



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 22, 2011**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 22, 2011, at 9:36 a.m., there were present:

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

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

BOARD MATTERS1. **ORDERS OF THE DAY** (9:36 a.m.)

Chairman Bulova announced that shortly following presentations, the Board will hear from Anthony H. Griffin, County Executive, regarding the advertised budget.

2. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Dale Edwards who recently died. She said that since 1967 until this past Thursday Mr. Edwards had been an instrument in the County and the community of Reston, including serving as the County's first Economic Development Director.

Chairman Bulova asked everyone to keep in thoughts the men and women who keep everyone safe by putting themselves in harm's way.

AGENDA ITEMS3. **RESOLUTION OF RECOGNITION PRESENTED TO HERNDON HIGH SCHOOL (DRANESVILLE AND HUNTER MILL DISTRICTS)** (9:39 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to representatives of Herndon High School for its one hundredth anniversary and the contributions it has made to the County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. SUSAN KINSLEY (SPRINGFIELD DISTRICT)** (9:49 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Susan Kinsley, a teacher at West Springfield High School, for being selected by the National Association of Biology Teachers as the 2010 Outstanding Biology Teacher in Virginia. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE HERNDON WOMAN'S CLUB (DRANESVILLE DISTRICT)** (9:53 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the Herndon Woman's Club for its seventieth anniversary of outreach and commitment to the Herndon community. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED TO RESTON HOSPITAL CENTER (HUNTER MILL DISTRICT)** (9:59 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to representatives of Reston Hospital Center for its twenty-fifth anniversary and service to the Reston community and the 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.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MS. KATHY ICHTER (BRADDOCK DISTRICT)** (10:06 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Kathy Ichter, Director, Department of Transportation, for 27 years of noteworthy and dedicated service to the County upon her retirement. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING MARCH 2011 AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (10:28 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate March 2011 as "*Alternative Dispute Resolution Month*" in Fairfax County. Supervisor Cook and Supervisor Foust jointly seconded the motion and it carried by unanimous vote.

NV:nv

9. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:38 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, expressed appreciation to Members of the Board who participated in the reception in Richmond last week. He briefed the Board on the status of General Assembly activities prior to adjournment on Saturday, February 26.

Supervisor McKay moved that the Board adopt Legislative Report Number Three. Supervisor Foust seconded the motion, and it carried by a vote of eight, Supervisor Cook and Supervisor Herrity being out of the room.

10. **10:45 A.M. – PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2012 BUDGET** (10:44 a.m.)

Anthony H. Griffin, County Executive, presented his proposed FY 2012 Budget and distributed copies of the PowerPoint presentation with the theme of balance.

He noted that the budget is available on the County's website at www.fairfaxcounty.gov/budget. He will also engage in an online discussion on February 23 on *Ask Fairfax*.

With reference to Slide 17 of the presentation, Chairman Bulova stated that later in the meeting she would present a Board Matter regarding taking advantage of the current low cost of construction in relation to schools and other projects.

(NOTE: Later in the meeting, Chairman Bulova presented her Board Matter. See Clerk's Summary Item #17.)

With reference to Slide 22 regarding intensive community treatment teams with the Fairfax-Falls Church Community Services Board, Supervisor Gross asked unanimous consent that the Board direct staff to determine the impact on the County if those persons undergoing treatment in State facilities are returned to community programs. Following input from Mr. Griffin regarding a shortage of beds, without objection, it was so ordered.

With reference to Slide 26 regarding using cable (television) funding for a Police Department in-car video system, Supervisor Gross asked unanimous consent that the Board direct staff to determine whether this is a sustainable funding source. Following input from Mr. Griffin, without objection, it was so ordered.

Discussion ensued regarding stormwater and total maximum daily loads (TMDLs), with input from Mr. Griffin.

Following discussion regarding the general fund receipts pie chart (Slide 6) and delinquency rates for real estate and personal property taxes, with input from Mr. Griffin, Supervisor McKay asked unanimous consent that the Board direct the Department of Tax Administration to respond with additional actions that could be taken to improve the personal property tax collection. Without objection, it was so ordered.

Discussion ensued regarding School Health Program positions (Slide 21), with input from Susan W. Datta, Director, Department of Management and Budget, and Mr. Griffin. Supervisor McKay asked unanimous consent that the Board direct staff to provide more information regarding the State funding issues that the Schools are facing and how they affect recurring expenses. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board discussed the requirements for the School Health Program. See page 5.)

Following discussion, with input from Mr. Griffin, Supervisor McKay noted for the record that the projected health insurance premium increase (Slide 19) would be proportionally shared with employees and the figure of \$8.7 million is only the County's share.

Discussion ensued regarding funding for the Focus Project (the replacement of legacy corporate computer systems), with input from Mr. Griffin, and Edward L. Long, Jr., Deputy County Executive.

Further discussion ensued regarding employee compensation and bonuses as well as the real estate tax rate required to keep the average homeowner's bill the same (\$1.065), with input from Mr. Griffin.

(NOTE: Later in the meeting, the Board authorized the advertisement of a real estate tax rate. See Clerk's Summary Item #13.)

With reference to workers compensation/self-insurance (Slide 20), Supervisor Foust asked unanimous consent that the Board direct staff to provide backup documentation for the calculation. Following input from Mr. Griffin, without objection, it was so ordered.

(NOTE: Earlier in the meeting, the Board posed a budget question regarding State funding for the School Health Program. See page 4.)

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

- School health program resources requirements (Slide 21)
- Reorganizations (Slide 27)
- The Showmobile (Slide 27)
- The Line of Duty Act benefits (Slide 20)
- Kudos and appreciation to the County Executive and budget staff
- County's pension funds
- Projected year-end carryover
- Police and fire overtime

Supervisor Cook asked unanimous consent that the Board direct the County Executive to provide a menu of budget items that could be reduced. Following input from Mr. Griffin, without objection, it was so ordered.

With reference to the Child Care Assistance and Referral Program, (Slide 21), Supervisor Hudgins asked unanimous consent that the Board direct staff to provide an explanation of the fully funded measure, who has been served, and the cost. Without objection, it was so ordered.

Discussion ensued regarding the budget for the Department of Fire and Rescue, with input from Mr. Griffin.

Supervisor Frey asked unanimous consent that the Board direct staff to provide some dollar figures for potential costs for additional County employee compensation options such as a one-time bonus. Following input from Mr. Griffin, without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide information regarding tax implications of bonuses to include both net and gross figures. Following input from Mr. Griffin, without objection, it was so ordered.

Following an expression of appreciation to staff, Chairman Bulova highlighted the key dates for the FY 2012 Budget as follows:

- March 8 – Third Quarter Review to Board
- March 15 – Budget Committee, 2 p.m.
(County and School Budget Presentation, Q and As)
- March 22 – Budget Committee, 2 p.m.
(Human Services Council, Third Quarter, Q and As)
- March 29-31 – Board Budget Public Hearings
- April 8 – Budget Committee, 2 p.m. (Pre-Markup)
- April 12 – Budget Markup and Approval of Third Quarter
- April 26 – Budget Adoption
- May 26 – School Board adopts its budget

Other Budget Meetings:

Supervisor Smyth announced that she and Providence District School Board Representative Patricia S. Reed will hold a joint community budget meeting on March 2 at 7 p.m. at Luther Jackson Middle School.

Supervisor Herrity announced two meetings:

- Wednesday, March 23, at 7:30 p.m., at West Springfield High School
- Thursday, March 24, at 7:30 p.m., at the Government Center in Rooms 9 and 10

Supervisor Foust announced three meetings that will begin at 7 p.m.:

- March 16 at Herndon Town Council chambers
- March 23 at McLean Community Center
- March 24 at the Great Falls Library

Supervisor Gross announced that her spring town meeting will feature the budget and will be held Monday, March 28 at 7 p.m. at the Bren Mar Park Elementary School.

Supervisor Hudgins announced two Saturday meetings that will also include tax relief information:

- March 19, from 10 a.m. until 12 noon, at the Vienna Community Center
- March 26, from 10 a.m. until 12 noon, at the Reston Community Center

Supervisor Frey announced the Sully District budget meeting on March 14 at 7 p.m. at the lecture hall at Chantilly High School.

Supervisor Cook announced the following budget meetings:

- Wednesday, March 9, at 7:30 p.m., at Kings Park Library, sponsored by the Braddock District Council
- Braddock District, Monday, March 14, at 7:30 p.m., at Robinson Secondary School, in the recital hall
- Wednesday, March 23 – joint meeting with Supervisor Herrity at West Springfield High School (See above.)
- Tuesday, March 15, at 7:30 p.m., at Annandale PTSA, to be attended by both Supervisor Cook and Supervisor Gross

Supervisor Hyland announced a meeting on Thursday, February 24, at 7:30 p.m. at Walt Whitman Middle School.

Mr. Griffin expressed appreciation to staff and noted that this would be Mr. Long's last (and perhaps, thirty-fifth) budget cycle. The Board gave Mr. Long a round of applause and mused on the total of the County's budget 35 years ago.

EBE:ebe

11. **11:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:07 p.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the revised “Appointments to be Heard February 22, 2011,” distributed around the dais to include the appointment to Celebrate Fairfax distributed separately by Supervisor Frey. Supervisor Frey and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Sully District Representative.

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. Kelsey M. Phipps as the Lee District Representative.
- Mr. Abdel-Rahman Hamed as the Mason District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

Appointment of Mr. Edward H. Robichaud as the Hunter Mill District Representative.

The Board deferred the appointment of the Mason District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Reappointments of:

- Mr. Matthew Arnold as the Design Professional #2 Representative.
- Mr. Michael LeMay as the Design Professional #4 Representative.

- Mr. John Scott as the Alternate #3 Representative.
- Ms. Susan Kim Harris as the Alternate #4 Representative.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Appointment of Mr. Jason Chung as the At-Large #2 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Providence District Representative.

CHILD CARE ADVISORY COUNCIL

Reappointment of Ms. Patricia Cornwell as the Sully District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD

Reappointment of Mr. Jim Edwards-Hewitt as the Mason District Representative.

The Board deferred the appointment of the Hunter Mill District Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Confirmation of Mr. Herbert Smith as the Federation of Citizens Association's Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmations of:

- Ms. Jean Packard as the League of Women Voters Representative.
- Mr. Paul Johnson as the Northern Virginia Building Industry Association Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Fairfax County and the Sully District Representatives.

GEOTECHNICAL REVIEW BOARD

Confirmation of Mr. Shaz Moosa, P.E. as the Primary #3 Representative.

HEALTH SYSTEMS AGENCY BOARD

Appointment of Mr. Andrew A. Painter as the Consumer #4 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointments of the At-Large Chairman's Representative and the Providence District Representative.

LAUREL HILL PROJECT ADVISORY CITIZEN OVERSIGHT COMMITTEE

Reappointments of:

- Mr. Timothy Sargeant as the At-Large #1 Representative.
- Mr. Douglas Wrenn as the #2 Representative.
- Mr. Robert Cosgriff as the #3 Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #7 Representative.

TENANT LANDLORD COMMISSION

Reappointment of:

- Mr. Michael McEneaney as the Landlord Member #3 Representative.

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

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the At-Large Chairman's Representative and the Hunter Mill District Representative.

TREE COMMISSION

The Board deferred the appointment of the Mason District Representative.

Confirmation of Mr. Jim McGlone as the Virginia Department of Forestry Representative.

NV:nv

12. **ADMINISTRATIVE ITEMS** (12:08 p.m.)

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

Supervisor Cook asked to amend the motion to consider Admin 2 - Authorization to Advertise Publication of the Fiscal Year (FY) 2012 Budget and Required Tax Rates separately, and this was accepted.

Supervisor Foust called the Board's attention to Admin 1 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers And Sewage Disposal), to Revise the Sewer Service Charges, Connection Charges, and Availability Charges. He and Supervisor Herrity commended staff for their work.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 2, and it carried by unanimous vote.

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

(A) (NOTE: Earlier in the meeting, there was a brief discussion of this item. See above.)

Authorized the advertisement of a public hearing to be held before the Board on **March 29, 2011, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), to revise the sewer service, connection, and availability fees.

ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2012 BUDGET AND REQUIRED TAX RATES

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

13. **ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2012 BUDGET AND REQUIRED TAX RATES**
(12:11 p.m.)

(A) Supervisor Gross moved that the Board authorize the advertisement of the following items for public hearings to be held before the Board on March 29-31, 2011:

- A brief synopsis of the FY 2012 Budget
- Proposed Tax Rates for Tax Year 2011, including a real estate tax rate of \$1.09
- Notice of public hearings on the Advertised Capital Improvement Program for FYs 2012 – 2016 (with Future FYs to 2021)

Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Supervisor Cook moved to amend the motion to advertise the real estate tax rate at \$1.07. Supervisor Frey and Supervisor Herrity seconded the amendment to the motion.

Following discussion regarding the advertised tax rate, Supervisor Herrity asked to amend the amendment to lower the advertised real estate tax rate to \$1.065, and this was accepted.

Following further discussion regarding the advertised real estate tax rate, the question was called on the amendment to the motion (setting the advertisement at \$1.065), and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “**AYE**.”

The question was called on the main motion, and it **CARRIED** by a vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “**NAY**.”

14. **A-1 – APPROVAL OF A PARKING REDUCTION FOR THE HAMPTON INN AND SUITES IN THE BAILEYS CROSSROADS/SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT (PROVIDENCE DISTRICT)** (12:29 p.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a parking reduction of **16.18** percent for parcel 51-3 ((1)) 1C

pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section A7-309, paragraph 3(A) on the conditions as outlined in the Board Agenda Item dated February 22, 2011. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Gross clarified that while most of the Baileys Crossroads/Seven Corners Commercial Revitalization District is in the Mason District, the subject property is in a small area of Providence District.

15. **A-2 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11120 AND APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT CONGESTION MITIGATION AND AIR QUALITY (CMAQ) AND REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) FUNDING FOR THE ROUTE 50 PEDESTRIAN INITIATIVE (PROVIDENCE AND MASON DISTRICTS)** (12:30 p.m.)

(SAR) (R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt:

- The Resolution approving, and authorizing staff to execute on behalf of the County, the Standard Project Administration Agreement, in substantial form, between DOT and the Virginia Department of Transportation.
- SAR AS 11120 for DOT to accept \$1,975,000 in CMAQ and RSTP funding to administer the Route 50 pedestrian initiative between Jaguar Trail and Seven Corners.

No local cash match is required.

Supervisor Smyth seconded the motion, which 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.”

Supervisor Gross noted that Route 50 is the dividing line between the Mason and Providence Districts and there will be improvements on both the north and south side of that highway.

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ADDITIONAL BOARD MATTERS

16. **BOARD RECOGNITIONS** (12:32 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 following groups to appear before the Board:
 - Jewish Community Relations Council to receive a proclamation recognizing May 1, 2011, as “*Holocaust Remembrance Day*” in Fairfax County.
 - Health Department to receive a proclamation recognizing “*Nurses Month*” in Fairfax County.
 - Health Department to receive a proclamation recognizing “*TB Awareness Month*” in Fairfax County.
 - Health Department to receive a proclamation recognizing “*Public Health Week*” in Fairfax County.
 - Economic Development Authority and local small businesses to accept a proclamation recognizing May 16-20, 2011, as “*National Small Business Week*” in Fairfax County.
- Prepare a proclamation and send it to the National Capital Chapter of the National Multiple Sclerosis Society recognizing March (sic) as “*MS Awareness Week*” in Fairfax County.

Without objection, it was so ordered.

17. **FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) CONSTRUCTION ACCELERATION PROGRAM** (12:33 p.m.)

Chairman Bulova said that as part of the annual budget process, the Board allocates part of the General Fund Budget to support school construction and renovation by issuing and serving bonds to fund the FCPS Capital Improvement Program (CIP). For the past few years, the Board has supported an allocation of \$155 million for school construction and renovation.

However, the current economic climate has created a unique opportunity to consider accelerating the CIP for FCPS. Recent school construction projects have received an increased number of bids and yielded lower costs than projected. It might be possible to take advantage of the current economics of construction to build several upcoming projects early without delaying projects further back in the queue.

Therefore, Chairman Bulova asked unanimous consent that the Board direct staff to:

- Meet with financial and facilities management staff from FCPS to discuss a possible strategy for capital improvement acceleration.
- Put this concept on the agenda for discussion and consideration at the joint Board of Supervisors/School Board Budget Committee meeting on March 15.

Supervisor Herrity asked to amend the request to include in the discussion the design build concept for schools, and this was accepted.

Supervisor Hudgins asked to amend the request to include in the discussion the collocation of services, and this was accepted.

Supervisor Foust asked to amend the request to include in the discussion the expansion of full day kindergarten, and this was accepted.

Supervisor Foust raised a question regarding whether the financial advantages of accelerating capital improvement programs that are available to schools are equally available to the parks, libraries, and others and discussion ensued, with input from Anthony H. Griffin, County Executive.

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

18. **APPOINTMENTS TO THE DISTRICT OF COLUMBIA (DC) WATER AND SEWER AUTHORITY (WASA)** (12:44 p.m.)

(APPTS) Chairman Bulova said that it has come to her attention that the terms of the County's appointees to the DC Water and Sewer Authority (WASA) have expired.

Therefore, Chairman Bulova moved that the Board:

- Approve the nominations of:
 - Anthony H. Griffin, County Executive, as the County's Principal Representative.

- James Patteson, Director of the Department of Public Works and Environmental Services, as the County's Alternate Representative to WASA.
- Direct the Clerk to prepare a letter to that effect to be sent to the Mayor of DC for action.

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

19. **NO BOARD MATTERS FOR MOUNT VERNON DISTRICT SUPERVISOR GERALD HYLAND** (12:45 p.m.)

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

20. **REPORT OF DRANESVILLE DISTRICT BUDGET TASK FORCE** (12:45 p.m.)

Supervisor Foust announced that he formed the Dranesville District Budget Task Force to assist him in evaluating and providing input on the County's budget. The task force is comprised of 14 residents from across Dranesville District. Many of the members have served for three years; others are new. Task force members have experience in private sector and public sector budgeting, public education, human services, and taxpayers' concerns. For the third consecutive year, Rip Sullivan served as the very effective chairman of the group.

Over several months, the Task Force has reviewed, evaluated, and discussed the upcoming Fiscal Year (FY) 2012 County Budget and the community's priorities with respect to revenues, services provided, and possible budget cuts. Given the significant portion of the County budget directed at schools, the task force focused once again on the issues and options facing the School Board. The task force also addressed the issue of compensation for both County and School personnel.

Supervisor Foust distributed copies of the Dranesville District Budget Task Force report around the dais. He stated that it is, in effect, an interim report since the task force will stay involved to provide input and assistance in evaluating the County Executive's Advertised Budget which was released today.

Therefore, Supervisor Foust moved that the Board direct staff to forward the report to the County Executive and that it be included in the public record and for consideration as the Board deliberates on the FY 2012 Budget. Supervisor Gross seconded the motion and it carried by unanimous vote.

21. **REDISTRICTING** (12:46 p.m.)

Supervisor McKay said that the redistricting schedule is already on a fast track and the County will now have to move even faster because the General Assembly and Governor have expedited the election schedule this year.

As originally passed by both the House and Senate, HB 1507 moved the June 14 primary date to August 23.

In accordance with Section 5 of the Federal Voting Rights Act, the County is required to preclear any redistricting change with the US Department of Justice. This preclearance is a 61-day procedure, so the Board will now have to adopt its plan by the April 26 Board meeting.

Supervisor McKay noted that the Board appointed an Advisory Citizen Reapportionment Committee to prepare redistricting alternatives for consideration by the Board. The preliminary redistricting schedule prepared by staff suggested a public hearing on those redistricting alternatives would be on March 29, but that date would have conflicted with the Budget hearing. Also, that date would have left little time for the Citizens Committee to complete its work. Nevertheless, at the time the preliminary schedule was adopted, it appeared that the Board meeting scheduled for May 10 could serve as a suitable alternative adoption date.

However, the amendments to HB 1507 that were recently recommended by the Governor and adopted by the General Assembly have moved up the deadline for mailing out absentee ballots for the primary elections from July 27 to July 8. That change means May 10 is no longer a suitable date for final Board action and the Board will have to act by the end of April to meet the various Federal and new State deadlines. Given the County budget and the new State election deadline, the County will need to change its schedule.

Therefore, Supervisor McKay moved that on March 29 the Board authorize a public hearing to be held before the Board on the redistricting to be held at 4 p.m. on Tuesday, April 12, and then schedule Board adoption of a redistricting plan on Tuesday, April 26. That schedule would avoid a conflict with the budget hearings, provide the Citizen Committee with additional time, and give Board Members an opportunity to give thoughtful and thorough review to the comments received at the public hearing prior to action on April 26. Chairman Bulova seconded the motion.

Following discussion regarding the time of the proposed public hearing, the question was called on the motion and it carried by unanimous vote.

22. **REQUEST FOR RECOGNITION OF LEN WALES, COUNTY DEBT MANAGER** (12:51 p.m.)

Supervisor McKay stated that the County may never be able to pay off its hefty debt to Len Wales, County Debt Manager, for his 29 plus years of service.

With Mr. Wales' knowledge and leadership, the County has been able to maintain its AAA bond rating. His vast institutional knowledge of fiscal impacts covers a wide range of matters from schools to transportation. If there is a question regarding any type of investment, the County always seeks Mr. Wales' advice. His financial guidance is well respected and will be greatly missed when he retires this year.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Wales to appear before the Board for recognition at the meeting on Tuesday, March 29. Without objection, it was so ordered.

23. **I-66/VIENNA METRORAIL STATION ACCESSIBILITY IMPROVEMENTS (PROVIDENCE DISTRICT)** (12:52 p.m.)

Supervisor Smyth said that I-66 is a major corridor connecting Northern Virginia to the central city core of Washington, DC. This corridor currently suffers from debilitating congestion and inefficient bus movements. The I-66/Vienna Metrorail Station Accessibility Improvements project is critical for the development of enhanced bus service in the I-66 corridor. While there are existing high occupancy vehicle (HOV) lanes on I-66, the buses now have to weave across three general purpose lanes to exit at the Vienna Metro Station. This weaving delays the buses and prevents some of them from utilizing the HOV lanes. After exiting, the buses then have to contend with other vehicles weaving on the collector-distributor ramp accessing the Metro station. This weaving causes hazardous travel and significant delays to both the buses and vehicles on I-66.

This ramp project will provide direct bus-only access from the I-66 HOV lanes to the Vienna/Fairfax Metrorail station. Access will be provided via a two way fly-over ramp from the center HOV lanes to either Vaden Drive or Saintsbury Drive, directly west of the station's south side multi-modal transfer center.

Supervisor Smyth noted that the County and the Virginia Department of Transportation (VDOT) have partnered to study how to make this ramp connection. The study has focused on two options; one that would connect to Vaden Drive just south of the bridge over I-66, and the other, which would end at Saintsbury Drive just east of the Saintsbury Plaza Condominiums.

The next step in the project is for VDOT to submit an Interchange Modification Report (IMR) for Federal Highway Administration (FHWA) approval. The

submission will include both alternatives; however, the County strongly recommends the Vaden Drive connection for the following reasons:

- The ramp would intersect a wider and higher functioning roadway that is designed to handle higher levels of traffic. Saintsbury Drive is a narrow two-lane residential street that is being used as a cut-through to the Metro station. Adding more traffic to this roadway further exacerbates an existing problem.
- The proposed ramp would terminate away from the Saintsbury Plaza condominium complex, which should reduce noise and aesthetic impacts from the buses.
- The ramp would terminate directly across from the parking garage entrance, allowing for one consolidated intersection to be created, compared with the Saintsbury Drive option, where the ramp would be offset just east of the condominium driveway, and would create conflicts for vehicles entering and exiting this driveway.
- The ramp would intersect Vaden Drive at a 90 degree angle and a less steep five percent ramp grade, where the Saintsbury ramps end at a severe skew and a steeper six percent down grade. The skew creates sight distance concerns, and the steeper grade adds wear and tear on the transit vehicles.
- The ramp connection to Vaden Drive provides better distribution of transit vehicles heading to the north Vienna Metro station parking garage.

Supervisor Smyth moved that the Board direct the Chairman's office to send a letter to the offices of Congressman Gerry Connolly, State Senator Chap Petersen, and Delegate David Bulova expressing the Board's full support for the Vaden Drive option and that it is ready and willing to assist VDOT and FHWA with approval of the Vaden Drive option as a part of the IMR process, should they need assistance. Supervisor Foust seconded the motion.

Supervisor Herrity raised a question regarding whether the results of the multi-metal Environmental Impact Study was considered in the design of the ramp and discussion ensued with input from Tom Biesiadny, Acting Director, Department of Transportation.

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

PMH:pmh

24. **FEDERAL GOVERNMENT SHUTDOWN** (12:57 p.m.)

Supervisor Herrity asked unanimous consent that the Board direct staff to report on the impact to the County in the event of a federal government shutdown. Without objection, it was so ordered.

25. **MASON DISTRICT TOWN MEETING REGARDING THE BUDGET**
(12:58 p.m.)

Supervisor Gross announced that her only Board Matter addressed the Mason District Town meeting on the Budget and had already been done.

(NOTE: Earlier in the meeting, action was taken on this issue. See page 7.)

26. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:58 p.m.)

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

27. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(12:58 p.m.)

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

28. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (12:58 p.m.)

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

29. **AFTERNOON SESSION** (12:59 p.m.)

Chairman Bulova noted that 18 speakers had signed up for the public hearing on Special Exception Application SE 2010-DR-024 scheduled for 3:30 p.m. With input from David P. Bobzien, County Attorney, Chairman Bulova also announced that closed session would take approximately two hours. She said that Board Members should report for closed session at 1:30 p.m.

30. **RECESS/CLOSED SESSION** (12:59 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. *Louise Root v. County of Fairfax, et al.*, Case No. CL-2008-0005303 (Fx. Co. Cir. Ct.)
 - 2. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0014219 (Fx. Co. Cir. Ct.) (Providence District)
 - 3. *Fairfax County School Board v. USA Telecommunications, Inc., William L. Collins, Jr., Joseph M. Gallagher, Jr., Donald M. Clark and William L. Collins, III*, Court Case Nos. 09-032704 and 09-032705 (Fx. Co. Gen. Dist. Ct.)
 - 4. *Town of Herndon v. Irene Sayers-Berard, Trustee of the Berard Trust, Regina Johnson, Trustee of the Berard Trust, Donald Berard, Jr., Trustee of the Berard Trust, William Berard, Trustee of the Berard Trust, Parties Unknown, County of Fairfax, Four Seasons Homeowners Association, Four Seasons of Herndon Recreation Association, Lee R. Mote a/k/a Lee R. Berard, Mark A Urbanski, Real Estate known as 1139 Autumnhaze Court*, Case No. CL-2011-0000510 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 5. *Citimortgage, Inc. v. Alam Badar, et al.*, Case No. CL-2011-0000023 (Fx. Co. Cir. Ct.) (Sully District)
 - 6. *Kenneth R. Andersen v. Zoning Administrator of Fairfax County*, Case No. CL-2010-0017593 (Fx. Co. Cir. Ct.) (Hunter Mill District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case No. CL-2006-0010659 (Fx. Co. Cir. Ct.) (Mason District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar*, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira*, Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chau Quynh Nguyen and Sarah K. Nguyen*, Case No. CL-2009-0016344 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George W. Garber and Mary L. Garber*, Case No. CL-2010-0015516 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter A. Shultz*, Case No. CL-2009-0012158 (Fx. Co. Cir. Ct.) (Springfield District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dulal M. Miah*, Case No. CL-2010-0014408 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samphy Iep and Sorn K. Iep*, Case No. CL-2010-0017544 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel H. Shin and Seong J. Shin*, Case No. CL-2010-0017656 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Laurence A. Rieder and Edwina Irene Rieder*, Case No. CL-2011-0000627 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah*, Case No. CL-2011-0000993 (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marvin Bermudez and Elsa Bermudez*, Case No. CL-2011-0001456 (Fx. Co. Cir. Ct.) (Providence District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hite W. Sweeny, Jr., and Dianne C. Sweeny*, Case No. CL-2011-0001535 (Fx. Co. Cir. Ct.) (Mount Vernon District)

And in addition:

- *Board of Supervisors v. Oak Street, LLC*, Case Number CL-2010-004599

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

EBE:ebe

At 3:44 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

31. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:44 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 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."

32. **AUTHORIZATION TO SETTLE THE PENDING CASE IN FAIRFAX COUNTY CIRCUIT COURT** (3:45 p.m.)

Supervisor Smyth moved that the Board authorize the County Attorney to settle the pending case in Fairfax County Circuit Court styled *Board of Supervisors v. Oak Street, LLC*, Case Number CL-2010-004599, on the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

33. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-DR-024 (DISCOVERY WOODS LEARNING COMMUNITY, LLC) (DRANESVILLE DISTRICT)** (3:46 p.m.)

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2010-DR-024 until **March 29, 2011, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

34. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-LE-017 (ISKALO CBR LLC) (LEE DISTRICT)** (3:46 p.m.)

(NOTE: On January 25, 2011, the Board deferred the public hearing on this item until February 8, 2011.)

The application property is located at 7901, 7909, 7915, and 7828 Cinder Bed Road, Tax Map 99-2 ((3)) 1, 2, 3A and 3B.

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

Supervisor Cook disclosed a campaign contribution in excess of \$100 which he had received from:

- Mr. Stephen W. Robinson, McGuire Woods, LLP

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

- Mr. Carson Lee Fifer, McGuire Woods, LLP
- Mr. Jonathan P. Rac, McGuire Woods, LLP
- Mr. Greg Riegle, McGuire Woods, LLP

Supervisor McKay disclosed that he is an Alternate Director for the Washington Metropolitan Area Transit Authority (WMATA).

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

Discussion ensued, with input from St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding the total number of buses that will be housed on site at any one time, the service areas buses will be directed to, and noise studies performed.

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

Discussion ensued, with input from Mr. Gill and Jami L. Milanovich, Wells and Associates, regarding the peak time use of the buses and the impact on traffic with the additional buses.

Further discussion continued, with input from Mr. Gill and John Thomas, Director, Office of Major Capital Projects, WMATA, regarding the:

- Safe navigation of the Backlick Road intersection
- Deadheading, bus routes, garage and service area
- Impact on traffic
- Cost factor involved in planning the deadheading of buses and the location of the garage

Following the testimony of James Velezis, (Speaker Two), discussion ensued regarding the distance between the Newberry Station neighborhood and the site of the proposed bus garage.

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

- Project conformity analysis and air quality issues
- Hazardous material compliance and the safety features in place
- Provision of lighting on Cinder Bed Road
- Traffic study

Supervisor Hyland and Supervisor McKay submitted items for the record.

Further discussion ensued, with input from Mr. Williams and Mr. Gill, regarding the:

- Comprehensive Plan requirements and guidelines
- Number of buses on the road during the afternoon peak hour
- Re-alignment and re-engineering of the intersection in question

Supervisor Hyland submitted a short video, for the record, submitted by a citizen regarding the Backlick Road intersection.

A short discussion followed the video presentation, with input from Mr. Thomas, regarding the intersection and whether there had been an evaluation by WMATA at this intersection and drivers' ability to navigate the intersection safely.

Following the public hearing, which included testimony by 15 speakers, Mr. Williams presented the staff and Planning Commission recommendations.

Supervisor McKay moved to:

- Defer decision on Special Exception Application SE 2010-LE-017 until **March 8, 2011, at 4 p.m.**
- Leave the record open for comments

Supervisor Hudgins seconded the motion.

Supervisor Hyland requested the applicant provide him with all notices of any meetings that will be held with the civic associations.

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

Supervisor Herrity asked unanimous consent that the Board direct transportation staff to provide an update on the plans for growing bus routes in that area of the County. Without objection, it was so ordered.

Supervisor Hudgins noted that WMATA and the County will collaborate on providing transit services that will be needed in the future.

35. **4 P.M. – PH ON PROPOSED BRAC AREA PLANS REVIEW (APR) ITEM 08-IV-4MV FOR PROPERTY LOCATED WEST OF RICHMOND HIGHWAY AND NORTH OF HUNTINGTON AVENUE (MOUNT VERNON DISTRICT)** (5:44 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2011.

Aaron Klibaner, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Hyland moved approval of BRAC APR Item 08-IV-4MV, as recommended by the Planning Commission with a modification to include ground floor office use in addition to ground floor retail and/or restaurant use. The language relating to the combination of proposed mid-rise residential structures and the existing high-rise residential community would not change. The new density of the proposed development would be 61 dwelling units per acre with an overall intensity of up to 1.60 Floor Area Ratio (FAR), subject to the conditions relating to stormwater management, a circulations system, and character of development. The recommendations are shown in the handout dated February 22, 2011. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

36. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING STATE CODE, EDITORIAL, AND MINOR REVISIONS** (5:54 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2011.

Doug Hansen, Planner, Zoning Administration Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Frey moved approval of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding State Code, editorial, and minor revisions as recommended by the Planning Commission with an effective date of 12:01 a.m. on February 23, 2011. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

37. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5A, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD), RELATED TO HIGH SCHOOL, RAIL STATION, AND UNIVERSITY CRITERIA** (5:58 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2011.

Maria Turner, Transportation Planner, Department of Transportation, presented the staff report.

Chairman Bulova acknowledged the presence of former Lee District Supervisor Dana Kauffman in the Board Auditorium and warmly welcomed him on behalf of the Board.

Following the public hearing, which included testimony by two speakers, Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to include properties that are within 1,000 feet of high school, rail station, or university property boundaries in the RPPD criteria when considering petitions for restricted parking. Supervisor Herrity, Supervisor Hyland, and Supervisor McKay jointly seconded the motion.

Discussion ensued, with input from Ms. Turner, regarding the requirements in relation to private schools.

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

38. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ZION DRIVE ROAD IMPROVEMENTS (BRADDOCK DISTRICT)** (6:08 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2011.

Beth Buckley, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued, with input from Todd Minnix, Chief, Transportation Design Division, Department of Transportation, regarding landscaping, speed limit, and the details of the project.

Supervisor Cook submitted items for the record.

Following the public hearing, Supervisor Cook moved that the Board:

- Declare it necessary to acquire the property interests listed in Attachments 1 through 5-A of the Board Agenda Item by gift, purchase, exchange, or eminent domain.
- Declare it necessary to acquire the said property and property interests and that the Board enter and take the said property interests for the purpose of constructing sidewalk improvements, new roadway, and to provide adequate storm drainage as shown and described in the plans of Project 4YP205-Zion Drive Road Improvements on file in the Land Acquisition Division of DPWES.
- Exercise those powers granted to it by the *Code of Virginia* and authorize and direct the Director, Land Acquisition Division, DPWES, on or subsequent to February 23, 2011, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of Fairfax County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the *Code of Virginia* as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to move the residue of the affected parcels relating to the certificates.
- Direct the County Attorney to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings if necessary.

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

39. **4:30 P.M. – PH ON THE OWNERSHIP OF I-95 WASTE-TO-ENERGY FACILITY** (6:15 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2011.

Anthony H. Griffin, County Executive, presented the staff report.

A brief discussion ensued with input from Mr. Griffin, regarding the negotiations with Covanta.

Following the testimony of David Biderman (Speaker Nine), Supervisor Hyland asked unanimous consent that the Board direct staff to provide information on whether a waste-to-energy facility owned by the County and operated by Covanta or another company would be covered by the New York case decision. Without objection, it was so ordered.

Following the testimony of Paul Gilman, (Speaker 13), Supervisor Hyland asked unanimous consent that the Board direct staff to provide the following information on waste-to-energy facilities:

- The number that exists in the US.
- The number owned by local governments.
- The number of facilities with which Covanta is involved, both as an owner or operator and also where the local government owns them.
- The nature of the relationship agreement that exists between Covanta and the local government.

Without objection, it was so ordered.

Following the public hearing, which included testimony by 24 speakers, Supervisor Herrity submitted items for the record. He also submitted a list of citizens' questions and proposed that answers to these questions be posted on the County's website.

Supervisor Hyland moved that the Board direct the County Executive/staff to:

- Develop a list of terms for a Service Agreement extension for consideration in closed session on March 8, 2011, which, if not accepted by Covanta, could result in the purchase of the facility.
- Begin preliminary preparations relating to a possible purchase of the Covanta Facility in the event the Board's efforts to negotiate acceptable terms for a Service Agreement are not successful, and the Board decides to purchase the facility.

Supervisor Foust and Supervisor Smyth jointly seconded the motion.

Discussion ensued regarding the timing of the options available and the deadline for negotiations.

Following a brief inquiry to David P. Bobzien, County Attorney, regarding the process and further discussion, the question was called on the motion which carried by unanimous vote.

40. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (8:06 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 4 and February 11, 2011.

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

There were no speakers.

41. **BOARD ADJOURNMENT** (8:06 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards.....	2-3
Report on General Assembly Activities	3
Presentation of the Proposed FY 2012 Budget.....	3-7
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	8-11
Items Presented by the County Executive	
Administrative Items	11-12
Action Items.....	12-13
Board Matters	
Chairman Bulova	14-16
Supervisor Cook.....	n/a
Supervisor Foust	16
Supervisor Frey	n/a
Supervisor Gross	20
Supervisor Herrity	20
Supervisor Hudgins	n/a
Supervisor Hyland	n/a
Supervisor McKay	17-18
Supervisor Smyth.....	18-19
Actions from Closed Session	24
Public Hearings	24-31