



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 29, 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, March 29, 2011, at 9:22 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 Linda Q. Smyth, Providence District

Supervisor Jeffrey C. McKay, Lee District arrived at 10:32 a.m.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:23 a.m.)

(BACs) Chairman Bulova asked everyone to keep in thoughts the family of Bill Miller in the Office of Public Affairs. His father, Mr. George W. Miller, died recently. He was a United States Army Air Corps Veteran of World War II and served in the National Guard.

Supervisor Herrity asked everyone to keep in thoughts the family of the last surviving veteran of World War I, Army Corporal Frank W. Buckels, who passed away recently, and also remember all those who fought in World War II and those who are currently serving abroad.

Supervisor Foust asked everyone to keep in thoughts the family of Mr. Daniel R. Bannister, who died recently. He was the Chairman of the Board of Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology. He was a respected leader in the business and technology community and was a major contributor to numerous community business and philanthropic activities.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Vincent Bollon, who died recently. Mr. Bollon was a member of the International Associations of Firefighters, who served as the General Secretary/Treasurer for more than 50 years. He was also a member of the County's Uniformed System Retirement Board.

AGENDA ITEM2. **CERTIFICATES OF RECOGNITION PRESENTED TO VIRGINIA TASK FORCE 1 (VATF-1)** (9:27 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the following:

- Resolution to recognize VATF-1 deployed to Japan on behalf of the federal government to assist with the rescue of victims after the recent earthquake and tsunami.
- Certificate of recognition to Brenda Bauman and members of the support team of VATF-1 for selfless service and extraordinary commitment in support of VATF-1 during its deployment to Japan in response to the March 11, 2011, earthquake and tsunami.
- Certificate of recognition to John Mayers, VATF-1 for selfless service, extraordinary commitment, and immeasurable compassion

in service to the people of Japan in response to the March 11, 2011, earthquake and tsunami.

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor McKay not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

3. **LATE ARRIVAL OF LEE DISTRICT SUPERVISOR MCKAY** (9:43 a.m.)

Chairman Bulova announced that Supervisor McKay was not here this morning because he was stuck in traffic on the Fairfax County Parkway as a result of road work.

(NOTE: Later in the meeting, Supervisor McKay presented a Board Matter on road work during rush hour. See Clerk's Summary Item #35.)

AGENDA ITEMS

4. **PROCLAMATION DESIGNATING APRIL 4-10, 2011, AS "PUBLIC HEALTH WEEK" IN FAIRFAX COUNTY** (9:48 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate April 4-10, 2011, as "*Public Health Week*" in Fairfax County. Supervisor Foust and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor McKay not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **PROCLAMATION DESIGNATING APRIL 2011 AS "CHILDHOOD IMMUNIZATION AWARENESS MONTH" IN FAIRFAX COUNTY AND CERTIFICATES OF RECOGNITION** (9:55 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 2011 as "*Childhood Immunizations Awareness Month*" in Fairfax County.

Supervisor Gross moved approval of Certificates of Recognition presented to:

- All Pediatrics of Virginia for outstanding commitment to immunizing children in the community with school required vaccines as well as additional vaccines recommended by the American Academy of Pediatrics.

- Catholic Schools of the Arlington Diocese which include pre-schools and schools throughout the County for consistently demonstrating the commitment to promoting timely immunizations among its students.

Supervisor Foust and Supervisor Hudgins jointly seconded the motions.

Supervisor Hudgins commended Dr. Gloria Addo-Ayensu for receiving the Kate Hanley Public Service Award by Leadership Fairfax.

The question was called on the motion and it carried by a vote of nine, Supervisor McKay not yet having arrived.

6. **PROCLAMATION DESIGNATING APRIL 2011 AS "SEXUAL ASSAULT AWARENESS MONTH" IN FAIRFAX COUNTY** (10:09 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate April 2011 as "*Sexual Assault Awareness Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, and Supervisor McKay not yet having arrived.

7. **PROCLAMATION DESIGNATING APRIL 2011 AS "FAIR HOUSING MONTH" IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Cook moved approval of the Proclamation to designate April 2011 as "*Fair Housing Month*" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, and Supervisor McKay not yet having arrived.

8. **PROCLAMATION DESIGNATING MAY 1, 2011, AS "HOLOCAUST REMEMBRANCE DAY" IN FAIRFAX COUNTY** (10:30 a.m.)

Chairman Bulova Relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 1, 2011, as "*Holocaust Remembrance Day*" in Fairfax County. This motion was multiply seconded and it carried by unanimous vote.

Supervisor McKay recognized Mr. Michel Margosis, a Holocaust survivor, who was also delayed in traffic, as the driving force behind the proclamation and thanked him for his work.

(NOTE: Later in the meeting, Mr. Margosis addressed the Board. See Clerk's Summary Item #10.)

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **PROCLAMATION DESIGNATING APRIL 2011 AS "DONATE LIFE MONTH" IN FAIRFAX COUNTY** (10:43 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate April 2011 as "Donate Life Month" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

10. **ADDITIONAL COMMENTS REGARDING THE PROCLAMATION DESIGNATING MAY 1, 2011, AS "HOLOCAUST REMEMBRANCE DAY" IN FAIRFAX COUNTY** (10:53 a.m.)

(NOTE: Earlier in the meeting, the Board took action on this item. See Clerk's Summary item #8.)

Chairman Bulova acknowledged the presence of Virginia Delegate Vivian Watts in the Board Auditorium who had asked to introduce Mr. Michel Margosis. Delegate Watts introduced Mr. Margosis who commented briefly on the proclamation.

11. **PROCLAMATION DESIGNATING APRIL 10-16, 2011, AS "PUBLIC SAFETY TELECOMMUNICATIONS WEEK" IN FAIRFAX COUNTY** (10:56 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 10-16, 2011, as "Public Safety Telecommunications Week" in Fairfax County. Supervisor McKay seconded the motion and it carried by unanimous vote.

12. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:06 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final "Appointments to be Heard February 22, 2011," distributed around the dais. Supervisor Smyth 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 PLANS EXAMINER BOARD

Confirmation of Mr. Paul Kraucunas as the Virginia Department of Transportation Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

Confirmation of Mr. Earl Flanagan as the Planning Commission Representative.

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Reappointments of:

- Mr. Harold Leff as the Hunter Mill District Principal Representative.
- Mr. James R. Elder as the Hunter District Alternate Representative.
- Mr. B. Jefferson Boggs, Jr. as the Mount Vernon District Alternate Representative.
- Mr. Jonathan Willmott as the Mount Vernon District Principal Representative.
- Mr. Ralph Wills as the Sully District Alternate Representative.
- Mr. David Lacey as the Sully District Principal Representative.

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Providence District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD

Appointment of Mr. Rodney W. Scott as the Hunter Mill District Representative.

Confirmation of Ms. Michele Menapace as the Fairfax County Council of Parent Teacher Association Representative.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #6 Representative.

ECONOMIC ADVISORY COMMISSION

Confirmation of Mr. Jay Donahue as the Planning Commission Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmations of:

- Mr. Robert E. Kohnke as the Northern Virginia Soil and Water Conservation Representative.
- Mr. Keith Sinclair as the Engineers and Surveyors Institute Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointment of the Springfield District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmations of:

- Mr. Art Bennett as a Community/Religious Leaders Representative.
- Ms. Jocelyn Rappaport as a Fairfax City Representative.

HUMAN SERVICES COUNCIL

Appointment of Dr. Gerald V. Poje as the Hunter Mill District Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Confirmation of Mr. John Hanks as the Federation of Citizens Associations Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of Mr. John E. Betts as the Springfield District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Reappointments of:

- Mr. C. Denver Lovett as the Fairfax County #2 Representative.
- Ms. Linda Diamond as the Fairfax County #8 Representative.

The Board deferred the appointments of Fairfax County #2 and #7 Representatives.

TENANT LANDLORD COMMISSION

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

Appointment of Mr. Scott J. Pearson as the Mason District Representative.

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)

Confirmations of:

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

DET:det

13. **ADMINISTRATIVE ITEMS** (11:07 a.m.)

Supervisor Gross moved approval of the Administrative Items to include an additional item, Admin 10. The second to this motion was inaudible.

Supervisor Frey called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings to Consider Proposed Amendments to the Public Facilities Manual (PFM), Regarding Design of Public Streets and Sidewalks.

Supervisor Frey moved to amend the motion to revise Section 7-0101.3A (page 45 of the Board Agenda Item dated March 29, 2011) as follows:

- Change: "...is approved by the Board of Supervisors."
- To: "...is **specifically** approved by the Board of Supervisors."

And this was accepted.

Supervisor Smyth called the Board's attention to a letter from the Engineering Standards Review Committee (ESRC), contained in the Board Agenda Item dated March 29, 2011, regarding its concerns about environmental and consistency issues, and discussion ensued, with input from Judith Cronauer, Engineer IV, Code Analysis Division, Department of Public Works and Environmental Services, concerning:

- Statewide Fire Protection Code required width
- Virginia Department of Transportation (VDOT) standards for minimum street width

Discussion ensued, with input from Ms. Cronauer, concerning community outreach and public notification of a hearing.

Supervisor McKay asked unanimous consent that the Board direct staff to provide additional notification/outreach to overarching citizens groups in the various districts and Countywide. 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 engage the Federation of Citizens Associations and district councils of civic and homeowner associations in the notification process, noting that the Planning Commission's public hearing is scheduled for May 5, and the Board's public hearing is scheduled for June 7, at 4 p.m. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Smyth asked unanimous consent that other Boards, Authorities and Commissions (BACs), i.e. the Environmental Quality Advisory Council (EQAC), also be notified. Without objection, it was so ordered.

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."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY A PORTION OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE TELEGRAPH ROAD PROJECT (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 10, 2011, at 4 p.m.** regarding the conveyance of a portion of County-owned property to VDOT for the Telegraph Road project.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITIES REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, AND MASON 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>
FSA-L96-72-2	AT&T Mobility Antenna collocation on existing tower 6209 Rose Hill Drive Lee District	June 10, 2011
2232-L11-1	T-Mobile Northeast 125' tall monopole ("monopine") 5419 Oakwood Road Lee District	June 10, 2011

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-L11-5	Verizon Wireless Rooftop antennas 6564 Loisdale Court Lee District	June 23, 2011
FS-B11-8	Fibertower Antenna collocation on existing tower 9801 Braddock Road Braddock District	July 1, 2011
2232A-M00-24-1	AT&T Mobility Antenna collocation on existing monopole 6560 Braddock Road Mason District	July 1, 2011
FSA-L08-1-1	Fibertower Antenna collocation on existing monopole 6700 Springfield Center Lee District	July 7, 2011
2232-H11-4	Dominion Virginia Power Electrical Substation Near Clay Lane and Sunset Hills Road Hunter Mill District	October 2, 2011
2232-D11-3	Washington Metropolitan Area Transit Authority Train control room relocation Fisher Avenue Dranesville District	October 2, 2011
FS-D09-208	District of Columbia Water and Sewer Authority Odor control facility Dranesville District	October 9, 2011

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING DESIGN OF PUBLIC STREETS AND SIDEWALKS

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

Authorized the advertisement of a public hearing to be held before the Planning Commission on May 5, 2011, at 8:15 p.m., and before the Board on **June 7, 2011, at 4 p.m.** to consider proposed amendments to the PFM, regarding design of public streets and sidewalks.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON FRANKLIN STREET AND PICKETT STREET AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE AND MOUNT VERNON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 26, 2011, at 4:30 p.m.** to consider endorsing the following roads to be included in the RTAP for a through truck traffic restriction:

- Franklin Street between Richmond Highway and South Kings Highway
- Pickett Street between South Kings Highway and Franklin Street

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON GEORGETOWN PIKE (EASTERN SECTION) AND BALLS HILL ROAD (NORTHERN SECTION) AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 26, 2011, at 4 p.m.** to consider endorsing the following road to be included in the RTAP for a through truck traffic restriction:

- Georgetown Pike between Interstate 495 and Dolly Madison Boulevard
- Balls Hill Road between Georgetown Pike and Old Dominion Drive

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON BALLS HILL ROAD (SOUTHERN SECTION) AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 26, 2011, at 4 p.m.** to consider endorsing the following road to be included in the RTAP for a through truck traffic restriction:

- Balls Hill Road between Old Dominion Drive and Lewinsville Road

ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, LEE, MASON, AND PROVIDENCE DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Most Reverend Thomas J. Welsh Saint John Neumann Church	Hunter Mill	Lawyers Road (Route 673) [Additional Right-of-Way (ROW) Only]
United States of America Springfield Metro Center I Land Bay B	Lee	Metropolitan Center Drive Loisdale Road (Route 789) (Additional ROW Only)
Alice B. Walkers Lot 1 (Lacy Square) Subdivision	Mason	Lacy Boulevard (Route 1026) (Additional ROW Only)
Amerasia Enterprises LLC PNC Bank 6950 Braddock Road	Mason	Braddock Road (Route 620) (Additional ROW Only) Backlick Road (Route 617) (Additional ROW Only)
Herring Property Subdivision	Providence	Buckelew Drive (Route 2356) (Additional ROW Only)

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (DRANESVILLE AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 26, 2011, at 4 p.m.** to consider the following changes to small and local

sanitary districts for refuse and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (Arbor Lane)	Enlarge	Refuse, Recycling	Approve
Small District 7 Within the Dranesville District (Lily Pond Drive)	Enlarge	Refuse, Recycling, Leaf	Approve
Small District 1 Within Providence District (Timberlane Village Condominiums)	De-create/ Re-create	Remove from leaf	Approve

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 26, 2011, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care). This amendment would bring the code section providing for the exception of service animals to the County Leash law into compliance with the Americans with Disabilities Act regulations.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ALTERNATIVE PLANS SUBMITTED TO THE BOARD BY THE CITIZENS ADVISORY COMMITTEE AND THE PUBLIC TO REAPPORTION THE ELECTION DISTRICTS OF THE BOARD OF SUPERVISORS

- (A)
(BACs) Authorized the advertisement of a public hearing to be held before the Board on **April 12, 2011, at 4 p.m.** to consider the adoption of an ordinance to reapportion the Board of Supervisors.

14. **A-1 – ENDORSEMENT OF TRANSPORTATION FUNDING POLICIES AND PROGRAM ALLOCATIONS FOR TRANSPORTATION FUNDING SOURCES** (11:20 a.m.)

Chairman Bulova noted that this issue was discussed in the Transportation Committee and provides additional flexibility to move funding within different categories and projects.

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the following actions which will ensure that major County transportation projects remain fully funded and proceed towards implementation:

- The proposed transportation funding policies described in the Board Agenda Item dated March 29, 2011, which will allow the County to utilize available transportation revenues in the most efficient and effective manner, and ensure that County transportation projects remain fully funded and on schedule to the greatest extent possible.
- The project list and anticipated funding allocations through Fiscal Year (FY) 2014 for anticipated revenues from:
 - The County's Commercial and Industrial (C&I) Real Estate Tax for Transportation.
 - Planned issuance of \$50 million in Economic Development Authority (EDA) transportation contract revenue bonds to be paid back using C&I tax revenues.
 - Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funds through FY 2014.

Supervisor Hyland seconded the motion.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information concerning a breakdown of the total of Federal, State and County transportation money requested or spent by the Board since January 2008, broken into the following categories:

- Highways or roadways
- Bus
- Rail

- Bikes
- Trails
- Pedestrian/sidewalks

with a further breakdown between actual projects and study money. Without objection, it was so ordered.

Following input from Tom Biesiadny, Acting Director, Department of Transportation (DOT), Supervisor Smyth asked unanimous consent that the Board direct staff to include information concerning any qualifications or limitations on these monies. Without objection, it was so ordered.

Supervisor Cook asked for clarification as to whether money was available from the 2007 bond set-aside for the George Mason University (GMU) transit center with input from Jay Guy, Transportation Planner II, Coordination and Funding Division, DOT.

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

15. **A-2 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11133 AND APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDING FOR THE DULLES CORRIDOR BICYCLE AND PEDESTRIAN IMPROVEMENTS (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:24 a.m.)

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

- The Standard Project Administration Agreement, in substantial form, between DOT and the Virginia DOT.
- SAR AS 11133 for DOT to accept \$8,640,000 in CMAQ funding to administer the Dulles corridor bicycle and pedestrian improvements project. No local cash match is required.

16. **A-3 – APPROVAL OF DULLES CORRIDOR METRORAIL PROJECT STATION NAMES (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:24 a.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and:

- Approve the proposed Metrorail station names for the eight stations that will be constructed in the County as part of the Dulles Corridor Metrorail extension.
- Authorize the Chairman to forward the recommended station names to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors.

Supervisor Hyland seconded the motion.

Supervisor Hudgins moved a substitute motion to change the recommended name of the Herndon-Monroe station to **Reston-Herndon West** rather than Herndon-Reston West. Supervisor Cook seconded the motion.

Supervisor Hudgins stated that she had a letter to submit for the record from the Dulles Corridor Rail Association and proceeded to explain the development of the area and her substitute motion.

Discussion ensued concerning the Town of Herndon's recommendation and the address of the surrounding population.

Discussion continued, with input from Richard F. Stephens, Coordinator, Dulles Rail Project, Department of Transportation, regarding the physical location of the station and points of entrance and access.

The question was called on the substitute motion and it **FAILED** by a recorded vote of nine, Supervisor Hudgins voting "AYE."

Supervisor Foust moved to amend the motion to change the recommended station name for the placeholder name of Herndon-Monroe, which currently is Herndon-Reston West to **Herndon Station**. Supervisor Frey seconded the motion.

Discussion ensued concerning Metrorail name changes.

The question was called on the amendment and it **FAILED** by a recorded vote of five, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, and Supervisor Herrity voting "AYE."

The question was called on the main motion (staff recommendation) and it **CARRIED** by a recorded vote of eight, Supervisor Foust and Supervisor Frey voting “NAY.”

17. **A-4 – APPROVAL OF CALENDAR YEAR 2011 FOREST PEST MANAGEMENT SUPPRESSION PROGRAM** (11:41 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and direct staff to take actions concerning the County's Calendar Year 2011 Forest Pest Management Suppression Program, as outlined in the Board Agenda Item dated March 29, 2011. The second to the motion was inaudible.

Supervisor Hudgins noted the incidence of tree loss due to insect infestation and inquired as to the notification of County residents on safe disposal.

Discussion ensued, with input from Troy Shaw, Urban Forester III, Forest Integrated Pest Management Program, Urban Forestry Management, Department of Public Works and Environmental Services, concerning a vigorous outreach program to educate homeowners on the proper method of removing trees and hiring contractors. Mr. Shaw noted that the problem will probably become much worse.

Supervisor Hudgins asked unanimous consent that the Board direct staff to continue and expand its publicity of this threat. Without objection, it was so ordered.

Supervisor Cook inquired as to the budget for this item, with input from Mr. Shaw, on the tax rate, and Anthony H. Griffin, County Executive, on non-assessment.

Supervisor Cook asked unanimous consent that the Board direct staff to provide additional budget information on lowering and/or suspending the program's tax rate. Without objection, it was so ordered.

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

18. **A-5 – REQUESTING THE ISSUANCE OF ECONOMIC DEVELOPMENT AUTHORITY (EDA) TRANSPORTATION DISTRICT IMPROVEMENT (TDI) REVENUE BONDS (SILVER LINE PHASE I PROJECT), SERIES 2011 AND APPROVING NECESSARY DOCUMENTS FOR THE PURPOSE OF PROVIDING UP TO \$225 MILLION FOR THE CONSTRUCTION OF THE METROPOLITAN WASHINGTON AIRPORT AUTHORITY (MWAA) FOR THE RAIL TO DULLES, PHASE I, (SILVER LINE)** (11:47 a.m.)

(BONDS)

(R)

On motion of Supervisor Smyth, seconded by Supervisor Hudgins, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor

Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution which:

- Requests the EDA to issue its TDI Revenue Bonds (Silver Line Phase I Project), Series 2011.
- Approves the form of a First Supplemental Trust Agreement between the EDA and a trustee, a preliminary official statement and a final official statement.
- Approves the form of a Bond Purchase Agreement and authorizes the approval of the County to such agreement.
- Approves the making of a continuing disclosure undertaking.
- Authorizes the execution and delivery of such offer documents and agreements relating to such transactions as may be necessary or required.

19. **A-6 – APPROVING THE ISSUANCE OF FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) REFINANCING, BOND ANTICIPATION NOTES (BAN) (AFFORDABLE HOUSING ACQUISITION) SERIES 2011A** (11:48 a.m.)

(BONDS)
(R)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and adopt a Resolution relating to the issuance of FCRHA Refinancing, BAN (Affordable Housing Acquisition) Series 2011A, which authorizes the following:

- Requests FCRHA to issue the refinancing BANs.
- Approves the form of the BANs.
- Approves the draft Notice of Sale.
- Approves the form of a payment agreement between FCRHA and the Board of Supervisors.
- Approves the form of the lease agreement.
- Approves the form of the Continuing Disclosure Agreement.
- Approves the form of the Preliminary Official Statement.
- Authorizes the execution and delivery of the payment agreement, lease agreement, and continuing disclosure agreement.

Chairman Bulova seconded the motion.

Discussion ensued concerning placing refinancing savings on the Consideration Items list for allocation toward the blueprint for affordable housing.

Discussion continued, with input from Len Wales, Debt Manager, Department of Management and Budget, regarding refinancing, redevelopment, and interest rates.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information on redevelopment plans.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Herrity asked to amend his request to include information on the current market value of the property. Without objection, the request, as amended, was so ordered.

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.

Supervisor Hudgins moved that the savings realized from this action be placed on the Consideration Item list as a funding mechanism on the blueprint for affordable housing. The second to this motion was indistinguishable.

Discussion ensued, with input from Mr. Wales, concerning applicable fiscal year savings.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide options concerning savings applicability. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion continued, with input from Mr. Wales, concerning the range of savings and timing.

Chairman Bulova restated the motion as follows: To put this on a list as a potential funding mechanism with staff doing the analysis needed to determine viability.

Supervisor McKay asked unanimous consent that the Board direct staff to identify what items in the blueprint could be funded with the savings. Without objection, it was so ordered.

Discussion ensued concerning the item to be placed on the Consideration Item list. Chairman Bulova restated that motion: If there are savings to be had from the refinancing, that it be put on the Consideration Item list as a potential funding source that could be used on the blueprint for affordable housing. Chairman Bulova noted that the Board does not know if the refinancing will be done, but if it is done, the Board is to be advised of the availability of the revenue with that information being provided to the Board for consideration.

Mr. Wales clarified the timing as follows:

- FCRHA meeting on this item on April 28.
- Pricing potentially on May 5.

He noted that actual savings will not be known until after the budget has been approved and the next available time to look at the budget would be during Carryover.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting “NAY.”

20. **A-7 – APPROVAL TO ESTABLISH AN INDEPENDENT REVIEW PROCESS FOR THE POLICE DEPARTMENT** (12:09 p.m.)

Supervisor Hyland moved to defer action on this item and refer it to the Board’s Public Safety Committee for discussion. Supervisor Cook seconded the motion.

Supervisor Hyland stated that he had communicated with Board Members and determined that there are a number of questions on the proposal. He noted that the Citizens Advisory Committee to the Police Department has not had an opportunity to provide input, and the Board has not had the opportunity to hear additional comment from the Chief of Police.

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

21. **I-1 – CONSOLIDATED PLAN CERTIFICATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) PUBLIC HOUSING AND HOUSING CHOICE VOUCHER ANNUAL PLAN FOR FISCAL YEAR (FY) 2011** (12:11 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2011, requesting authorization for the County Executive to sign the Consolidated Plan certification and provide it to the FCRHA for inclusion in the Public Housing and Housing Choice Voucher Annual Plan for FY 2011 to be submitted to the Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

22. **I-2 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-P10-10, NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC, NODES 6 AND 7, (PROVIDENCE DISTRICT)** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2011, announcing the PC's approval of Public Facilities Application 2232-P10-10, Nodes 6 and 7 of the Distributive Antenna System in the Oakton area. The PC noted that this section of the application also met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. This part of application 2232-P10-10 sought approval to construct Node 6 on Hunter Mill Road and Node 7 on Chain Bridge Road in Oakton as components of a Distributed Antenna System in the Oakton area in the public rights of way owned by the Commonwealth of Virginia/Department of Transportation, Tax Map 47-2.

(NOTE: The PC deferred decision on Nodes 5, 8, and 9 until April 28, 2011, to allow additional time for the applicant to work with affected neighborhoods.)

23. **I-3 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-Y10-22, UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SULLY DISTRICT)** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2011, announcing the PC's approval of Public Facilities Application 2232-Y10-22. The PC noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval to replace 3,500 linear feet of existing interceptor sewer line with new, larger, corrosion resistant piping in the Centreville area on portions of Tax Maps 43-4 ((3)) Q; 43-4 ((7)) 9, 10, 11, 12, 13,14; 43-4 ((1)) 9; and 43-4 ((8)) 6, 7, located east of Cub Run Stream Valley between Braddock Road to the north and Cub Run Park Drive to the southeast.

24. **I-4 – CONTRACT AWARD – FOR ARCHITECTURAL/ENGINEERING (A/E) DESIGN SERVICES FOR THE BAILEY'S CROSSROADS VOLUNTEER FIRE STATION (MASON DISTRICT)** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2011, requesting authorization for staff to award a contract to LeMay, Erickson, Willcox Architects in the amount of \$741,000 for A/E design and construction administration services for the new replacement facility for Project 009051, Bailey's Crossroads Volunteer Fire Station, Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

25. **I-5 – CONTRACT AWARD – FOR ARCHITECTURAL/ENGINEERING (A/E) DESIGN SERVICES FOR THE HERNDON FIRE STATION (DRANESVILLE DISTRICT)** (12:12 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2011, requesting authorization for staff to award this contract for Part I services to Zivic and Hurdle Architects in the amount of \$815,000 for A/E design services for the Project 009215, Herndon Fire Station, in Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

26. **I-6 – AGREEMENT WITH CHADSWORTH HOMES TO PROVIDE A WALKWAY AT AN ALTERNATE LOCATION ALONG SPRING HILL ROAD (DRANESVILLE DISTRICT)** (12:13 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2011, requesting authorization for staff to execute an agreement with Chadsworth Homes to provide a walkway at an alternate location along Spring Hill Road, Route 684.

The staff was directed administratively to proceed as proposed.

27. **I-7 – CONTRACT AWARD – POPLAR TREE ROAD IMPROVEMENTS (SULLY DISTRICT)** (12:13 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2011, requesting authorization for staff to award a contract to Tavares Concrete Company Incorporated in the amount of \$2,451,427.55 for the construction of Poplar Tree Road Improvements Project Number 4YP210, Fund 304, Transportation Improvements.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

28. **RECOGNITIONS** (12:13 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 Health Department to appear before the Board to receive a proclamation recognizing “Nurses Week” in Fairfax County.

- Invite representatives from the Health Department to appear before the Board to receive a proclamation recognizing “*Mosquito Control Awareness Week*” in Fairfax County.
- Invite representatives from Neighborhood and Community Services, the Office of Public Private Partnerships, and many of their other wonderful partners to appear before the Board to receive recognition for the “Stuff the Bus” program.
- Publicize April as “*Serving Our Veterans, Armed Forces, and Their Families Month*” in Fairfax County.
- Prepare and send a Proclamation to the Institute of Internal Auditors chapter in Northern Virginia recognizing “*Internal Audit Awareness Month*” in Fairfax County.
- Invite representatives from the Countywide Initiative to Reduce Underage Drinking to appear before the Board to receive a proclamation recognizing their efforts in the County.
- Prepare and send a proclamation to Volunteer Fairfax recognizing this year's County Volunteer Service Awards being held on April 14.
- Prepare and send a proclamation to the Office for Children and the Department of Family Services recognizing “*Child Care Professionals Appreciation Week*” in Fairfax County.

Without objection, it was so ordered.

29. **TYSONS CORNER COMPREHENSIVE PLAN (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (12:15 p.m.)

In a joint Board Matter with Supervisor Foust, Supervisor Hudgins, and Supervisor Smyth, Chairman Bulova said that almost a year ago the Board adopted a bold vision for the transformation of Tysons Corner. When the Board approved the plan, it also approved a series of follow on motions. The majority of these motions were forwarded to the Board by the Planning Commission (PC). These motions provided direction to staff to flesh out the issues associated with transforming the vision into a reality.

Chairman Bulova said that work began on the follow on motions upon adoption of the plan. Some of them have been completed, and work on the others is underway. For example, this spring approval was received from the US Postal Service for the use of Tysons Corner, or Tysons, as an official mailing address. The private sector has come together to form the Tysons Partnership, which made

a presentation at the Board's January 25 meeting. The Board recently approved the contract award for the circulator study, and the Tysons Metro Station Access Management Study has been conducting public outreach.

Staff has also either received or is aware of 12 development proposals for Tysons Corner. Many of these proposals are in the initial stages of the approval process. So far 9 have been submitted, and 6 have been accepted by staff.

Given the countywide implications for redevelopment at Tysons, the importance of the implementation plan to ensuring achievement of the vision, and the long history of community engagement in the Tysons process, Chairman Bulova asserted that the Board and the public must be kept informed of the County's progress on the implementation of the plan. To this end she asked that the Board be presented with an overview of the rezoning applications, and the status of the follow on motions along with a plan for community outreach at the April 12 meeting of the Revitalization Committee. Several of the follow on motions are policy issues that require a forum within which to address the views of the various stakeholders.

The plan and strategy for financing infrastructure, development of a County policy on walking distances in transit-oriented development (TOD) areas, options for providing commuter parking on an interim basis at the stations, and affordable housing contributions from non-residential development are the major policy issues from the follow on motions that the Board needs to address. Chairman Bulova said that the PC did an outstanding job bringing the public and private sector to the table to work through difficult policy issues when staff was writing the plan amendment.

To develop some options for the Board to consider, Chairman Bulova moved that the Board direct the PC, working with staff, to develop an inclusive process to address Follow on Motion #1, related to financing infrastructure, as well as Follow on Motion #14, relating to options for providing commuter parking at Metrorail stations on an interim basis, and Follow on Motion #17 related to development of a County policy on walking distances in TODs and affordable housing contributions from non-residential developments; and that the PC return to the Board with its recommendations on how best to address those issues in September of 2011. This motion was multiply seconded.

Supervisor Herrity asked to amend the motion to include the initial development level in the briefing, and this was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

30. **TWO HUNDREDTH ANNIVERSARY OF COLVIN RUN MILL (DRANESVILLE DISTRICT)** (12:20 p.m.)

Supervisor Foust announced that 2011 marks the two hundredth anniversary of the first flour production at the Colvin Run Mill. August 22, 2011, the commemorative day, is 200 years after Phillip Carper's purchase of the state-of-the-art brick mill.

As noted in his written Board Matter, Colvin Run Mill is the sole surviving operational nineteenth century water-powered mill in the Washington, DC metro area. Today it grinds flour and corn not for commercial purposes, but for its many visitors. Colvin Run Park is the center of an active crafts program where young and old can see working artisans and craftsmen engaged in print making, painting, pewtering, silversmithing, and many other crafts.

Accordingly, Supervisor Foust asked unanimous consent that the Board direct staff to:

- Prepare a Proclamation recognizing the two hundredth anniversary of the mill that can be presented at the celebratory event to be sponsored by the Park Authority on April 10.
- Distribute information publicizing this event.

Without objection, it was so ordered.

31. **QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDITOR** (12:21 p.m.)

(BACs) Supervisor Foust noted that the Board received the Office of Financial and Program Audit's Quarterly Report as of March 2011. Study areas addressed in the Auditor's report include the following:

- Dulles Metrorail Project
- Cable Communications Fund
- Solid Waste Funds Reserves
- Revenue Analysis of School Aged Child Care (SACC) Program
- Revenue Analysis of Emergency Medical Services Transport Fee
- Revenue Analysis of Reimbursement for Police Revenue Service
- Transportation Grants

- Prior Studies Follow-up

As contained in his written Board Matter, Supervisor Foust summarized the Auditor's findings and recommendations as set forth in detail in the report.

Accordingly, Supervisor Foust moved that the Board adopt the March 2011 Quarterly Report of the Office of Financial and Program Audit, including the recommendations set forth therein. This motion was multiply seconded.

Discussion ensued regarding opportunities for coordination and communication, commendations for the audit staff, and payment delinquencies for the School Age Child Care program.

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

32. **CABLE FRANCHISE TAXES** (12:37 p.m.)

(NOTE: Earlier in the meeting, Supervisor Foust presented the Auditor's report. See Clerk's Summary Item #31.)

Supervisor Foust noted that, as explained in the discussion of the March 2011 Quarterly Report of the Office of Financial and Program Audit, for many years certain taxes and fees paid by franchised cable television operators have been paid into the County's Fund 105 (Cable Communications). More specifically, in 1993, the County adopted a self-imposed limitation on the use of cable franchise fees, directing that those revenues be used on "cable-related activities," and Fund 105 was established to collect those revenues and to fund such activities. That Policy was adopted to minimize the possibility of a legal challenge to the collection of franchise fees. However, more recent changes in Virginia law have replaced local cable television franchise fees with a more broad-based state communications sale and use tax. As was noted in the Auditor's March 2011 Quarterly Report, this County limitation on the use of the cable franchise no longer appears to be necessary.

In regard to Fairfax County Public Schools (FCPS), for many years the County transferred a portion of the cable franchise fees paid by cable operators to FCPS. Most recently, the County transferred a comparable portion of the communications sales and use tax paid by cable operators to FCPS. The FCPS uses this transfer to fund the staff and operations of its Multimedia Services Division. The FCPS program budget for Multimedia Services states that "this program is necessary to comply with a Board of Supervisors policy which requires franchise fees provided to FCPS be used in support of cable operations." Under the cable franchise agreements, the FCPS also receives separate funding for capital grants for public, educational, and governmental programming, and those funds must be spent in accordance with the terms of the grants.

Supervisor Foust moved that the Board direct the County Executive to instruct the Superintendent of FCPS that the previously imposed limitation on the use of cable franchise fees transferred to FCPS no longer applies and that the funds from the communications sales and use tax may be utilized by FCPS for programs other than Multimedia Services. This change does not affect FCPS's use of the capital grants provided to the FCPS for public, educational, and governmental programming. Supervisor Smyth and Supervisor Herrity jointly seconded the motion, which carried by a vote of nine, Supervisor Cook being out of the room.

33. **AUDITOR'S WORK SCHEDULE** (12:40 p.m.)

(NOTE: Earlier in the meeting, Supervisor Foust presented the Audit Report. See Clerk's Summary Item #31.)

As Chairman of the Audit Committee, Supervisor Foust reminded the Board that work requests for the Office of the Auditor's Office should be sent to him.

34. **DEATH OF MS. JESSICA BONAIUTO (LEE DISTRICT)** (12:41 p.m.)

Supervisor McKay noted the passing of Jessica Bonaiuto, a resident of the Lee District, and wife to Dominic Bonaiuto, an aide to Congressman Connolly. He asked the Board to keep in thoughts her husband Dominic, eight-year-old son Sebastian, and the rest of the family.

35. **LETTER TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REGARDING ROAD MAINTENANCE SCHEDULING** (12:42 p.m.)

Supervisor McKay announced that this morning his normal 45 minute commute from his home to the County Government Center took more than two hours. He said that he was not alone in this—anyone on the Fairfax County Parkway during rush hour found themselves in a stop-and-go (mostly stop), ten-mile-an-hour drive because of VDOT's pothole repairs.

Supervisor McKay acknowledged that pothole repair is a necessity after this winter. However, he objected to shutting down travel lanes during the peak of rush hour on a major arterial. He said that major road construction as part of the Mixing Bowl and the Woodrow Wilson Bridge has taken place without bringing rush hour traffic to a halt, so he questioned why the same common sense construction timing was not used for these basic maintenance repairs.

Supervisor McKay said that when he called VDOT this morning, he was informed that the repairs were scheduled for 9 a.m. to 2 p.m. However, travel lanes were blocked shortly after 8 a.m. He asserted that 9 a.m. is too early on a weekday for repairs and suggested that pothole repairs could be made in subdivision streets, not major arterials, at 8 or 9 a.m. in the future.

Supervisor McKay also noted the lack of notification so that motorists could have adjusted their schedules or taken alternate routes. There was nothing on VDOT's weekly lane closure report. There also was nothing on print or electronic media—other than generic announcements of the Governor's pothole blitz. There have been no notifications to the County's Department of Transportation or other government offices.

Accordingly, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a letter to VDOT's Northern Virginia administrator expressing concerns about the timing of the pothole work and requesting more proactive notification. Supervisor Hyland seconded the motion.

Following a brief discussion regarding the closure of Braddock Road for street sweeping during rush hour, and the acknowledgment that there are “rush hours,” the question was called on the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

36. **RECOGNITION OF MS. TAWNY HAMMOND (LEE DISTRICT)**
(12:46 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that recently the County presented an informative seminar on elder long term care and adult disability services to the Springfield Civic Association. Following the presentation, one of the civic association members who is disabled wrote to express her appreciation for Tawny Hammond, longtime president of the association, about her continuing efforts to make the association an inclusive one for residents with disabilities.

Speaking from personal experience, this resident commended Ms. Hammond for her groundbreaking efforts to allow a person with disabilities to participate in the activities of the Springfield Civic Association. All residents, disabled or not, have a vested interest in their community, especially its safety, quality of life, and home values. Persons with disabilities often find it difficult to be informed and actively participate in these crucial issues that affect themselves and their families. Ms. Hammond opened doors to inclusion that allow disabled individuals to be fully participating members of their community.

Accordingly, jointly with Chairman Bulova, Supervisor McKay asked unanimous consent that the Board direct staff to invite Ms. Hammond to appear before the Board for recognition at the meeting on May 24. Without objection, it was so ordered.

37. **RECOGNITION OF MS. MAUREEN MARSHALL (LEE DISTRICT)**
(12:47 p.m.)

Supervisor McKay said that Ms. Maureen Marshall, who has served as principal at Garfield Elementary School since 2005 and has worked for Fairfax County

Public Schools for 16 years, has been named the FCPS 2011 Principal of the Year and is the recipient of the *Washington Post* Distinguished Educational Leadership Award. He lauded Ms. Marshall's success and provided details about her career and efforts to increase parental involvement and assistance from the community.

Accordingly, Supervisor McKay asked unanimous consent that the Board direct staff to invite Ms. Marshall to appear before the Board for recognition at the June 7 meeting. Without objection, it was so ordered.

There was a brief inquiry to Merni Fitzgerald, Director, Office of Public Affairs, who indicated that this is the second presentation scheduled for the June 7 meeting.

38. **PUBLIC HEARING DEFERRALS (LEE DISTRICT)** (12:50 p.m.)

Supervisor McKay announced his intent to defer the following public hearings until April 26 at 3:30 p.m.:

- Rezoning Application RZ 2010-LE-013
- Rezoning Application RZ 2010-LE-009

(NOTE: Later in the meeting, these public hearing were formally deferred. See Clerk's Summary Items #60 and #61.)

39. **COMMUNITY DEVELOPMENT WEEK** (12:51 p.m.)

Supervisor Hudgins said that for more than 36 years, the federal Community Development Block Grant (CDBG) has been an important financial tool in the effort to address the needs of low and moderate income residents. CDBG funds have helped build community centers, acquire affordable housing and support numerous local non-profits. CDBG supports the County's Consolidated Community Funding Pool which provides funding for a variety of human services, affordable housing development administration and construction, as well as the acquisition and/or rehabilitation of affordable housing in the County.

In addition, under the 2009 American Reinvestment and Recovery Act, the County was awarded \$1.6 million in federal CDBG-Recovery (CDBG-R) funds. These funds helped address capital previously deferred due to inadequate funding. The Fairfax County Redevelopment and Housing Authority (FCRHA) applied CDBG-R funds to address needed capital improvements at five properties: Little River Glen, McLean Hills, Penderbrook, Murraygate, and Little River Square. Additionally, \$600,000 in CDBG-R funds was awarded to five non-profits to rehabilitate foreclosed properties.

The celebration of Community Development Week each spring focuses attention on the importance of CDBG and the many benefits it brings to the County and those most in need.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board designate April 25 through April 30, 2011, as "*Community Development Week*" in Fairfax County. Without objection, it was so ordered.

40. **EIGHTH ANNUAL RESTON FOUNDER'S DAY (HUNTER MILL DISTRICT)** (12:52 p.m.)

Supervisor Hudgins said that on Saturday, April 9, 2011, Reston will celebrate Founder's Day, noting the forty-seventh anniversary of the planned community, Reston, and in honor of the ninety-seventh birthday of Robert E. Simon, Jr., Reston's visionary founder. Festivities begin at noon and will include musical entertainment, the annual commemorative brick dedication, a treasure hunt with prizes, and birthday cake. All are welcome to join the festivities at Lake Anne Plaza, located at 1609 Washington Plaza, Reston, Virginia. The occasion will also mark the official launch of a new community-wide effort, "Looking Back, Moving Forward to a Sustainable Reston." This initiative builds on Reston's longtime commitment to environmental stewardship and will include a Community Sustainability Forum to be held on October 22 at the Reston Community Center.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to publicize the Eighth Annual Reston Founder's Day event on April 9, 2011, at Lake Anne Plaza, 1609 Washington Plaza. Without objection, it was so ordered.

41. **HUNTER MILL SKATE PARK ON WHEELS** (12:53 p.m.)

Supervisor Hudgins said that on Saturday, April 23, 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.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the **Skate Park on Wheels** event on April 23, 2011, at Vienna Volunteer Fire Department, 400 Center Street in Vienna. Without objection, it was ordered.

42. **RECOGNITION OF MR. JOHN KERSHENSTEIN (SPRINGFIELD DISTRICT)** (12:53 p.m.)

(BACs)

John Kershenstein, a distinguished Springfield District resident, served on the Planning Commission (PC) from 1975 - 1978. His commitment to the planning process and vision for the County paved the way for today's vibrant communities. He subsequently served more than 27 years as a commissioner on the Fairfax County Redevelopment and Housing Authority (FCRHA). He served a one-year term from 1980 to 1981, and has been appointed to successive four-year terms since March 1985, making him the longest tenured commissioner. He served one term as FCRHA chairman (1995-1996) and has served on numerous FCRHA committees - including the Finance Committee and the Planning and Development Committee. He was also a member of the Working Advisory Group of the Consolidated Community Funding Advisory Committee (CCFAC) and serves in a leadership role as RHA liaison with the Redevelopment and Housing Committee of the PC.

Furthermore, he served as the first president of his homeowners association, the Oakbrook Community, and since then has served in several leadership roles in his community.

Supervisor Herrity noted that Mr. Kershenstein's diligence, commitment, and many tireless years of serving on numerous committees and task forces have earned him the respect and admiration from the public, County staff, fellow commissioners, and Members of the Board of Supervisors.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mr. Kershenstein to appear before the Board and present him with a resolution recognizing him for his exceptional service which has contributed to the overall quality of life in the County. Without objection, it was so ordered.

43. **RADIO FREQUENCY (RF) TESTING FOR TELECOMMUNICATION APPLICATIONS** (12:55 p.m.)

Supervisor Herrity said that on November 16, 2010, he and Supervisor Hyland presented a Board Matter directing staff to make the submission of an independent RF analysis a 2232 Review Application requirement when it is determined at the discretion of the respective Planning Commission (PC) member that such RF analysis is pertinent and of value to the application being considered. This Board referred the motion to the Planning Commission for their review and recommendation. On March 25, 2011, the PC submitted its response in a memorandum which is included in his written Board Matter. Although the PC members have noted an increase in citizen concern regarding health issues surrounding telecommunications facilities, members stressed the federal law prohibiting local jurisdictions from denying any telecommunications facility based on health issues and emphasized the Federal Communications Commission statement that RF emissions from telecommunications facilities are not health

hazards. The PC's recommendation is to amend the Board motion to indicate that the request for an independent RF analysis is not a 2232 Review Application requirement.

Therefore, jointly with Supervisor Hyland, Supervisor Herrity moved that the Board support and recognize a Commissioner's right to seek an independent RF analysis from a telecommunications facility applicant which would serve to respond to various questions that are many times raised in the application review process concerning emissions and safety. However, the independent RF analysis should not be considered a County requirement for a 2232 Review for telecommunications facilities. Supervisor Hyland seconded the motion.

Following a brief discussion about the need for this motion, the question was called on the motion, which carried by unanimous vote.

44. **DISPROPORTIONALITY AND DISPARITY PREVENTION AND ELIMINATION TEAM (DDPET)** (12:57 p.m.)

Supervisor Herrity asked unanimous consent that the Board direct staff to report with the following information:

- The duties of DDPET
- If there is a budget associated with DDPET

Without objection, it was so ordered.

PMH:pmh

45. **NO BOARD MATTERS FOR SUPERVISOR LYNDA SMYTH (PROVIDENCE DISTRICT)** (12:58 p.m.)

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

46. **DOMINION CHRISTIAN SCHOOL - SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2005-SU-020-2 (SULLY DISTRICT)** (12:58 p.m.)

Supervisor Frey noted that Special Exception Amendment Application SEA 2005-SU-020 was approved by the Board in 2009 in the name of Dominion Christian School located at 10922 Vale Road in Oakton.

Supervisor Frey explained that the purpose of the application was to allow the school to add grades 9 and 10 to its curriculum. The school currently educates 135 students in grades K through 10, and the school has filed an application to increase its enrollment, make minor site modifications, and add grades 11 and 12.

To meet the applicant's goal of opening the new grades when classes reconvene after summer, the applicant's agent has asked that the Board schedule a date certain for the Board's public hearing, as well as authorize concurrent processing of any related building and site plans. Supervisor Frey said that he has reviewed these requests with staff, and they have no objection. The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way.

Therefore, Supervisor Frey moved that the Board direct staff to schedule a public hearing to be held before the Board regarding Special Exception Amendment Application SEA 2005-SU-020-2 as expeditiously as practicable after the Planning Commission hearing, and that building and site plans be reviewed concurrently with the zoning application. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

47. **INTERNATIONAL BUILDING SAFETY WEEK** (1 p.m.)

Supervisor Frey said that for many years, International Building Safety Week was observed in the nation to increase public awareness of the importance of building codes and construction safety. The importance of building safety and the need to increase public awareness have increased significantly in recent years. This importance has made it necessary for code officials to now observe a whole month as Building Safety Month. Code officials across the country actively endorse Building Safety Month as a good way to improve communication between their building departments and community residents, local builders, and developers; and to increase public education on a wide range of issues including safety devices such as carbon monoxide detectors, smoke detectors, and ground fault circuit interrupters, which save lives and protect property.

This year, International Building Safety Month will be observed during the month of May 2011. To mark the event, the Department of Public Works and Environmental Services (DPWES) has scheduled public outreach efforts in several local hardware and building material supply retail stores. In addition, DPWES will honor a worthy individual or corporate resident with the 2011 Building Safety Community Partnership Award. The award was first presented in 1998 to recognize individuals and corporate citizens in the County who have made significant contributions to the promotion of the goal of building safety in Fairfax County.

Therefore, Supervisor Frey asked unanimous consent that the Board:

- Direct staff to prepare a proclamation for the Board's meeting on April 26, 2011, declaring the month of May 2011 as "*Building Safety Month*" in Fairfax County.
- Recognize the 2011 Community Partnership Award recipient at that time.

Following input from Merni Firtzgerald, Director, Office of Public Affairs, regarding the schedule, without objection, the request was so ordered.

48. **LONG TERM PARKING IN NON-RESIDENTIAL AREAS** (1:02 p.m.)

Supervisor Gross said that the County addressed the challenge of commercial parking in residential areas. Now the issue of long-term parking in non-residential areas needs attention. Currently, the five criteria of the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), pertain to “No Parking” signage only and are only applied in residential areas, but a sixth criterion could be created for implementing time restricted parking in non-residential areas.

Therefore, Supervisor Gross moved that the Board direct staff to initiate the process to create additional criteria in the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), pertaining to the restriction of parking in non-residential areas. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

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

49. **MOUNT VERNON’S VISIONING TASK FORCE** (1:04 p.m.)

Supervisor Hyland said that last summer, he invited over 70 residents of the Mount Vernon District to participate in an expansive planning effort to examine the Mount Vernon District, and he launched an expansive Visioning Task Force. After seven months of long work, extensive community outreach, and a prolonged public review period, the eight committees – Business and Economic Development, Education, Environment Parks and Recreation, Housing and Community Development, Human Services, Land Use, Public Safety, and Transportation have all completed their reports. Together, they took a comprehensive look at the Mount Vernon District and provided a vision for where it should be in the next 25 years. Some of their goals are commonsense. Some of their statements are controversial. All of their recommendations reflect the vast cross-section of interests in Mount Vernon. Of all the residents’ undertakings in the last 24 years of public service, Supervisor Hyland said that he is the proudest of this accomplishment. While his staff prepares the final report, which will be posted online and sent to County libraries, Supervisor Hyland invited all of task force members to appear before the Board to be acknowledged publically for their efforts.

Therefore, Supervisor Hyland moved that the Board direct the Office of Public Affairs to invite the members of Mount Vernon’s Visioning Task Force to appear before the Board at an appropriate time to be congratulated for their service and

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

50. **CONSIDERATION ITEM - FULL DAY KINDERGARTEN (FDK)**
(1:06 p.m.)

Supervisor Hyland said that at the last meeting, he brought forward a Consideration Item in the amount of \$7.3 million to fund FDK in all County schools. After much deliberation, the Board voted, with his concurrence, that the question of funding FDK be set aside until after the Board met with the School Board at a joint Budget Committee meeting to hear where each Board's priorities are moving into the Fiscal Year (FY) 2012 budget hearings. At the budget committee meeting, there were several options presented as to how FDK could be implemented in the short and long term; however, the two Boards were unanimous in the sentiment that FDK is a priority and something that needs to happen. Until the two Boards, as partners in education, can come to terms with the how, since both agree on the why, Supervisor Hyland again asked Board Members to consider his motion to fund FDK as one option, while the Board works with the School Board on other ways to ensure all the youngest children have the benefit of FDK.

Therefore, Supervisor Hyland moved that the Board add, as a Consideration Item to the FY 2012 Budget deliberations, \$7.3 million to fund FDK in the County Public Schools. Supervisor Frey seconded the motion.

Discussion ensued regarding the proposal and the process for handling Consideration Items, with input from David P. Bobzien, County Attorney, regarding whether the motion was in order.

Supervisor Hyland moved to amend the motion to increase the School transfer by \$7.3 million. This motion died due to the lack of a second.

The question was called on the main motion and it **FAILED** by a recorded vote of nine, Supervisor Hyland voting "AYE."

Supervisor McKay moved that the Board include this item in the budget guidance. Supervisor Herrity, Supervisor Hudgins, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board held its public hearing on the annual budget and many members of the community testified regarding FDK. See Clerk's Summary Item #79.)

51. **RECOGNITION OF THE FIFTIETH ANNIVERSARY OF HOLLIN HALL AUTOMOTIVE (MOUNT VERNON DISTRICT)** (1:17 p.m.)

Supervisor Hyland said that 50 years ago, Hollin Hall Automotive opened its doors and turned on its pumps to a grateful neighborhood. The pride they take in customer service has not changed in the last five decades. Hollin Hall Elementary School is now a Senior Center, an attendant still greets you, cleans your windows, and checks under the hood every time you fill up. In addition to the excellent service, the owners have donated to local schools and non-profits. Hollin Hall Automotive is truly a business that has given back to the community over the years.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution, signed by the Chairman on behalf of the Board, recognizing Hollin Hall Automotives half century of service to the Mount Vernon community. Without objection, it was so ordered.

52. **UNIVERSITY MALL (BRADDOCK DISTRICT)** (1:19 p.m.)

Supervisor Cook said that the University Mall renovation is scheduled for decision only by the Planning Commission on April 6.

Therefore, Supervisor Cook moved that the Board approve expedited processing so that it can be heard by the Board on **April 26, 2011, at 4 p.m.** Chairman Bulova seconded the motion.

Following a query from Supervisor Herrity, Supervisor Cook included the following language in the motion: “The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards.” The question was called on the motion and it carried by unanimous vote.

53. **RECOGNIZING COUNTY STAFF** (1:21 p.m.)

Supervisor Cook recognized a number of individuals whose actions demonstrate just how remarkable County employees are and how fortunate the County is to have them.

Supervisor Cook said that at approximately 9:30 a.m. last Friday morning, Michael Brown, age 60, was running on one of the treadmills in the Audrey Moore RECenter when he slowed to a walk and then fell off backwards. As soon as he fell, Maureen Fletcher, a fitness trainer, and Meredith Dunn, a fitness instructor for Audrey Moore, immediately attended to him and called for Megan Hare, the Fitness Director, for help.

Mr. Brown, curled up and having difficulty breathing, was unable to respond to staff, prompting them to call 911. John Abernathy, a lifeguard in the pool who was just relieved of his deep end chair, noticed the activity in the fitness room and he, along with David Barr, Assistant Aquatics Director for Audrey Moore, grabbed the emergency response bag and made their way to the patron in distress.

By this time, Mr. Brown's breathing and heart stopped and Ms. Dunn began administering CPR. An Automated External Defibrillator (AED) shock was delivered, and CPR continued for approximately two additional cycles along with oxygen until Mr. Brown's heart started beating and he was breathing against the oxygen mask. The County Fire and Rescue arrived shortly thereafter and took control of the scene.

Supervisor Cook expressed relief to report that Mr. Brown, though diagnosed with having blocked arteries, is alive and recovering. He noted that according to attending physicians, the quick thinking and skilled care of staff kept him alive.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite all those involved in this heroic act to appear before the Board on May 24 to be recognized. Without objection, it was so ordered.

54. **RECESS/CLOSED SESSION** (1:24 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. Application of Washington Gas Light Company, PUE-2010-00139 (Va. State Corp. Comm.) (Countywide)

2. Property Damage Claim of Douglas and Penny Murphy (Lee District)
3. *Eugenia B. White v. Fairfax County Government*, Case No. 09A1091 (U.S. Sup. Ct.) (White III)
4. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, and Wells Fargo Bank*, Record No. 092486 (Va. Sup. Ct.) (Mount Vernon District)
5. *Dunn, McCormack & MacPherson v. Gerald E. Connolly*, Record No. 100260 (Va. Sup. Ct.)
6. *James H. Blondell v. Officer Donald W. Amos, Jr., Officer Robin D. Wyatt, and Officer Katherine S. Wright*, Case No.1:10cv249 (E.D. Va.)
7. *Dean Marrison and Ashley Marrison v. Department of Family Services*, Record No. 0174-11-4 (Va. Ct. App.)
8. *Carolyn McKay Sydnor v. Fairfax County, Virginia*, Civil Action No. 1:10-cv-934 (E.D. Va.)
9. *Steven W. Faett v. Anthony H. Griffin, County Executive*, Case No. CL-2011-0000053 (Fx. Co. Cir. Ct.)
10. *Lenir Richardson v. Mount Vernon Recreation Center, Fairfax County Park Authority, Power Systems, Inc., and INOVA Physical Therapy*, Case No. CL-2010-12621 (Fx. Co. Cir. Ct.)
11. *Johnie R. Muncy, Trustee, and F & M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Virginia, Albert A. Owusu, and Grace A. Owusu*, Case No. CL-2011-0001751 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Latisa M. Head, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Virginia, and Vicki L. Dodge*, Case No. CL-2011-0001752 (Fx. Co. Cir. Ct.) (Springfield District)

13. *Hilda Frazier, Sherry Frazier, and Susan Frazier v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0016336 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Stephen Weidman and Cynthia Weidman v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0018037 (Fx. Co. Cir. Ct.) (Providence District)
15. *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)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. John A. Foster and Shirlean N. Foster*, Case No. CL-2010-0015850 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernard C. Cox*, Case No. CL-2010-0016983 (Fx. Co. Cir. Ct.) (Providence District)
19. *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)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles*, Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter A. Shultz*, Case No. CL-2009-0012158 (Fx. Co. Cir. Ct.) (Springfield District)

22. *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)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. M-G Apartments, LLC*, Case No. CL-2011-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mann Realty, Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Brennan*, Case No. CL-2010-0017543 (Fx. Co. Cir. Ct.) (Lee District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Uyen Dieu H. Tran*, Case No. CL-2011-0002316 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer Lopez and Sandra Lopez*, Case No. CL-2011-0002317 (Fx. Co. Cir. Ct.) (Providence District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donna K. Stone and Loudean Chrisman*, Case No. CL-2011-0002381 (Fx. Co. Cir. Ct.) (Mason District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gary Steven Pisner*, Case No. CL-2010-0002555 (Fx. Co. Cir. Ct.) (Springfield District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Pinehills Properties, LLC*, Case No. CL-2011-0002805 (Fx. Co. Cir. Ct.) (Providence District)

31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khalil Arbid*, Case No. CL-2011-0003120 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ximena Escudero and Thomas Escudero*, Case No. CL-2011-0003245 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bum Ho Kim*, Case No. CL-2011-0003305 (Fx. Co. Cir. Ct.) (Mason District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sergio D. Alvarez and Raha Alvarez*, Case No. CL-2011-0003304 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Gutierrez*, Case No. CL-2011-0003448 (Fx. Co. Cir. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad E. Azim*, Case No. CL-2011-0003524 (Fx. Co. Cir. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gholamreza Khamesi and Fariba Vahdani*, Case No. CL-2011-0003523 (Fx. Co. Cir. Ct.) (Dranesville District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hossein Nilforoush*, Civil Case Nos. 10-0028993 and 10-0028994 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Haydar Najem and Zaynab Najem*, Case No. 11-0003629 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

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

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

ACTIONS FROM CLOSED SESSION

55. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:33 p.m.)

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

56. **DENIAL OF CLAIM FOR FLOOD DAMAGES FOR 5821 BROOKVIEW DRIVE, ALEXANDRIA, VIRGINIA** (3:33 p.m.)

Supervisor Foust moved that the Board deny the claim for flood damages submitted by Douglas and Penny Murphy, 5821 Brookview Drive, Alexandria, Virginia, for the reasons outlined by the County Attorney in closed session. Supervisor Gross and Chairman Bulova jointly seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor McKay voting "NAY."

57. **AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION AS A RESPONDENT** (3:34 p.m.)

Supervisor Foust moved that the Board authorize the Department of Cable and Consumer Services and the County Attorney's Office to file a Notice of Participation as a Respondent concerning the application for authority to increase rates and charges and to revise the terms and conditions applicable to gas service filed by Washington Gas Light Company in State Corporate Commission Case Number PUE-2010-00139. Supervisor McKay seconded the motion and it carried by unanimous vote.

58. **ORDERS OF THE DAY** (3:34 p.m.)

Chairman Bulova announced that the Board would proceed with the 2:30 p.m. public hearings to allow staff to provide additional information regarding the I-95 Waste-to-Energy Facility.

AGENDA ITEMS

59. **2 P.M. – SPECIAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY TO CONSIDER PURCHASE OF THE I-95 WASTE-TO-ENERGY FACILITY** (No Time)

(NOTE: Later in the meeting, this special meeting was cancelled. See Clerk's Summary Item #63.)

60. **2:30 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-013 (WPPI SPRINGFIELD HS, LLC) (LEE DISTRICT)** (3:35 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2010-LE-013 until **April 26, 2011, at 3:30 p.m.** Supervisor Smyth and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

61. **2:30 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-009 (MR LEWIN PARK CAPITAL, LLC) (LEE DISTRICT)** (3:36 p.m.)

(NOTE: On March 8, 2011, the Board deferred this public hearing until March 29, 2011.)

*Supervisor McKay moved to defer decision only on Rezoning Application RZ 2010-LE-009 until **April 26, 2011, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by unanimous vote.

(*NOTE: Later in the meeting, Supervisor McKay clarified this motion. See page 45.)

ADDITIONAL ACTION FROM CLOSED SESSION

62. **I-95 WASTE-TO-ENERGY FACILITY SERVICE AGREEMENT EXTENSION** (3:37 p.m.)

Supervisor Gross moved that the Board accept the terms of the Service Agreement Extension as discussed in closed session and pursuant to the February 9, 2011, Term Sheet, and the March 25 and March 28, 2011, letters from Covanta to the County. Supervisor Herrity and Chairman Bulova jointly seconded the motion.

CLARIFICATION OF MOTION FOR REZONING APPLICATION RZ 2010-LE-009 (3:38 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding this public hearing. See Clerk's Summary Item #61.)

Supervisor McKay noted that his previous motion was to defer decision only on Rezoning Application RZ 2010-LE-009. He clarified for the record that the public hearing on Rezoning Application RZ 2010-LE-009 was deferred.

Chairman Bulova said that during closed session the Board discussed options and terms for either purchasing the Waste-to-Energy Facility or for extending a service agreement with Covanta Energy. She stated her belief that this action represents the best option for County residents at this point.

Following further discussion regarding the Waste-to-Energy Facility, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Hudgins and Supervisor Hyland voting "NAY."

AGENDA ITEMS

63. **2:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-121-03 (WESTMINSTER SCHOOL, INCORPORATED) (MASON DISTRICT)** (3:48 p.m.)

The application property is located at 3801, 3811, and 3825 Gallows Road, Tax Map 60-3 ((24)) 3, 4, 5 and 5A.

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

Kris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), introduced Miriam Bader, a new staff coordinator in DPZ.

On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

Ms. Bader gave a brief description of the application and site location.

2 P.M. – SPECIAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY TO CONSIDER PURCHASE OF THE I-95 WASTE-TO-ENERGY FACILITY (3:51 p.m.)

Chairman Bulova noted that the special meeting of the Solid Waste Authority was cancelled since the Board did not vote on the option of purchasing the Waste-to-Energy Facility.

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

Ms. Strobel submitted items in support of the application, for the record.

Discussion ensued, with input from Ms. Strobel and Theodore Britt, Tri-Tek Engineering, Incorporated, regarding stormwater issues and flooding.

Following the public hearing, which included testimony by ten speakers, Supervisor Gross and Supervisor McKay submitted items for the record.

Discussion ensued, with input from Ms. Strobel, regarding the traffic impacts on the community.

Supervisor Gross suggested that the school have another discussion with the parents who drive their children to school.

Further discussion ensued, with input from Ms. Strobel, regarding access to the school.

Ms. Bader presented the staff and Planning Commission recommendations.

Following remarks regarding the application, Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 84-M-121-03, subject to the development conditions dated March 14, 2011.
- Reaffirmation of all previously approved waivers and modifications, as follows:
 - Modification of the transitional screening barriers along the southern and northern boundaries in favor of that depicted on the SEA Plat.
 - Modification of the barrier requirement along all sides of the subject property to allow the existing six-foot tall wood fence and other existing fences to serve as barriers.
 - Waiver of the requirement that usable outdoor recreation areas shall be limited to the areas outside the limits of the required front yard.

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

ADDITIONAL BOARD MATTER

64. **INTRODUCTION OF INTERN IN THE OFFICE OF THE CLERK TO THE BOARD** (4:44 p.m.)

Chairman Bulova introduced Lauren Phillips, an intern in the Office of the Clerk to the Board. She has been volunteering every other day this semester, and is a senior at Chantilly High School who resides in the Sully District. On behalf of the Board, she warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

65. **2:30 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-010 (NEIGHBORHOODS, VI, LLC) (PROVIDENCE DISTRICT)** (4:45 p.m.)

(O) The application property is located on the northeast side of Blake Lane approximately 300 feet southeast of its intersection with Chain Bridge Road, Tax Map 47-2 ((1)) 66, 67A and 70A.

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

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

- Stephen W. Robinson of McGuire Woods LLP

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

- Carson Lee Fifer, Jr. of McGuire Woods LLP
- Jonathan P. Rak of McGuire Woods LLP
- Gregory A. Riegle of McGuire Woods LLP

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

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

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-PR-010, from the R-2 District to the R-5 District, subject to the proffers dated March 24, 2011.
- Modification of the transitional screening requirement along the eastern property line, in accordance with the landscaping shown on the Generalized Development Plan.
- Waiver of the barrier requirement along the eastern property line.
- Waiver of the 600-foot maximum length requirement for a private street.

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

66. **2:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-PR-021 (JAMES W. JACKSON) (PROVIDENCE DISTRICT) (4:52 p.m.)**

The application property is located at 2701 Chain Bridge Road, Tax Map 48-1 ((1)) 50.

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

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

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

Robin Antonucci, MJ Wells and Associates, Incorporated, transportation agent for the applicant, gave a presentation regarding transportation issues and access based on her firm’s analysis and evaluation.

John Amatetti, VIK A Incorporated, civil engineering agent for the applicant, gave a presentation regarding the transitional screening and buffers.

Discussion ensued, with input from Ms. Strobel, regarding the application and a previous proposal for the site.

Following the public hearing, which included testimony by 11 speakers, Ms. Strobel presented rebuttal.

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

Following lengthy remarks regarding the application, Supervisor Smyth moved to **DENY** Special Exception Application SE 2008-PR-021, as recommended by the Planning Commission, who noted that the denial recommendation was based on the proposed intensity of the use, issues related to access to the site, incompatibility with the neighboring residences, and insufficient screening and landscaping. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER

67. **INTRODUCTION OF INTERN IN THE OFFICE OF THE CLERK TO THE BOARD** (6:21 p.m.)

Chairman Bulova introduced Jason Nguyen, an intern in the Office of the Clerk to the Board. He is a senior at Fairfax High School and a resident of the Springfield District. On behalf of the Board, she warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

68. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, CHARGES** (6:21 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 March 4 and March 11, 2011.

Following the public hearing, Chairman Bulova announced that the record will remain open to receive testimony until April 12, 2011, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearing.

69. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTERS 2 (PROPERTY UNDER COUNTY CONTROL), 61 (BUILDING PROVISIONS), 101 (SUBDIVISION ORDINANCE), 104 (EROSION AND SEDIMENTATION CONTROL), AND 112 (ZONING ORDINANCE), REGARDING ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES** (6:23 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 March 11 and March 18, 2011.

Following the public hearing, Chairman Bulova announced that the record will remain open to receive testimony until April 12, 2011, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearing.

70. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ZONING FEES** (6:23 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 March 11 and March 18, 2011.

Following the public hearing, Chairman Bulova announced that the record will remain open to receive testimony until April 12, 2011, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearing.

71. **3:30 P.M. – PH ON THE FISCAL YEAR 2012 EFFECTIVE TAX RATE INCREASE** (6:24 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 issue of February 24, 2011.

Following the public hearing, Chairman Bulova announced that the record will remain open until the markup on April 12, 2011, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings.

72. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-SP-012 (WESTBROOK PROPERTY, LLC) (SPRINGFIELD DISTRICT)**
(6:25 p.m.)

(O) The application property is located at the east terminus of Autumn Willow Drive approximately 2300 feet east of Stringfellow Road, Tax Map 55-4 ((3)) R7.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

- Francis A. McDermott, attorney for the applicant

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. McDermott 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 two speakers, Mr. McDermott presented rebuttal.

Ms. Zottl presented the staff and Planning Commission (PC) recommendations.

Supervisor Herrity moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-SP-012, from the R-1 and WS Districts to the PDH-2 and WS Districts, and approval of the Conceptual Development Plan, subject to the proffers dated February 2, 2011.
- That the Board direct the Director of the Department of Public Works and Environmental Services to grant a three percent deviation from the tree preservation target area required in Section 12-0507.1 of the Public Facilities Manual, and that the applicant continue to work with the staff of the Urban Forest Management Division to provide additional tree save areas and planting at the time of Subdivision Plan submission.
- That the Board allow a portion of the PDH recreational facilities contribution to cashed and directed off site per paragraph 2 of Section 16-404 of the Zoning Ordinance.

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

(NOTE: On February 9, 2011, the PC approved Final Development Plan Application FDP 2010-SP-012, subject to the development condition outlined in the Board Agenda Item dated March 29, 2011.)

73. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-DR-024 (DISCOVERY WOODS LEARNING COMMUNITY, LLC) (DRANESVILLE DISTRICT)** (No Time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #75.)

74. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF RESTON AVENUE WALKWAY IMPROVEMENTS (HUNTER MILL DISTRICT)** (6:38 p.m.)

Supervisor Hudgins moved to withdraw the public hearing on the acquisition of certain land rights necessary for the construction of Reston Avenue Walkway Improvements. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

75. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-DR-024 (DISCOVERY WOODS LEARNING COMMUNITY, LLC) (DRANESVILLE DISTRICT)** (6:39 p.m.)

(NOTE: On February 22, 2011, the Board deferred this public hearing until March 29, 2011.)

The application property is located at 9224 and 9232 Leesburg Pike, Tax Map 19-4 ((1)) 6 and 11.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Martin 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.

Ms. Zottl, presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2010-DR-024, subject to the development conditions dated March 23, 2011.
- Waiver of the construction of the on-road bicycle lane requirement along Leesburg Pike in favor of the right-of-way dedication.
- Waiver of the construction of frontage improvements along Leesburg Pike and Towlston Road in favor of the right-of-way dedication.
- Waiver of the transitional screening and barrier requirements along Leesburg Pike.
- Waiver of the barrier requirement along Parcel 19.
- Waiver of the service drive requirements along Leesburg Pike.
- Waiver of the construction of the trail requirements along Leesburg Pike and Towlston Road, in favor of the right-of-way dedication in granting of easements.

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

76. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF RESTON AVENUE WALKWAY IMPROVEMENTS (HUNTER MILL DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, this public hearing was withdrawn. See Clerk's Summary Item #74.)

77. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COLEWOOD STREET SANITARY SEWER E & I (SULLY DISTRICT)** (6:45 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 March 11 and March 18, 2011.

Following the public hearing, Supervisor Frey moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of

Colewood Street Sanitary Sewer E&I. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Gross and Supervisor Smyth being out of the room.

78. **4:30 P.M. – PH ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2012** (6:47 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2011.

Following the public hearing, which included testimony by three speakers, Chairman Bulova asked Doris Ray (Speaker Three), Representative of the Endependence Center of Northern Virginia, to provide a written copy of her testimony.

Supervisor Cook moved that the Board direct staff to submit all comments on the proposed Consolidated Plan One-Year Action Plan for FY 2012 to the Consolidated Community Funding Advisory Committee for its consideration and recommendation to the Board for final budget action on April 26, 2011. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Chairman Bulova announced that the record will remain open to receive testimony until April 12, 2011, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings.

DAL:dal/NV:nv

79. **6 P.M. – PH ON THE COUNTY EXECUTIVE'S PROPOSED FISCAL YEAR (FY) 2012 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYS 2012-2016 (WITH FUTURE FYS TO 2021) AND THE CURRENT APPROPRIATION IN THE FY 2011 REVISED BUDGET PLAN** (6:59 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notices of said public hearings were duly advertised in that newspaper as follows:

- County Executive's proposed FY 2012 advertised Budget Plan and the CIP for the FYS 2012-2016 (with future FYS to 2021) on March 4 and March 11, 2011.
- The current appropriation in the FY 2011 Revised Budget Plan on March 18 and March 25, 2011.

Chairman Bulova announced that the public hearing would begin with a presentation by the School Board and called upon Lee District Representative and Vice-Chairman of School Board, Brad Center, to deliver the School System's annual presentation.

Mr. Center announced that Kathy Smith, School Board Chairman and Sully District Representative, was sick, and sent her deepest apologies for not being able to attend.

Mr. Center introduced the following members of the School Board:

- Stuart Gibson, Hunter Mill District Representative
- Ilryong Moon, At-Large Representative
- James Raney, At-Large Representative
- Patty Reed, Providence District Representative
- Dan Storck, Mount Vernon District Representative
- Janie Strauss, Dranesville District Representative
- Judith (Tessie) Wilson, Braddock District Representative and Budget Chairman

Following Mr. Center's presentation and the showing of a short video regarding leadership, Chairman Bulova recognized the presence of Delegate Scott Surovell and Delegate Eileen Filler-Corn, and warmly welcomed them to the Board Auditorium.

(8:44 p.m.)

Following the testimony of Ms. Catherine Lorenze (Speaker 17), with regard to the School Operating Fund Statement provided by Ms. Lorenze, Supervisor Herrity asked unanimous consent that the Board direct staff to determine where the \$47.9 million available reserve came from, and what the plan is to use it. Without objection, it was so ordered.

(11:12 p.m.)

Following the testimony of Mr. Dante Verme (Speaker 55), Supervisor Cook asked unanimous consent that the Board direct staff to determine how much is spent on home tutoring. Supervisor Hudgins asked to amend the request to include the cost of transportation, and this was accepted. Without objection, the request, as amended, was so ordered.

The Board heard testimony from 62 speakers.

80. **BOARD RECESS** (11:13 p.m.)

Chairman Bulova announced that the Board would recess until 3 p.m. on March 30, 2011, at which time the budget public hearings will continue regarding the:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2012 Advertised Budget Plan.
- Capital Improvement Program for FY 2012–2016 (with future FYs to 2021).
- Current appropriation level in the FY 2011 Revised Budget Plan

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards.....	2-5
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	5-9
Items Presented by the County Executive	
Administrative Items	9-14
Action Items.....	15-21
Information Items	21-23
Board Matters	
Chairman Bulova	2, 23-25, 29
Supervisor Cook.....	37-38
Supervisor Foust	2, 24-25, 26-28
Supervisor Frey	33-34
Supervisor Gross	35
Supervisor Herrity	2, 32-33
Supervisor Hudgins	24-25, 30-31
Supervisor Hyland	2, 35-37
Supervisor McKay	28-30
Supervisor Smyth.....	24-25
Actions from Closed Session	43, 44-45
Public Hearings	44, 46-55