonathan Phillips as the Commonwealth Attorney Alternate Representative

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

ANIMAL SERVICES ADVISORY COMMISSION

Supervisor Cook moved the appointment of Ms. Linda Bartlett as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

ATHLETIC COUNCIL

Supervisor Herrity moved reappointment of Ms. Jacqueline Stephens as the Diversity At-Large Representative. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the appointment of Mr. Chip Chidester as the Member At-Large Alternate Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

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

(NOTE: Later in the meeting, the Board made an appointment to this council. See page 7.)

CIVIL SERVICE COMMISSION

Supervisor Gross moved the reappointment of Mr. D. Patrick Lewis as the At-Large #9 Representative. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #8 Representative.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Mason District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

COMMUNITY ACTION ADVISORY BOARD

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

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

Supervisor Smyth moved the following appointment/reappointments:

- Mr. James D. Policaro as the At-Large #1 Representative
- Mr. John Harrison as the At-Large #4 Representative
- Mr. Gerald Halpin as the At-Large #5 Representative
- Mr. Michael Cooper as the At-Large #6 Representative

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

CHILD CARE ADVISORY COUNCIL

(NOTE: Earlier in the meeting, the Board deferred this appointment. See page 6.)

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

Supervisor Bulova announced the resignation of the Honorable Eileen Filler-Corn as the At-Large Chairman's Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

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

CONFIRMATIONS:

Supervisor Hyland moved confirmation of the following appointments:

- Mr. Charles Dunlap as the Virginia Association of Surveyors Representative
- Mr. John William Ewing as the National Association of Industrial Office Parks Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the Providence, Springfield, and Sully District Representatives.

HUMAN RIGHTS COMMISSION

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Chairman Bulova moved the appointment of Ms. Stella Koch as the Fairfax County #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Bulova announced the resignation of Ms. Judy Braus as the Fairfax County #2 Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

Supervisor McKay moved the appointment of Mr. Richard A. Nilsen as the Lee District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence District Representative.

CONFIRMATIONS:

Supervisor Gross moved confirmation of the following appointments:

- Captain Jeremy Falls as the Sheriff's Office Representative
- Lieutenant Col. Steve Sellers as the Police Department Representative

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Supervisor Hudgins moved the following reappointments:

- Ms. Janet Bradshaw as the Fairfax County #1 Representative
- Mr. Bob Dim as the Fairfax County #5 Representative
- Mr. Ram Singh as the Fairfax County #6 Representative
- Ms. Natasha Hoyte as the Reston Association #2 Representative
- Ms. Ellen Graves as the Reston Association #3 Representative
- Mr. Mohammed Mohamedalli as the Fairfax County #9 Youth Representative

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

The Board deferred the appointment of the Fairfax County #3 Representative.

Supervisor Hudgins announced the resignation of Mr. Roosevelt Calbert as the Fairfax County #3 Representative.

TENANT LANDLORD COMMISSION

Supervisor Herrity moved the appointment of Ms. H. Lillian Vogl as the Citizen Member #1 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Tenant Member #3 Representative.

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)**CONFIRMATIONS:**

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

- Mr. Shahram Mohsenin as the Fairfax County #1 Representative
- Mr. Michael McGrath as the Fairfax County Alternate #2 Representative

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

WETLANDS BOARD

Supervisor Hyland moved the reappointment of Mr. Raymond Murphy as the Mount Vernon District Representative. Chairman Bulova seconded the motion which carried by unanimous vote.

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

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

Supervisor McKay called the Board's attention to:

- Admin 4 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5A (Residential Permit Parking Districts) (RPPD), Related to Fines
- Admin 5 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5B (Community Parking Districts) (CPD), Related to Fines

and asked to amend the motion to authorize the advertisement of an increase in the current parking fine in Section 82-5A-12(e) and (g) from \$40 up to \$75 for each violation. This was accepted.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide, prior to the public hearing, information regarding current enforcement and the issuance of the fines. Following a brief discussion, with input from Maria Turner, Senior Transportation Planner, Department of Transportation, without objection, the request was so ordered.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide, prior to the public hearing, information regarding whether the State allows a higher fine for a second occurrence. Following a brief discussion, with input from Pamela Peltó, Assistant County Attorney, without objection, the request was so ordered.

Chairman Bulova called the Board's attention to Admin 9 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Establishment of a Planned Tysons Corner Urban District (PTC), and relinquished the Chair to

Acting-Chairman Hyland and asked to amend handwritten page 10, item number three, to read as follows:

- “Promote environmental stewardship by implementing green building design, **efficient, renewable, and sustainable energy practices to incorporate** low impact development strategies...”

This was accepted.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding the projected cost of implementation and the fiscal impact. Following a brief discussion, without objection, the request was so ordered.

Supervisor Cook suggested that staff review the economic projections.

Supervisor Foust raised a question regarding whether this advertisement will preclude the option of including parking garages and/or parking districts in the development of Tysons Corner. Discussion ensued, with input from Eileen McLane, Zoning Administrator, Department of Planning and Zoning (DPZ).

Supervisor Smyth called the Board’s attention to handwritten page 18, item 9B, and raised a question regarding the language concerning the number of vehicles that can be temporarily stored outdoors, and discussion ensued, with input from Ms. McLane.

Supervisor Smyth asked unanimous consent that the Board direct staff to revise the language. Without objection, it was so ordered.

Supervisor Foust raised a question regarding the Board’s authority to amend it with additions or changes, once it is advertised and the public has an opportunity to review it. Discussion ensued, with input from Elizabeth Teare, Assistant County Attorney, who noted that the advertisement included various alternatives for Board consideration to allow flexibility.

Supervisor Smyth asked to amend the motion to allow the Board to have flexibility through the hearing process to consider varying approaches to facilitate the transformation of Tysons to a transit oriented high density/intensity urban center. Supervisor Smyth circulated a proposed amendment around the dais and asked to amend the motion as follows:

- Handwritten page 21 – Revise Section 6-507, Bulk Regulations, the last sentence regarding the floor area ratio (FAR): “*(This amendment is advertised to allow the Board to adopt a FAR maximum between 3.0 to 10.0; **or to adopt no maximum**). [Note: the text in italics is to **be included only if the Board adopts a maximum FAR**].*”

- Handwritten page 22 – Revise Section 6-509, Off-Street Parking and Loading, the last sentence: “In addition, a parking plan shall be developed in accordance with the following, provided; however, the Board may reduce the minimum off-street parking requirements when it is demonstrated by the applicant and determined by the Board that such reduction is in furtherance of the goals of the Tysons Corner Urban Center:”

This was accepted.

The question was called on the motion to approve the Administrative Items, as amended, 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.”

James P. Zook, Director, DPZ, noted that tomorrow afternoon the fourth draft of the Tysons Plan will come back from the printer and staff will attend a workshop with the Planning Commission to discuss the contents and issues that remain to be resolved.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY TO CLEAR WIRELESS, LLC, A NEVADA LIMITED LIABILITY COMPANY (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 27, 2010, at 4:30 p.m.** to consider leasing County-owned property to Clear Wireless, LLC for the installation of telecommunications equipment for public use at the South County Government Center.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY TO NEW CINGULAR WIRELESS PCS, LLC (AT&T MOBILITY) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 27, 2010, at 4:30 p.m.** to consider leasing County-owned property to New Cingular Wireless PCS, LLC for the installation of telecommunications equipment for public use at the South County Government Center.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE RESTON COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 27, 2010, at 4:30 p.m.** to consider proposed amendments to the Code of the

County of Fairfax, Appendix M, to consider expanding the large area Reston CPD in accordance with current CPD restrictions.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A (RESIDENTIAL PERMIT PARKING DISTRICTS) (RPPD), RELATED TO FINES

- (A) (NOTE: Earlier in the meeting, the Board took action regarding the advertised fine. See page 10.)

Authorized the advertisement of a public hearing to be held before the Board on **April 27, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to consider increasing RPPD parking violation fines and to clarify permit eligibility requirements.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5B (COMMUNITY PARKING DISTRICTS) (CPD), RELATED TO FINES

- (A) (NOTE: Earlier in the meeting, the Board took action regarding the advertised fine. See page 10.)

Authorized the advertisement of a public hearing to be held before the Board on **April 27, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to consider increasing CPD parking violation fines.

ADMIN 6 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE DISTRICT)

- (R)
- Adopted the Resolution authorizing installation of a “Watch for Children” sign on Meadow Lane (Providence District).
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK AND PROVIDENCE DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-B09-152	Clearwire US LLC Antenna collocation on existing monopole 5637 Guinea Road Braddock District	May 22, 2010
FS-P10-2	Fairfax County Park Authority Lighting for rectangular field and miniature golf course 3200 Jermantown Road (Oak Marr RECenter) Providence District	September 28, 2010

ADMIN 8 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10138 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB) FROM THE VIRGINIA COMMUNITY COLLEGE SYSTEM FOR THE WORKFORCE INVESTMENT ACT (WIA) DISLOCATED WORKER PROGRAM

(SAR) Approved SAR AS 10138 in the amount of \$383,249 for DFS to accept funding from the Virginia Community College System for the WIA Dislocated Worker program. No local cash match is required. This WIA funding is being accepted on behalf of NVWIB to continue to provide employment and training services to displaced workers.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ESTABLISHMENT OF A PLANNED TYSONS CORNER URBAN DISTRICT (PTC)

(A) (R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 10–12.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 21, 2010, at 8:15 p.m., and before

the Board on May 25, 2010, at 4:30 p.m. to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding establishment of a new P District to implement the Comprehensive Plan recommendations proposed for the Tysons Corner Urban Center.

13. **A-1 – APPROVAL OF FISCAL YEAR (FY) 2010 FOREST PEST MANAGEMENT SUPPRESSION PROGRAM** (11:49 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and direct staff to take the actions concerning the County's FY 2010 Forest Pest Management Suppression Program, as outlined in the Board Agenda Item dated March 23, 2010. Supervisor Gross seconded the motion.

Supervisor Gross raised a question regarding why the approval is for FY 2010 when there are only three months left in the FY. Discussion ensued, with input from Troy Shaw, Coordinator of the Forest Pest Program, Department of Public Works and Environmental Services, who noted that the program is based on the FY, as opposed to the Gypsy Moth Program, which is based on the calendar year. He also clarified that the funding was allocated in FY 2010.

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

14. **A-2 – APPROVAL OF PARKING REDUCTION FOR THE SPRINGFIELD MASONIC LODGE NUMBER 217 AF AND AM (LEE DISTRICT)** (11:51 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 30.4 percent (35 parking spaces) for the Springfield Masonic Lodge Number 217 AF and AM, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, Paragraph 4(B). This reduction is based on an analysis of the parking requirements of the uses on the site and a shared use parking study, on the conditions outlined in the Board Agenda Item dated March 23, 2010.

15. **A-3 – CORRECTION TO AMENDED PARKING REDUCTION FOR FAIRFAX CORNER CENTER (SPRINGFIELD DISTRICT)** (11:51 a.m.)

On motion of Supervisor Herrity, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and re-approved a parking reduction of 26.3 percent for Fairfax Corner Center, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B). This reduction is based on an analysis of the parking requirements for each use on the site and a parking reduction study, on conditions outlined in the Board Agenda Item dated March 23, 2010.

16. **A-4 – APPROVAL OF A WASTE TRADE AGREEMENT BETWEEN FAIRFAX COUNTY AND FAUQUIER COUNTY** (11:51 a.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Herrity and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Waste Trade Agreement between Fairfax County and Fauquier County, substantially in the form of the attachment to the Board Agenda Item dated March 23, 2010.

17. **A-5 – ADOPTION OF A RESOLUTION TO ENDORSE THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENT’S (COG) GREATER WASHINGTON 2050 COMPACT** (11:52 a.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and continue its support of regional planning and cooperation and adopt the proposed Resolution in support of the Metropolitan Washington COGs “Greater Washington 2050 Compact.” Chairman Bulova seconded the motion.

Supervisor Herrity raised a question regarding language in the Resolution and what it is committing the County to, and discussion ensued, with input from David Robertson, Executive Director, COG.

Following further discussion regarding the financial impact and the compact goals, Supervisor Foust asked to amend the motion to change wording in the Resolution to read as follows:

- Item Number One: Change “...commits to follow the principles and goals...” to “...commits **to be guided** by the principles and goals...”

Following discussion regarding the change, it was not accepted.

Following further discussion regarding the Resolution, and with regard to Item Number Three of the Resolution, Supervisor McKay suggested that when staff communications take place that the voluntary nature of it be emphasized.

Following further discussion regarding the Resolution, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity abstaining.

18. **A-6 – AMENDMENTS TO FINANCING DOCUMENTS BETWEEN THE LORTON ARTS FOUNDATION (LAF) AND THE COUNTY** (12:14 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the extension of the current Contingent Master Lease, subject to

annual appropriation and the conditions precedent to execution described therein, which will become effective only in the event LAF experiences major financial difficulties. Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Supervisor Cook raised a question regarding whether the County is committing to the \$750,000 in the event that there is a default. Discussion ensued with input from Leonard Wales, County Debt Manager, who noted that the County is committed to providing operating and deficit support, subject to annual appropriation.

Further discussion ensued, with input from David P. Bobzien, County Attorney; Anthony H. Griffin, County Executive; and Mr. Wales regarding the County's commitment.

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

19. **I-1 – CONTRACT AWARD – GEORGETOWN PIKE WALKWAY AND WALKER ROAD WALKWAY (DRANESVILLE DISTRICT)** (12:23 p.m.)

The Board next considered an item contained in the Board Agenda dated March 23, 2010, requesting authorization for staff to award a contract to Arthur Construction Company in the amount of \$132,998 for construction of Georgetown Pike Walkway and Walker Road Walkway, Project W00200, Dranesville District Walkways, in Fund 307, Pedestrian Walkway Improvements.

The staff was directed administratively to proceed as proposed.

20. **I-2 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON PROPOSED PROJECT BY LIGHT GLOBAL MISSION CHURCH (GLOBAL MISSION VILLAGE, LP) (SULLY DISTRICT)** (12:23 p.m.)

The Board next considered an item contained in the Board Agenda dated March 23, 2010, requesting authorization for the County Executive to sign a letter of support for Global Light Mission Church (Global Mission Village, LP) and forward it to VHDA for consideration with the tax credit application.

Supervisor Frey noted that a corrected item was handed out today which lists the applicant as **Global Mission Village, LP**. It was initially contemplated under Light Global Mission Church.

The staff was directed administratively to proceed as proposed.

21. **I-3 – CONTRACT AWARD – URBAN LAND INSTITUTE (ULI) CONSULTING SERVICES: FIVE-DAY ADVISORY SERVICES PANEL PROGRAM** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated March 23, 2010, requesting authorization for staff to award a fee for service contract to ULI for a period of three years ending April 30, 2013, with two one-year renewal options to conduct five-day panel advisory services for several land use and development challenges located throughout the County.

The staff was directed administratively to proceed as proposed.

22. **I-4 – CONTRACT AWARD – WOODGLEN-POHICK CREEK NUMBER THREE – SPILLWAY IMPROVEMENT PROJECT (BRADDOCK DISTRICT)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated March 23, 2010, requesting authorization for staff to award a contract to Environmental Quality Resources, LLC in the amount of \$900,991.15 upon the receipt of notice to proceed from the Natural Resources Conservation Service, for the construction of the Woodglen-Pohick Creek Number Three – Spillway Improvement, Project Number FX4000-PCO12 in Fund 318, Storm Management Program.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

23. **RECOGNITION OF ORGANIZATIONS AND INDIVIDUALS** (12:25 p.m.)

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

- Invite representatives from the American Institute of Architects Northern Virginia Chapter to appear before the Board on April 6 to accept a proclamation declaring April 11-18, 2010, as “*Architecture Week*” in Fairfax County.
- Invite representatives from the Fairfax-Falls Church Community Services Board to appear before the Board on September 28 to accept a proclamation declaring October 2-9, 2010, as “*Mental Illness Awareness Week*” in Fairfax County.

- Prepare a resolution for the Mid-Atlantic Hispanic Chamber of Commerce honoring Latina entrepreneurs in the County in time for its celebratory luncheon on March 24.
- Prepare and send by June 22 to the Health Department a proclamation recognizing June 27, 2010, as “*HIV Testing Day*” in Fairfax County.
- Prepare and send a proclamation to the Health Department recognizing September as “*Food Safety Education Month*” in Fairfax County.
- Invite representatives from the Fairfax Countywide Initiative to Reduce Underage Drinking to appear before the Board on April 27 to accept a proclamation declaring May 2010 as “*Parents Who Host, Lose the Most Month*” in Fairfax County.
- Invite representatives from the Health Department to appear before the Board on June 8 to accept a proclamation declaring June 20-26, 2010, as “*Mosquito Awareness Week*” in Fairfax County.
- Invite representatives from the Health Department to appear before the Board on July 13 to accept a proclamation declaring the month of September as “*Direct Support Professionals Appreciation Month*” in Fairfax County.

Without objection, it was so ordered.

24. **RECOGNITION FOR COMMUNITY LABOR FORCE (CLF)** (12:27 p.m.)

Chairman Bulova noted that cleanup from the February snow storms is ongoing--the Virginia Department of Transportation (VDOT) crews are still working to repair the damage and mess left after the snow was cleared. The County is partnering with the State and VDOT to help with the clean up effort resulting from the recent Snow Summit.

Chairman Bulova said that at the suggestion of State Delegate David Bulova, she asked Sheriff Stan Barry whether the CFL could assist in cleaning up along the County’s roadways. The CLF is a supervised group of non-violent offenders from the County Adult Detention Center who remove graffiti, abate blight, pick up countywide litter, maintain bus stops, and assist with overall beautification.

Chairman Bulova expressed appreciation to Sheriff Barry and noted the benefits that the CLF provides to the County. He responded immediately to her request, and the CLF worked throughout the weekend to clean up dirt mounds dislodged by VDOT snowplows and, where possible, put sod in place. She commended this

creative use of resources with its encouraging collaboration between the State and County governments to benefit County residents.

Accordingly, Chairman Bulova asked unanimous consent that the Board join her in sending a letter of thanks to Sheriff Barry in recognition of the services provided by the CLF.

Following discussion regarding the hard work and efforts of the CLF, Supervisor Hyland asked to amend the request to include direction to staff to perhaps recognize the group over pizza, and this was accepted.

Chairman Bulova noted that assistance by the CLF is available to homeowner associations and citizen groups upon request.

The request, as amended, was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

25. **WEST SPRINGFIELD HIGH SCHOOL DANCE TEAM (BRADDOCK AND SPRINGFIELD DISTRICTS)** (12:32 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity announced that on Sunday, March 7, the West Springfield High School Dance Team took first place on the National Dance Alliance (NDA) National Championship in Orlando, Florida. The team competed in the medium varsity hip hop category at the tournament with a routine entitled "The Joker" and bested 15 other teams from around the country to be named the best in the US.

After providing more details on the achievement and the individuals involved, Supervisor Herrity, jointly with Supervisor Cook, asked unanimous consent that the Board direct staff to invite the West Springfield High School Dance Team to appear before the Board to receive a resolution in honor of its outstanding accomplishment of winning the NDA National Championships. Without objection, it was so ordered.

26. **STUDYING DEFINED CONTRIBUTION PLANS FOR NEW COUNTY EMPLOYEES** (12:34 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity asserted that one of the greatest strains on public sector budgets all over the country are under-funded retirement systems. These strains were exacerbated during the Great Recession as investment portfolios plummeted, and the gap between assets and liabilities grew. According to a recent study conducted by the Pew Center, there is a \$1 trillion gap between what states and participating localities have promised their current and retired workers in pension, health care, and retirement benefits, and what they have on hand to pay for them.

Supervisor Herrity said that one way for governments to deal with this problem, or to prevent it from becoming a problem in the future, is to switch from a defined pension plan to a defined contribution plan. He said that defined contribution plans set only the level of contributions employers and employees have to make to the retirement system and not the level of guaranteed benefits employers are required to provide after retirement. This arrangement offers stability and predictability for the government while removing the possibility of out-of-controlled retirement costs down the road. Contribution levels are known well in advance and will not change, allowing for accurate long term planning. He contrasted this with a defined benefit plan where a dip in the stock market can cause an immediate and unexpected need for an employer, in this case the government, to increase its contribution to the retirement fund. To pay for that, the Board must either cut something else in the budget or raise taxes.

Supervisor Herrity asserted that defined contribution plans can also help with recruitment because they offer the benefit of portability whereas defined benefit plans do not. He said that in the current times, new college graduates are likely to hold multiple jobs throughout their careers; offering a retirement plan that does not penalize them for leaving for a more attractive job after 5, 10, or 15 years, can be a recruitment tool for employers.

After citing examples of other government's retirement plans and the need for a review, Supervisor Herrity moved that the Board direct the County Executive to report to the Board on the feasibility, advantages, and disadvantages of switching to a defined contribution retirement plan, or some sort of hybrid plan, for new County employees. He stipulated that this request would apply to new employees only. Supervisor Cook seconded the motion.

Following discussion of the motion, Supervisor Gross asked to amend the motion to direct staff to report to the Board's Personnel Committee with its findings, and this was accepted.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the School Division and the applicability of the County's retirement system for non-instructional staff.

Supervisor Cook asked to amend the motion to direct staff to also review the advisability of offering early retirement buy-out packages, as suggested by employee unions, and this was accepted.

Following input from Mr. Griffin, the question was called on the motion, as amended, which carried by unanimous vote.

27.

NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR JOHN FOUST (12:50 p.m.)

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

28. **SUPPORT OF THE NATIONAL CAPITAL REGION LAND CONSERVATION ACT OF 2009** (12:51 p.m.)

Supervisor Gross said that the National Capital Region Land Conservation Act of 2009 (HR 2986) was introduced last year and would address the conservation of open space in the region. She said that a number of local jurisdictions have indicated support for this amendment to the Capper-Cramton Act of 1930. It would establish grants, through the Department of the Interior, which would provide funds to acquire open space.

Accordingly, Supervisor Gross asked unanimous consent that the Board refer this act to the Legislative staff for review and recommendation through a memorandum from the County Executive for the implication of the Board's endorsement. Without objection, it was so ordered.

29. **SCHEDULING OF BOARD PUBLIC HEARING AND CONCURRENT PROCESSING OF SITE AND BUILDING PLANS FOR SPECIAL EXCEPTION APPLICATION SE 2009-PR-027, TDC OWNER LLC (PROVIDENCE DISTRICT)** (12:53 p.m.)

Supervisor Smyth said that with the pending Special Exception Application SE 2009-PR-027, Sanford Brown College intends to open for classes at 1751 Old Meadow Drive this fall. The applicant has requested a Board hearing date and concurrent processing of the site and building plans. The applicant has indicated full understanding and acceptance of the risks associated with concurrent processing of the plans.

Accordingly, Supervisor Smyth moved that the Board direct:

- Staff to schedule the public hearing for Special Exception Application SE 2009-PR-027 to be held before the Board on May 11, 2010.
- The Director of the Department of Public Works and Environmental Services to permit the concurrent processing of site and building plans associated with this pending special exception.

Supervisor Smyth noted that this motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards nor does it prejudice in any way the Board's consideration of the pending special exception application. She also noted that the Board hearing date of May 11 will not occur if the Planning Commission does not hold its hearing by May 5.

Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Foust and Supervisor Frey being out of the room.

30. **ROUTE 123 RIGHT TURN LANE ONTO JERMANTOWN ROAD IMPROVEMENT C & I REVENUES FOR TRANSPORTATION PROJECTS (PROVIDENCE DISTRICT)** (12:54 p.m.)

Supervisor Smyth stated that at its October 19, 2009, meeting, the Board approved a list of projects to be funded with Fiscal Year (FY) 2009 – FY 2012 Fairfax County Commercial and Industrial Revenues for Transportation. However, during the preparation and coordination of the project list, there was an apparent miscommunication that resulted in a project being included in that package which was different from the District's intent. The Providence District pedestrian and spot intersection improvement projects should have been listed as the Hunter Mill Road/Mystic Meadow Way roundabout and the Route 123/Jermantown Road right turn lane project. Instead of the latter project, a sidewalk on Chain Bridge Road from Niblick Drive to Horseshoe Drive North was identified on the project list. The Department of Transportation staff confirmed that the cost of the Route 123/Jermantown Road right turn lane is approximately equal to the Chain Bridge Road walkway project that was listed in the October 19 Board item, and it supports this project substitution.

Therefore, Supervisor Smyth moved the Board's concurrence in officially modifying the list of approved projects to be funded from C & I revenues to substitute the Route 123 right turn lane onto Jermantown Road project for the Chain Bridge Road sidewalk project from Niblick Drive to Horseshoe Drive North on the list. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Foust and Supervisor Frey being out of the room.

31. **AUTHORIZATION OF ADVERTISEMENT FOR A BOARD PUBLIC HEARING REGARDING THE MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (CDA)** (12:56 p.m.)

- (A) Supervisor Smyth said that on February 27, 2009, the Board approved an ordinance adopting a new Appendix P to the County Code to create the Mosaic District Community Development Authority in Merrifield. In reviewing that ordinance, staff determined that it would be desirable and prudent to adopt several technical amendments to that ordinance to ensure compliance with all statutory requirements. These include approval of proposed articles of incorporation for the Commission of the Mosaic CDA and a provision expressly recognizing that any bonds issued by the CDA shall be debt of the CDA and not the County.

Accordingly, Supervisor Smyth moved that the Board authorize the advertisement of a public hearing at the Board's meeting on April 27, 2010, on the question of whether to adopt such amendments to the ordinance. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Foust and Supervisor Frey being out of the room.

PMH:pmh

32. **2011 REAPPORTIONMENT** (12:58 p.m.)

(BACs) Jointly with Chairman Bulova, Supervisor McKay said that April 1, 2010, is National Census Day, and the census forms have already been mailed by the US Bureau of the Census. Federal and State laws require the General Assembly and the governing bodies of localities elected by district to consider the 2010 census data in deciding whether their election districts need to be adjusted to meet the "one-man, one-vote" standard established by the US Supreme Court. It now appears that population growth in the past ten years will require the General Assembly to adjust the election districts of the Senate and the House of Delegates. It also appears that the Board will need to reapportion the County election districts.

In the last County reapportionment ("redistricting"), the Board established guidelines in advance, and the Board also established an advisory task force composed of citizens. That advisory task force served to engage the community in this important process, and the report of that task force was very helpful in providing the Board with a range of reapportionment options.

The US Census Bureau is not expected to release the Virginia census population data until January 2011 at the earliest. Since 2011 is an election year for both the General Assembly and the Board, timing and coordination will be critically important. Historically, the Board has completed its decennial reapportionment as the General Assembly has prepared its plans for the Senate and the House of Delegates, so close coordination between the State and the County is always essential.

Also, the General Assembly and the County face unusual timing constraints because the 2010 General Assembly did not enact the legislation sponsored by Senator Howell to delay the June 2011 primary elections.

Therefore, Supervisor McKay moved that the Board:

- Refer the issue of reapportionment to the Board's Legislative Committee to monitor State legislation and related developments that will affect the Board's reapportionment and to make recommendations to the Board on state and local reapportionment as appropriate.
- Request the Legislative Committee to develop reapportionment guidelines for Board consideration and a recommended process for engaging citizens in this important matter.
- Direct staff to prepare a tentative schedule of reapportionment activities and report to the Board at its September 2010 Legislative

Committee meeting with the schedule and information about requirements applicable to reapportionment of the County's election districts.

Supervisor Gross seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney, regarding the motion and the process, the question was called on the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

33. **INDIAN RUN STREAM RESTORATION PROJECT TECHNICAL CHANGES (LEE, MASON, AND PROVIDENCE DISTRICTS)** (1:07 p.m.)

Jointly with Supervisor Gross, Supervisor Smyth, and Chairman Bulova, Supervisor McKay said that in Fiscal Year (FY) 2008, and with the assistance of Congressman Jim Moran, the County received federal funding for stormwater management for the Indian Run stream restoration project between Edsall Road and Bren Mar Drive, and the Tripps Run stream restoration project within the Falls Hills and Poplar Heights communities. The interpretation of the Environmental Protection Agency has been that the language in the federal legislation appropriating the funds does not specifically allow the funding to be used for construction of these projects.

Supervisor McKay said that as the County already has a management plan and design contract in place for these projects, a technical change is needed to allow federal release of the funding, which complements the local funding already in place. Congressman Moran has agreed to assist in clarifying that the purpose of the funding is for construction of the projects, and has asked for Board authorization to that effect.

Therefore, Supervisor McKay moved that the Board approve sending a letter, under the Chairman's signature, to Congressman Moran, requesting his assistance with this technical change to these streambed projects. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Foust being out of the room.

34. **CITIZEN BUDGET ADVISORY COMMITTEE RECOMMENDATIONS (LEE DISTRICT)** (1:08 p.m.)

Supervisor McKay said that for the second consecutive year, his citizen budget advisory committee has studied the proposed County budget. Almost all the members of the original group have chosen to continue, giving the budget advisory committee the advantage of continuity and knowledge. In its report the group emphasized its respect for the work of staff and commended the County Executive and his staff for their hard work.

Supervisor McKay noted that its goal was two-fold: to provide recommendations specific to the Fiscal Year (FY) 2011 budget and to provide recommendations for 2011 and beyond. The 11 members of the group chaired by Suzette Kern constitute an impressive array of talent with expertise in government finance, consulting, law, human services, IT, the private sector, and the County school system. This group reflects the citizens of Lee District and the larger County.

The report is built around 10 principles:

- The budget must provide for good government that is effective, efficient, sustainable, and measurable.
- The County's fiscal challenges are likely to continue.
- The County must distinguish between must-have (core) government functions and nice-to-have (non-core) functions and prioritize budget cuts accordingly.
- All aspects of the budget should be open for review and critique.
- As the School System accounts for almost 54 percent of the County's General Fund, it must accept an equitable share of the burden without a negative impact on the quality of instruction.
- While every agency should share the pain, the focus should be on smart rather than across-the-board cuts.
- Budget reductions should take into account the value of the County's workforce.
- Budget cuts should be based on value versus dollars invested. Expensive programs with little return should be targeted for review.
- Agencies and programs with a disproportionate rate of growth should be targeted for serious review.
- All avenues of revenue enhancements should be pursued.

Supervisor McKay said that the full report is posted on his website at www.fairfaxcounty.gov/lee/.

Supervisor McKay commended the Lee District Budget Advisory Group for its hard work and its recognition that the County needs a budget that can withstand economic storms.

Therefore, Supervisor McKay asked unanimous consent that the Board forward this report to the County Executive for review. Without objection, it was so ordered.

35. **PROFFERED CONDITION AMENDMENT APPLICATIONS
PCA 84-L-020-24 AND PCA 85-L-101-05 – KINGSTOWNE RESIDENTIAL
OWNERS CORPORATION (LEE DISTRICT)** (1:11 p.m.)

- (A) Supervisor McKay said that the Kingstowne Residential Owners Corporation has filed Proffered Condition Amendment Applications PCA 84-L-020-24 and PCA 85-L-101-05 to allow several stormwater management facilities within the Kingstowne planned community to be maintained by the County. He noted that the County has a policy to maintain certain types of residential stormwater management basins. That maintenance is funded through real estate taxes.

Supervisor McKay said that based on his discussions with the applicant and staff, he is satisfied that the establishment of an expedited public hearing date for the Board will not prejudice the community's review of the pending zoning application. It also will not prejudice staff's review of these applications for compliance with applicable regulations.

Supervisor McKay said that on March 1 the Lee District Land Use Committee reviewed this application and recommended approval. The public hearing before the Planning Commission is currently scheduled for April 29.

Therefore, Supervisor McKay moved that the Board authorize the advertisement of a public hearing to be held before the Board on May 11 for Proffered Condition Amendment Applications PCA 84-L-020-24 and PCA 85-L-101-05. This motion should in no way prejudice the full review of this application and does not preclude the applicant from adherence to all adopted standards in any way. Supervisor Herrity and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Foust and Supervisor Hudgins being out of the room.

36. **AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE
ASSOCIATION (AHEPA) SUPPORTS THE COUNTY URBAN SEARCH
AND RESCUE (USAR) TEAM** (1:13 p.m.)

Supervisor McKay said that on March 8, Franconia Fire Station Number Five (a volunteer station) was the scene of a very generous contribution. AHEPA presented a \$10,000 check to the County USAR team. The check was accepted on behalf of USAR by Battalion Chief Ed Brinkly.

Supervisor McKay noted that AHEPA is the largest and oldest association of American citizens of Greek heritage. It was established in 1922 in Atlanta, Georgia in response to acts of bigotry.

Supervisor McKay explained that AHEPA's mission is to promote the ancient Greek ideals of education, philanthropy, civic responsibility, family, and individual excellence. The donation it has just made to the USAR team exemplifies those ideals.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite members of AHEPA to appear before the Board for recognition of their support of the USAR team. Without objection, it was so ordered.

37. **TWENTY-SECOND ANNUAL SPRINGFIELD DAYS CELEBRATION**
(1:14 p.m.)

Jointly with Supervisor Cook, Supervisor Herrity, and Chairman Bulova, Supervisor McKay said that this year will be the twenty-second annual Springfield Days celebration from Thursday, June 3 through Sunday, June 6.

Supervisor McKay noted that Springfield Mall will be the site of the Family-Fest during all four days and will feature children's entertainment, games, rides, food, and music.

On Friday, June 4 there will be a student film fest at American Legion Post 176. On Saturday, June 5, the South Run RECenter will host a fitness fest and a family fun run. There will be complimentary workouts and fitness assessments, exercise demos, and raffles. Also on Saturday, the Springfield Art Guild will exhibit the works of local artists at the Springfield Mall venue. Annual PetFest and Paws-on-Parade will round out the Saturday events.

On Sunday, June 6 there will be an early morning Springfield run followed later by the annual Cardboard Boat Regatta at Lake Accotink Park. Supervisor McKay said that this celebration has many partners that make this all possible including the Greater Springfield Chamber of Commerce, the Park Authority (Lake Accotink Park and South Run RECenter), the Springfield Art Guild, Colonial Animal Hospital, Leith Graphics, Springfield Mall, the Springfield Civic Association, the Police Department, American Legion Post 176, and generous sponsors from the local business community.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to:

- Prepare a proclamation declaring June 3–6 as “*Springfield Days*” in Fairfax County.
- Invite the Springfield Days Steering Committee to appear before the Board on May 25 to be recognized and receive the proclamation.

Without objection, it was so ordered.

38. **HONORING LAKE BRADDOCK SECONDARY SCHOOL AND BAND DIRECTOR, ROY HOLDER (BRADDOCK DISTRICT)** (1:17 p.m.)

Supervisor Cook announced that the Lake Braddock Secondary School Band has been invited to perform in China. He said that members of the Symphonic Band, Concert Band I and Concert Band II, will be overseas today through April 1 and give five performances. He noted that the band has been named a Virginia Honor Band for 29 consecutive years.

Supervisor Cook noted that the man leading the program deserves some recognition as well. Mr. Roy Holder has been an integral part in the band's successes during his 22 years as band director and has recently been elected to the prestigious American Bandmaster's Association, one of only a handful of high school band directors to achieve this honor.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs:

- Publicize these achievements.
- Invite Mr. Holder to appear before the Board on May 11.

Without objection, it was so ordered.

A brief discussion ensued regarding the schedule, with input from Merni Fitzgerald, Director, Office of Public Affairs.

39. **FINANCIAL LITERACY MONTH** (1:19 p.m.)

Supervisor Cook said that the County Schools has, with the support of local businesses, partnered with Junior Achievement of the National Capital Area, an organization dedicated to educating students about workforce readiness, entrepreneurship and financial literacy.

Supervisor Cook noted that they are constructing a state-of-the-art 20,000 square foot facility at the Frost-Woodson Campus that is designed to prepare young people for the real world by showing them how to generate wealth and effectively manage it, and learn the value of contributing to their communities. The program will provide an information base for some slightly more complex but equally important topics like the role of financial institutions and the advantages and disadvantages of credit, interest, saving, and investing.

Therefore, Supervisor Cook asked unanimous consent that the Board:

- Proclaim the month of April as "*Financial Literacy Month*," in Fairfax County.

- Direct staff to invite representatives from Junior Achievement of the National Capital Area to appear at the April 27 Board meeting to speak about its organization and to be recognized for the vital service that it provides to the community.

Without objection, it was so ordered.

Following a brief discussion regarding financial literacy, Supervisor Hyland suggested that these school groups contact local financial regulators for their program assistance.

A brief discussion ensued regarding the schedule, with input from Merni Fitzgerald, Director, Office of Public Affairs.

40. **HONORING THE ROBINSON LADY RAMS SWIM TEAM, SOPHIE CHASE AND JACOB CRAWFORD FOR THEIR STATE CHAMPIONSHIPS (BRADDOCK DISTRICT)** (1:23 p.m.)

Supervisor Cook announced that the Robinson Lady Rams Swim team captured a second consecutive State championship in convincing fashion finishing with 227.5 points, 61.5 points more than the second place finisher.

Supervisor Cook said that Lake Braddock freshman Sophie Chase, a standout cross country performer as well, placed first in the State in the 3200 meter indoor track and field event.

Supervisor Cook also announced that Robinson sophomore Jacob Crawford won the 130-pound State Wrestling title with a 6 to 2 victory. Mr. Crawford finished the year with an incredible record of 45-2, outscoring his opponents during the State wrestling tournament by a combined score of 42-3.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite the Lady Rams Swim team, Ms. Chase and Mr. Crawford to appear before the Board on May 11 to be recognized for their achievements. Without objection, it was so ordered.

A brief discussion ensued regarding the schedule, with input from Merni Fitzgerald, Director, Office of Public Affairs.

41. **CUB RUN ReCENTER STAFF RECOGNITION (SULLY DISTRICT)** (1:25 p.m.)

Supervisor Frey said that on Sunday, March 21, Cub Run ReCenter lifeguard Ken Vu noticed a five-year-old boy at the bottom of the pool. Mr. Vu entered the pool and brought the child to the surface. He noticed the child was not breathing and attempted to ventilate the victim. He was assisted by lifeguard Stephanie Smith and Aquatic Assistant Manager Boris Arevalo. 911 was immediately called and the three continued to try and resuscitate the child. Their efforts were

successful and he began breathing and regained consciousness. The child is alive as a direct result of the skills and efforts of these three individuals.

Therefore, Supervisor Frey noted that the Fire and Rescue Department nominated these individuals for citizen lifesaving certificates and he asked unanimous consent that the Board direct staff to:

- Invite these three individuals to appear before the Board to be recognized for this accomplishment.
- Coordinate the two presentations.

Without objection, it was so ordered.

42. **REQUEST FOR CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2010-SU-001 AND A COMPREHENSIVE PLAN AMENDMENT (SULLY DISTRICT) (1:27 p.m.)**

Supervisor Frey said that on November 16, 2009, this Board initiated a Board's Own Motion to remove a parcel from the Centreville Historic Overlay District. Staff has been processing the associated applications and, to expedite the process, it would be helpful to have additional staff listed as agents of the Board for this application. He clarified that the intent of the original motion was to authorize a Comprehensive Plan amendment along with the zoning case to remove the parcel in question from the Overlay District, as maps outlining the district are included in the Plan text.

Therefore, Supervisor Frey moved that the Board:

- Direct staff to process a Comprehensive Plan Amendment concurrently with Rezoning Application RZ 2010-SU-001, to remove Tax Map Parcel 54-4 ((2)) 13 from the Centreville Historic Overlay District, and schedule the appropriate public hearings expeditiously.
- Authorize the County Executive and Kris Abrahamson and Tracy Strunk of the Department of Planning and Zoning to act as the agents of the Board in connection with Rezoning Application RZ 2010-SU-001.

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

43. **CONVEYANCE OF COUNTY PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)** (1:28 p.m.)

Supervisor Frey asked that staff initiate the process of conveying a parcel of County property to VDOT as part of the Route 28/Willard Road Interchange Improvement Project.

Supervisor Frey said that the parcel of land is located at the northeast corner of the Route 28/Willard Road interchange and was originally dedicated to the County for public street purposes in accordance with the proffer.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to begin the process and take the appropriate steps to convey the aforementioned parcel of land to VDOT. Without objection, it was so ordered.

44. **HUNTER MILL SKATE PARK ON WHEELS (HUNTER MILL DISTRICT)** (1:29 p.m.)

Supervisor Hudgins said that on Saturday, April 3, the Hunter Mill District office and the Town of Vienna Department of Parks and Recreation are co-hosting a Skate Park on Wheels at the Vienna Volunteer Fire Department from 2 p.m. until 5 p.m. The event will feature a portable skateboard facility complete with ramps, rails, and jumps, geared for beginners through novices, ages 6 and older. This free event is made possible through the contribution of American Inline Skating.

Therefore, Supervisor Hudgins moved that the Board direct the Office of Public Affairs to assist in disseminating information about the Skate Park on Wheels event on April 3, 2010, at Vienna Volunteer Fire Department, 400 Center Street, in Vienna. Supervisor Foust seconded the motion and it carried by unanimous vote.

45. **GIRL POWER DAY** (1:30 p.m.)

Supervisor Hudgins said that for 11 years Girl Power, an organization sponsored by the Fairfax-Falls Church Community Services Board and the Public Schools, along with private sector and non-profit support, has helped to encourage and empower girls in the 9 to 14 year old age group to build self-esteem and leadership skills. Studies show that girls tend to lose self confidence and experience low self-esteem, become less physically active, and school performance starts to deteriorate during this critical age period. The goal of Girl Power is to empower girls from across the County with positive information through workshops on life building skills.

Supervisor Hudgins referred to her written Board Matter and shared two success stories.

Therefore, Supervisor Hudgins moved that the Board:

- Proclaim May 22, 2010, as “*Girl Power Day*” in Fairfax County.
- Direct staff to invite representatives of Girl Power to appear before the Board on May 11 to be recognized for their dedication to such a worthwhile organization that benefits the young women in the community.

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

A brief discussion ensued regarding the schedule, with input from Merni Fitzgerald, Director, Office of Public Affairs.

46. **MOTION TO RECONSIDER BOARD ACTION ON PROFFERED RESIDENTIAL COMMUNITY APPLICATION PRC 2009-HM-014 (HUNTER MILL DISTRICT)** (1:32 p.m.)

Supervisor Hudgins said that on March 9, 2010, the Board approved Planned Residential Community Application PRC 2009-HM-014, for the Reston Hospital Center LLC. She said that it had come to her attention that the application number provided in the approval motion for the PRC Plan was in error. The correct application number is Planned Residential Community Application PRC 2009-HM-014, instead of Planned Residential Community Application PRC 2009-HM-004 which was mentioned in the approval motion.

Therefore, Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC 2009-HM-014, subject to the development conditions dated January 25, 2010.
- Modification of the transitional screening and barrier requirements along the periphery of the site to that shown on the PRC Plan.

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

47. **TAX RELIEF WORKSHOPS (HUNTER MILL DISTRICT)** (1:34 p.m.)

Supervisor Hudgins announced that staff from the Tax Relief Division of the Department of Tax Administration (DTA) will be conducting two Senior Tax Relief workshops in Hunter Mill District. Seniors will be able to meet with staff and go over all eligibility criteria. The workshops will be held as follows:

Friday, April 23, 2010 - 10 a.m. until Noon
Reston Community Center
2310 Colts Neck Road
Reston, VA 20191

Wednesday, April 28, 2010 - 10 a.m. until Noon
Vienna Community Center
120 Cherry Street,
Vienna, VA 22180

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to work with DTA to publicize these meetings so that eligible residents may take advantage of the County's Tax Relief Program. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to publicize other additional tax workshops being held throughout the County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

48. **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)
EMERGENCY CONTINGENCY FUND** (1:34 p.m.)

Supervisor Hudgins said that on February 2, US Representative Jim McDermott (D-WA) introduced the Emergency Jobs Program and Assistance for Families Extension Act (HR 4564). HR 4564 extends for one year the TANF Emergency Contingency Fund (ECF), which is set to expire on September 30.

The ECF has been used to support jobs in 21 states and DC, particularly for populations with high unemployment rates and great need. This includes summer jobs programs for low-income youth and programs that help participants enter the labor market as they gain experience and connect with employers.

The ECF has also helped provide basic cash assistance to an increasing number of unemployed and poor families with children. Because cash assistance and these subsidized wages are going to low-income families, they are usually spent quickly on basic needs, boosting local economies. Letting the ECF expire would mean a huge hit to many of these already hurting local economies.

Given the status of the Commonwealth's budget and that many of the State cuts will affect County residents, Supervisor Hudgins said that it is safe to assume that the County will continue to see increasing demands for County services with a heavy impact of the County's already overburdened social service system. She added that the County is currently working to leverage local funds to access state dollars via this funding stream.

Therefore, Supervisor Hudgins moved that the Board direct staff to send a letter to the Congressional delegation alerting them to the County's use of this fund, and request that they support this legislation, and work to move it accordingly.

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

49. **CONSIDERATION ITEMS FOR FISCAL YEAR (FY) 2011 BUDGET**
(1:37 p.m.)

Supervisor Hyland moved that the Board consider the following budget items for restoration in the FY 2011 Budget:

- Elimination of Middle Schools' School Resource Officers - \$2,104,480
- Reduce Police Citizen Aide positions - \$772,48
- Elimination of the Marine Patrol - \$222,287
- Elimination of the daytime lock up at Mount Vernon Intake Center - \$160,000
- Reduce Hours of 4 Basic Life Support (BLS) Units - \$953,735
- Elimination of the Seventh Battalion - \$692,705
- Elimination of the Hazmat Support Unit - \$452,825
- Eliminate weekend fireboat patrols - \$10,000
- Elimination of one supervisory Substance Abuse Counselor in Prevention Services - \$84,235
- Reduce one Mental Health Forensic staff position at the Adult Detention Center - \$80,497
- Eliminate one Substance Abuse Counselor in Alcohol Drug Services Jail Services - \$73,075
- Eliminate purchase of contracted intellectual disability services in-home respite services - \$275,008
- Reduce One Substance Abuse Counselor Position in the Cornerstones Program - \$73,075
- Eliminate County funding for the Mental Health Adult Day Treatment Site at Northwest/Reston Community Mental Health Center - \$497,244

- Eliminate emergency services at Northwest Center for Community Mental Health - \$88,385
- Eliminate emergency services at Mount Vernon Center for Community Mental Health - \$172,619

Supervisor McKay seconded the motion.

Chairman Bulova announced for the record that Board Members are not required to provide a list of items they want restored. Items on the list are simply considered, not automatically restored.

A brief discussion ensued regarding consolidation of services.

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

50. **REQUEST TO RECOGNIZE MR. VINCE BOLLON** (1:40 p.m.)

(BACs) Supervisor Hyland referred to his written Board Matter which outlined Mr. Vince Bollon's many accomplishments which included chairmanship of the Uniformed Retirement Board.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Mr. Bollon to appear before the Board to be recognized for his service to firefighters of the country. Without objection, it was so ordered.

51. **REQUEST FOR RECOGNITION OF COUNTY STAFF ON THE SUCCESS OF THE COMPUTER AIDED DISPATCH SYSTEM** (1:41 p.m.)

Supervisor Hyland said that on March 8, County Executive Anthony H. Griffin distributed a memorandum outlining the success the County has had utilizing grant funding to improve public safety interoperability. He noted that the Computer Aided Dispatch system allowed units from different Virginia jurisdictions to provide mutual aid much faster, greatly reducing response times.

Supervisor Hyland referred to his written Board Matter which outlined the performance of this system.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite staff to appear before the Board to be recognized for this amazing accomplishment. Without objection, it was so ordered.

52. **DULLES RAIL TAX DISTRICTS MEETINGS AND INTENT TO DEFER A PUBLIC HEARING (MOUNT VERNON DISTRICT)** (1:43 p.m.)

Following discussion of the afternoon agenda, with input from Anthony H. Griffin, County Executive, Chairman Bulova noted that there were meetings scheduled this afternoon for the Dulles Rail Phase I Transportation Improvement District Commission and the Dulles Rail Phase II Transportation Improvement District Commission.

Chairman Bulova announced that later in the meeting, at the appropriate time, the public hearing on Special Exception Amendment Application SEA 79-V-093-02 would be deferred until April 27, 2010, at 4 p.m.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #59.)

53. **RECESS/CLOSED SESSION** (1:44 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. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Record No. 091925 (Va. Sup. Ct.) (Providence District)
 2. *Falls Church Construction Corporation v. Fairfax County Redevelopment and Housing Authority and FCRHA Olley Glen LP*, Case No. CL- 2010-0000873 (Fx. Co. Cir. Ct.) (Braddock District)

3. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Record No. 100260 (Va. Sup. Ct.)
4. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto*, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)
5. *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)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY West Spring Plaza, LLC*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gene C. Ballard*, Case No. CL-2009-0009095 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Silva-Guzman*, Case No. CL-2009-0018052 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jean-Philippe Krukowicz and Benedicte A. Krukowicz*, Case No. CL-2009-0016208 (Fx. Co. Cir. Ct.) (Mason District)
10. *Board of Supervisors of Fairfax County, Virginia v. Park View Limited Partnership and Developers Surety and Indemnity Company*, Case No. CL-2009-0003280 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafat Mahmood and Shaista Mahmood*, Case No. CL-2009-0005621 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Claros and Fortunata*

- Claros*, Case No. CL-2009-0011914 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Keun-Hoon Lee and Young Ja Lee, a/k/a Yong Ja Lee*, Case No. CL-2009-0013425 (Fx. Co. Cir. Ct.) (Mason District)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gustavo A. Veliz and Veronica Darcy Cortez-Veliz*, Case No. CL-2009-0014879 (Fx. Co. Cir. Ct.) (Mason District)
 15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sarah Soruco and Medardo Villanueva*, Case No. CL-2009-0013750 (Fx. Co. Cir. Ct.) (Mason District)
 16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. CL-2009-0008424 (Fx. Co. Cir. Ct.) (Providence District)
 17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kyung Jin Cho*, Case No. CL-2009-0014661 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
 18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eugenio Valenzuela Rivas*, Case No. CL-2009-0011619 (Fx. Co. Cir. Ct.) (Mason District)
 19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maritza Rodriguez and Virgilio Hernandez*, Case No. CL-2009-0013204 (Fx. Co. Cir. Ct.) (Mason District)
 20. *L. Ray Pylant, Building Official for Fairfax County, Virginia, in His Capacity as Property Maintenance Code Official for Fairfax County, Virginia v. Spring Hill Seniors, LLC*, Case No. CL-2010-0002925 (Fx. Co. Cir. Ct.) (Mount Vernon District)

21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter J. Ferrara*, Case No. CL-2010-0002311 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juliette Mendonca*, Case No. CL-2010-0002418 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria T. Rivera*, Case No. CL-2010-0002570 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kye Ok Hwang*, Case No. CL-2010-0002569 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcleino De La Via and Julieta De La Via*, Case No. CL-2010-0002567 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor Veizaga and Benedicta Chambi*, Case No. CL-2010-0002571 (Fx. Co. Cir. Ct.) (Providence District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joshua James McKinney and Amanda Anne McKinney*, Case No. CL-2010-0002668 (Fx. Co. Cir. Ct.) (Dranesville District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor M. Valencia and Maria Palacios*, Case No. CL-2010-0002667 (Fx. Co. Cir. Ct.) (Providence District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tacklin U. Evangelista and Fe Peralta Evangelista*, Case No. CL-2010-0002793 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ragnar Magnusson*, Case No. CL-2010-0002792 (Fx. Co. Cir. Ct.) (Providence District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth N. Hodge and Linda J. Hodge*, Case No. CL-2010-0003046 (Fx. Co. Cir. Ct.) (Springfield District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyun B. Lee and Sook J. Lee*, Case No. CL-2010-0003306 (Fx. Co. Cir. Ct.) (Mason District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara McMurray*, Case No. CL-2010-0003307 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manzer Alam, a/k/a Alam Manzer*, Case No. CL-2010-0003304 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Board of Trustees of Shalom Presbyterian Church, a/k/a The Trustees of Shalom Presbyterian Church of Washington*, Case No. CL-2010-0003305 (Fx. Co. Cir. Ct.) (Springfield District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tri Anh Dang and Anh Tru Nguyen*, Case No. CL-2010-0003130 (Fx. Co. Cir. Ct.) (Mason District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Lewis*, Case No. 10-0001807 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Claudio Perez-Labrayo*, Case Nos. 09-0032787 and 09-0032788 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bong R. Suh*, Case Nos. 10-0002840 and 10-0002841 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emmanuel T. Arcenas and Gina D. Arcenas*, Case Nos. 10-0004490 and 10-0004533 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Board of Supervisors of Fairfax County, Virginia v. Monarch Equities, LLC*, Case No. CL-2010-0002565 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Board of Supervisors of Fairfax County, Virginia v. CCI Herndon SA, LLC, Case Number CL-2009-000523
- Notice of Violation for 12000 Chapel Road
- House Bill 374, Regarding the Collection of Cash Proffers
- County of Fairfax Personnel Regulation 4.5
- Fairfax County Water Authority v. City of Falls Church; Case Number CL-2008-16114

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

DET:det

At 3:45 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

54. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:45 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 Smyth and Chairman Bulova jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

55. **LETTER TO THE GOVERNOR** (3:46 p.m.)

Supervisor McKay moved that the Board direct legislative staff to draft a letter, on behalf of the Board, to be signed by the Chairman, to the Governor, requesting his veto of House Bill HB 374 and Senate Bill SB 632, on the grounds that the Board has been advised that such legislation may be unconstitutional and erodes the Board's proffer authority. Supervisor Smyth seconded the motion.

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

56. **SETTLEMENT OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, VERSUS CCI HERNDON SA, LLC, CASE NUMBER CL-2009-0005253** (3:47 p.m.)

Supervisor Frey moved that the Board authorize the County Attorney to settle the case currently pending in the County Circuit Court styled *Board of Supervisors of Fairfax County, Virginia, versus CCI Herndon SA, LLC*, Case Number CL-2009-0005253, on the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-LE-022 [BB&T (SUCCESSOR IN INTEREST TO MOUNT VERNON NATIONAL BANK AND TRUST COMPANY)] (LEE DISTRICT)** (3:48 p.m.)

The application property is located at 6618 Richmond Highway, Tax Map 93-1 ((27)) 1B and 3C.

Mr. Benjamin F. Tompkins reaffirmed the validity of the affidavit for the record.

Mr. Tompkins 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, Brenda Cho, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Special Exception Application SE 2009-LE-022, subject to the development conditions dated March 17, 2010.
- Waiver of the loading space requirement.
- Modification of the minimum lot size and rear yard requirements in the Commercial Revitalization District to that shown on the SE Plat.
- Modification of the Richmond Highway Corridor Area Streetscape Elements to that shown on the SE Plat.
- Waiver of the frontage improvements with the implementation of the development conditions.
- Waiver of the service drive requirement with the implementation of the development conditions.

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

58. 3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-D-025 (VINSON HALL CORPORATION) (DRANESVILLE DISTRICT) (3:53 p.m.)

The application property is located at 6251 Old Dominion Drive, Tax Map 31-3 ((1)) 77A and 83

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle 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, Supervisor Foust submitted items for the record.

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

Supervisor Foust moved:

- Approval of Special Exception Amendment Application SEA 87-D-025, subject to the development conditions dated February 26, 2010.
- Waiver of Section 9-306 of the Zoning Ordinance to permit a maximum building height of 56 feet for the proposed independent living facility and 65 feet for the existing independent living facility, rather than 50 feet.
- Waiver of Section 9-306 of the Zoning Ordinance to allow the assisted living facility units on the site to be occupied by residents other than those moving from the independent living facility.
- Modification of the Countywide Trails requirement along Old Dominion Drive and Kirby Road to permit the existing and proposed sidewalks, as depicted on the SEA Plat.
- Waiver of Section 6-0303.8 of the Public Facilities Manual to permit the use of an underground detention facility in a residential area, subject to the development conditions entitled Waiver Number 6713-WPFM-001-1, dated September 24, 2009, as contained in Appendix Eight of the staff report.

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

59. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-V-093-02 (MCDONALD'S CORPORATION) (MOUNT VERNON DISTRICT)** (4:04 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Amendment Application SEA 79-V-093-02 until **April 27, 2010, at 4 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

60. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-M-075 (MUBARAK CORPORATION, TRADING AS EUROMARKET CHEVRON AND ROUTE 7-50 RETAIL, LLC) (MASON DISTRICT)** (4:04 p.m.)

The application property is located at 6318 Leesburg Pike, Tax Map 51-3 ((1)) 33 and 34.

Mr. John H. Thillmann reaffirmed the validity of the affidavit for the record.

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

- Mr. John H. Thillmann

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

- Mr. John H. Thillmann

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

- Mr. John H. Thillmann

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

- Mr. John H. Thillmann

Mr. Thillman 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, Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 97-M-075, subject to the development conditions dated March 3, 2010.
- Reaffirmation of the previously approved waiver of the service drive along Route 7.

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

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-HM-010 (GEORGE B. AND CAROLYN L.E. SAGATOV) (HUNTER MILL DISTRICT)** (4:12 p.m.)

The application property is located at 10120 Wendover Drive, Tax Map 27-4 ((1)) 14C1.

Ms. Sarah E. Hall reaffirmed the validity of the affidavit for the record. Sarah E. Hall.

Following a brief description of the application by Kellie-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), discussion ensued with input from Cathy Lewis, Branch Chief, Rezoning and Special Exception Evaluation Branch, ZED, DPZ, and Ms. Goddard-Sobers concerning parcel ownership and connection of the existing driveway to Wendover Drive.

Ms. Hall 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 concerning:

- Provisions for tree preservation
- A dedicated parcel of land
- The adjacent lot
- The roadway
- Driveway access
- By-right development

with input from Ms. Lewis regarding tree bonding and Ms. Hall concerning the dedication and the driveway location.

Following the presentation of Mr. Paul Johnson, Speaker One, discussion ensued concerning shared driveways.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins submitted items for the record.

Ms. Lewis presented an alternative proposal noting the environmental sensitivity of the area.

Ms. Goddard-Sobers presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved to defer decision on Special Exception Application SE 2008-HM-010 until April 6, 2010, at 3:30 p.m. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

62. **4 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-015 (ANA L. CORNEJO) (MASON DISTRICT)** (4:46 p.m.)

(NOTE: On March 9, 2010, the Board held a public hearing regarding this item and deferred decision until March 23, 2010.)

The application property is located at 4921 Backlick Road and 4954 Sunset Lane, Tax Map 71-3 ((1)) 24A and 71-4 ((1)) 20.

Supervisor Gross stated that in response to contentions made at the March 9 meeting, the Board had received a memorandum from Kris Abrahamson, Branch Chief, Rezoning and Special Exception Application Branch, Zoning Evaluation Division, Department of Planning and Zoning, which rebut those contentions. Therefore, she asked unanimous consent that the Board direct staff to include the memorandum as part of the public record. Without objection, it was so ordered.

Supervisor Gross added that since the public hearing, additional work had been done on the application and identified several new modifications and revisions.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2009-MA-015, subject to the development conditions dated March 16, 2010.
- Direction to the Director of the Department of Public Works and Environmental Services to waive Section 2-0103.2 of the Public Facilities Manual.

- Waiver of the sidewalk and trail requirement along Backlick Road in favor of County Project Number 4YP201-PB025.

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

63. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S09-IV-LP2 FOR PROPERTY LOCATED SOUTH OF LORTON ROAD BETWEEN INTERSTATE 95 AND SANGER STREET (MOUNT VERNON DISTRICT)** (4:52 p.m.)

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

Aaron Klibaner, Planner II, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland submitted items for the record.

Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

Supervisor Hyland moved that the Board adopt the following recommendation for Plan Amendment S09-IV-LP2:

- Modify the Plan language for tax map parcels 107-4 ((1)) 75A, 77, 78, 79, 80, 81 and 82, as found in the handout dated March 23, 2010, which would modify the land use recommendation for the subject property to include office use to accommodate medical office use and medical care facilities; hotel or assisted living facility uses may also be appropriate with the remaining parcels mentioned above are planned for an overall intensity up to .40 FAR (253,000 square feet) derived from a property area of 14.55 acres, subject to conditions relating to mitigation of transportation impacts, parcel consolidation, building placement, appropriate ancillary uses, provision of structured parking, utilization of low impact development features, underground stormwater detention, screening and buffering from adjacent residential uses, minimizing clearing and grading, minimizing noise and lighting impacts on surrounding neighborhoods and contributions for transportation improvements as outlined in the March 23, 2010, handout entitled “Plan Amendment S0-IV-LP2.”

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

64. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7206 POPLAR STREET (MASON DISTRICT)** (5:03 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 March 4 and March 11, 2010.

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, Department of Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Mr. Blackford, concerning the length of ownership and abandoned utilities.

Following the public hearing, Supervisor Gross moved:

- Adoption of the Ordinance declaring 7206 Poplar Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7206 Poplar Street.

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

65. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6439 LITTLE OX ROAD (SPRINGFIELD DISTRICT)** (5:10 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 March 4 and March 11, 2010.

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Herrity moved:

- Adoption of the Ordinance declaring 6439 Little Ox Road blighted, constituting a nuisance.

- Approval of the blight abatement plan for 6439 Little Ox Road.

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

66. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5400 GOOLSBY WAY (SPRINGFIELD DISTRICT)** (5:19 p.m.)

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

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by two speakers, discussion ensued concerning notification with input from Jessica Berdick, Property Maintenance Inspector, Spot Blight Abatement Program, Enhanced Code Enforcement Strike Team, Department of Public Works and Environmental Services, concerning the information provided to the owner.

Supervisor Herrity moved:

- Adoption of the Ordinance declaring 5400 Goolsby Way blighted, constituting a nuisance.
- Approval of the blight abatement plan for 5400 Goolsby Way.

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

Supervisor Herrity noted that his office will continue to work with the owner and staff in an effort to bring the property into compliance within 30 days.

67. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-DR-008 (OAKCREST SCHOOL) (DRANESVILLE DISTRICT)** (5:31 p.m.)

The application property is located on the south side of Crowell Road approximately 1,200 feet east of its intersection with Hunter Mill Road and north of Dulles Toll Road, Tax Map 18-4 ((1)) 26C; 18-4 ((8)) A and 4.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle 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, which included testimony by 13 speakers, Supervisor Foust and Chairman Bulova submitted items for the record.

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following a lengthy summation of the application, Supervisor Foust moved:

- Approval of Special Exception Application SE 2009-DR-008, subject to the development conditions dated March 23, 2010.
- Modification of the transitional screening requirements on the east and south in favor of existing vegetation and as shown on the SE Plat.
- Modification of the location of the required barrier along the eastern and southern boundaries in favor of that shown on the SE Plat.

Supervisor Herrity, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

68. **INTRODUCTION OF SEERAT SANDHU, AN INTERN IN THE OFFICE OF THE CLERK TO THE BOARD** (6:54 p.m.)

Chairman Bulova introduced Seerat Sandhu, an intern with the Office of the Clerk to the Board, who is a junior at Fairfax High School and a resident of the Sully District. On behalf of the Board, she warmly welcomed her to the Board Auditorium.

69. **BOARD ADJOURNMENT** (6:54 p.m.)

The Board adjourned.

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