



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 10, 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, May 10, 2011, at 9:39 a.m., there were present:

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

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:40 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Ilryong Moon, Fairfax County School Board At-Large Member, whose mother, Eon-Rye Moon, died recently. She noted that Mr. Moon often tells the story of his mother and father coming to the United States with him when he was a little boy and how hard his parents worked to make a life for the family, and to put him through college and law school.

Supervisor Hyland asked everyone to keep in thoughts the family of Mrs. Harriet Piper, who died recently. She was the head of the volunteers at Inova Mount Vernon Hospital. She was also very active with the Southeast Fairfax Health Task Force. (NOTE: Later in the meeting, Supervisor McKay expressed sympathy to the Piper family. See below.)

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. W. Raymond Colley, who died recently. He was the former deputy clerk of the United States House of Representatives.

Supervisor Frey announced that Sunday, May 8, was the fifth anniversary of the tragedy at the Sully District Police Station where the County lost two outstanding officers, Vicky Armel and Michael Garbarino. He noted that they commemorated the day with a ceremony at the station. Supervisor Frey asked everyone to keep the families of Ms. Armel and Mr. Garbarino in thoughts.

Supervisor Foust asked everyone to keep in thoughts the family of Mr. Donald Finberg who died recently. He was a longtime resident of McLean. Mr. Finberg worked for the US Agency for International Development for many years and also served on the Board of Directors of the Hispanic Committee of Virginia and the Potomac River Greenways Coalition. He was also a significant contributor to the Dranesville District Budget Task Force. Supervisor Foust noted that the Board will honor the Budget Committees later in the meeting.

(NOTE: Later in the meeting, the Board recognized the District Budget Committees. See Clerk's Summary Item #11.)

Supervisor McKay expressed sympathy to the Piper family, and noted that he worked with Ms. Harriet Piper for many years on the Southeast Health Planning Task Force for which she was the recording secretary.

Supervisor McKay asked everyone to keep in thoughts the family of Mr. Roy Rice who died recently. He was a former chair of the Lee District Area Plans Review Task Force. Mr. Rice also served on the Lee District Land Use Committee representing the Brookland-Bush Hill community.

2. **CONGRATULATIONS AND BIRTH ANNOUNCEMENTS** (9:46 a.m.)

Supervisor Hyland congratulated his Chief of Staff, Brett Kenney, and his wife on the birth of a baby girl, June, who was born a month early. He noted that Brett is on paternity leave.

Chairman Bulova announced that Clayton Medford, of her office, and his wife had a baby approximately two months ago, and he is on paternity leave also.

AGENDA ITEMS

3. **PROCLAMATION DESIGNATING MAY 15–21, 2011, AS "EMERGENCY MEDICAL SERVICES (EMS) WEEK" IN FAIRFAX COUNTY** (9:47 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate May 15–21, 2011, as "*EMS Week*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

Chief John Caussin, designated speaker for the proclamation, announced and congratulated Beth Adams-Roemmelt for receiving the 2011 Nurse with Outstanding Contribution to EMS Award from the Northern Virginia EMS Council.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **PROCLAMATION DESIGNATING MAY 16–20, 2011, AS "SMALL BUSINESS WEEK" IN FAIRFAX COUNTY** (10 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate May 16–20, 2011, as "*Small Business Week*" in Fairfax County. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 2011 AS "PARENTS WHO HOST LOSE THE MOST MONTH" IN FAIRFAX COUNTY** (10:08 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 2011 as "*Parents Who Host Lose the Most Month*" in Fairfax County. This is a County-wide initiative to reduce underage drinking. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

6. **PROCLAMATION DESIGNATING MAY 2011 AS "COMMUNITY ACTION MONTH" IN FAIRFAX COUNTY** (10:22 a.m.)

Supervisor Foust moved approval of the Proclamation to designate May 2011 as "*Community Action Month*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Supervisor Gross called the Board's attention to a bookmark headlined "The State of the Poor," which the Community Action Advisory Board distributed around the dais. She noted that the statistics listed on the bookmark were from 2009, and the numbers have probably gone up, but it showed that 57,890 live in poverty in the County. A brief discussion ensued regarding the bookmark and the statistics.

7. **PROCLAMATION DESIGNATING MAY 15-21, 2011, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (10:36 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate May 15-21, 2011, as "*Public Works Week*" in Fairfax County. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES), and designated speaker for the proclamation, distributed a 2011 calendar around the dais which depicted staff in their many different roles in DPWES.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JOYCE WHITE** (10:47 a.m.)

Supervisor Smyth moved approval of the Resolution of Recognition presented to Ms. Joyce White for more than 40 years of outstanding and noteworthy service to the County and the Providence District upon her retirement as the director of the James Lee Community Center. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

9. **RESOLUTION OF RECOGNITION PRESENTED TO CAPTAIN DEBORAH BURNETT** (10:54 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Captain Deborah Burnett for 29 years of dedicated service to the County upon her retirement from the Police Department. Supervisor Hyland seconded the motion and it carried by unanimous vote.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO FASTRAN'S "STUFF THE BUS" PROGRAM** (11:05 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross moved approval of the Certificate of Recognition presented to the Fastran "Stuff the Bus" program. This is an initiative to collect food to feed those in need. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **CERTIFICATES OF RECOGNITION PRESENTED TO DISTRICT BUDGET COMMITTEES** (11:14 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to members of the following budget committees for their contributions and continued commitment to residents of the County:

- Hunter Mill District Advisory Budget Committee
- Mount Vernon District Council of Citizens' Association
- Springfield District Citizens' Budget Review Committee
- Braddock District Citizens' Budget Review Committee
- Dranesville Budget Task Force
- Lee District Budget Committee

The motion was multiply seconded and carried by unanimous vote.

12. **RESOLUTION OF RECOGNITION PRESENTED TO MR. LEN WALES** (11:36 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to the County Debt Manager Len Wales for nearly 30 years of dedicated and noteworthy service to the County upon his retirement. The motion was multiply seconded and carried by unanimous vote.

13. **RESOLUTION OF RECOGNITION PRESENTED TO DEPUTY COUNTY EXECUTIVE EDWARD L. LONG, JR.** (11:56 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to Deputy County Executive Edward L. Long, Jr. for 34 years of noteworthy and distinguished service to the County upon his retirement. The motion was multiply seconded and carried by unanimous vote.

Chairman Bulova recognized the presence of Dean Tistadt, Chief Operating Officer, Fairfax County Public Schools.

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14. **10:30 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (12:33 p.m.)

Debbie Robison, Chairman, History Commission, introduced the following members of the Commission:

- Elise Ruff Murray, Vice-Chairman

- Lynne Garvey-Hodge, Citizen #4
- Laurie Turkawski, Historian, Department of Planning and Zoning

Ms. Robison presented the Commission's annual report and noted the following:

- Four historical roadside markers were installed.
- Two new markers have been approved and work is in progress.
- Descriptive pictures of the historical markers can be found online at: <http://www.fairfaxcounty.gov/histcomm/>.
- A step-by-step instruction guide is available for citizens completing the application on placing a property on the inventory of historic sites.
- The History Commission's sixth annual conference theme was *"Preserving Our Paths in History."*

Discussion ensued, with input from Ms. Robison, regarding the institution of a Resident Curator Program and developing Civil War trail markers to be located throughout the County to encourage tourism to the historic sites.

Chairman Bulova announced the creation of a non-profit Fairfax County Cemetery Preservation Association, co-chaired by Mary Lipsey and Lynne Garvey-Lodge that originated from the History Commission. Its mission is to identify forgotten small family cemeteries.

15. **ADMINISTRATIVE ITEMS** (12:48 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, LEE, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Town Center Parkway	Hunter Mill	Town Center Parkway (Route 7414)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Kendrick	Lee	Old Telegraph Road (Route 634) [Additional Right-of-Way (ROW) Only]
Evans Subdivision	Mount Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Townes of Pohick	Mount Vernon	Pohick Road (Route 638) (Additional ROW Only)
U-Haul Retail Center	Mount Vernon	Terminal Road (Route 3276) (Additional ROW Only)
Sandburg Hill	Providence	Sandburg Hill Court Sandburg Street (Route 936) (Additional ROW Only) Cottage Street (Route 2401) (Additional ROW Only)

ADMIN 2 – DISCONTINUANCE OF A PORTION OF ROUTE 744 (HILLTOP ROAD) FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (PROVIDENCE DISTRICT)

- (R) Adopted the Resolution requesting that a portion of Route 744 (Hilltop Road) be discontinued from the Secondary System of State Highways.

ADMIN 3 – DISCONTINUANCE OF A PORTION OF ROUTE 8212 (ROWLAND DRIVE) FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (DRANESVILLE DISTRICT)

- (R) Adopted the Resolution requesting that a portion of Route 8212 (Rowland Drive) be discontinued from the Secondary System of State Highways.

ADMIN 4 – DISCONTINUANCE OF A PORTION OF ROUTE 779 (FORDSON ROAD) FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (LEE DISTRICT)

- (R) Adopted the Resolution requesting that a portion of Route 779 (Fordson Road) be discontinued from the Secondary System of State Highways.

ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (LEE AND MOUNT VERNON 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-L06-41-1	Fibertower Antenna collocation on existing tower 3900 San Leandro Place Lee District	July 16, 2011
FSA-V06-16-2	Fibertower Antenna collocation on existing tower 10112 Furnace Road Mount Vernon District	July 22, 2011

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTIONS 3-1-2, 3-1-19, 3-1-24, 3-2-57, AND 3-3-57

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 7, 2011, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Sections 3-1-2, 3-1-19, 3-1-24, 3-2-57, and 3-3-57. The proposed revisions provide for an amended definition of select position status in the County exempt service, clarification of language pertinent to employee participation in political activities which aligns with *Virginia Code* Section 15.2-1512.2, articulation of employees' rights to express matters of public concern to elected officials which aligns with *Virginia Code* Section 15.2-1412.4, and make elected public officials ineligible to participate in the Deferred Retirement Option Program.

ADMIN 7 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT FUNDING FROM THE 2010 INTEROPERABLE EMERGENCY COMMUNICATIONS PERFORMANCE GRANT

Authorize the Fire and Rescue Department to apply for and accept funding, if received, from the Virginia Department of Emergency Management Fiscal Year 2010 Interoperable Emergency Communications Performance Grant in the amount of \$102,000. No Local Cash Match is required.

ADMIN 8 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT A PROMOTION OF WELLNESS AND RECOVERY (POWAR) PROJECT GRANT AWARD

Authorized CSB to accept \$94,990 in grant funding through the POWAR Project from Kaiser Permanente of the Mid-Atlantic States. The grant funding is designed to improve the integration of behavioral health care services with primary care and early intervention for hypertension and diabetes. No local cash match is required.

16.
(BONDS)
(R)

A-1 – APPROVAL OF 2011 SCHOOL BOND REFERENDUM (12:48 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the School Bond Referendum Resolution requesting the Circuit Court to order a special election on the issuance of such bonds on November 8, 2011. Supervisor Herrity seconded the motion.

Discussion ensued regarding funding for proposed renovations and improvements to schools and the closing of Clifton Elementary School.

Supervisor Herrity asked unanimous consent that the Board direct the School Board to provide detailed information on the proposed additions and the impact on the community. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information on which schools are being considered for a community school facility. Without objection, it was so ordered.

Further discussion ensued regarding expansions and impact of traffic on the community, bus service routes, and pedestrian access to the schools.

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

17. **A-2 – APPROVAL OF PARKING REDUCTION FOR CIRCLE TOWERS (PROVIDENCE DISTRICT)** (12:59 p.m.)

Supervisor Smyth asked unanimous consent to defer action on this item until the related public hearing this afternoon. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #47.)

18. **A-3 – AWARD OF FEDERAL HOME PROGRAM FUNDS TO THREE COUNTY NONPROFIT HOUSING ORGANIZATIONS** (1 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the HOME Program Community Housing Development Organization awards to NOVACO (\$480,000), Reston Interfaith Housing Corporation (\$249,271), and the Brain Foundation (\$309,271). The funds will be used for the acquisition and preservation of affordable housing for rental to low and very low-income households. Supervisor McKay seconded the motion.

Discussion ensued, with input from John Payne, Deputy Director, Real Estate and Development, Housing and Community Development, regarding the impact of taxing or not taxing non-profit homes and the time frame and process of the allocation of the funds.

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

19. **C-1 – APPEAL OF VIRGINIA CODE SECTION 15.2-2232 DETERMINATION – APPLICATION 2232-D11-3, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (DRANESVILLE DISTRICT)** (1:02 p.m.)

Supervisor Foust asked unanimous consent to defer this item and place it as the first item on the 3:30 p.m. agenda, and also to allow the applicant to make a presentation, as well as a select number of community members.

A brief discussion ensued, with input from David P. Bobzien, County Attorney, regarding the schedule and how to proceed.

Supervisor Frey asked to amend the request to consider hearing the first 3:30 p.m. public hearing on the "Approval of Financing for the Purchase of a New Fire Pumper Truck by the Fair Oaks Volunteer Fire and Rescue Company,

Incorporated,” prior to the appeal to enable firefighters to get back to work. This was accepted. Without objection, the request, as amended, was so ordered.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk’s Summary Item #45.)

20. **I-1 – CONTRACT AWARD – PROFESSIONAL AUDIT SERVICES**
(1:06 p.m.)

The Board next considered an item contained in the Board Agenda dated May 10, 2011, requesting authorization for staff to award a contract to Clifton Gunderson LLP, for professional audit services. The contract is approximately a three-year contract with two one-year renewal options. The total estimated amount of the audits is \$165,425 each year for the first and second year audits and \$172,580 for the third-year audit. The total amount for the optional three project audits is \$30,450 for each of the first and second year audits and \$35,100 for the third year audit.

The staff was directed administratively to proceed as proposed.

21. **I-2 – CONTRACT AWARD – NOVI TRAIL SEGMENT D (HUNTER MILL DISTRICT)** (1:06 p.m.)

The Board next considered an item contained in the Board Agenda dated May 10, 2011, requesting authorization for staff to award a contract to E. E. Lyons Construction Company, Incorporated, in the amount of \$121,646 for construction of NoVi Trail - Segment D, Project W00300, Hunter Mill District Walkways, in Fund 307, Pedestrian Walkway Improvements.

The staff was directed administratively to proceed as proposed.

22. **I-3 – CONTRACT AWARD – DOGUE CREEK FORCE MAIN REPLACEMENT (MOUNT VERNON DISTRICT)** (1:06 p.m.)

The Board next considered an item contained in the Board Agenda dated May 10, 2011, requesting authorization for staff to award a contract to Michels Corporation in the amount of \$12,790,920 for the construction of Project L00117, Dogue Creek Force Main Replacement, Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

23. **I-4 – PLANNING COMMISSION ACTION ON APPLICATION 2232A-MD06-10-1, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (HUNTER MILL DISTRICT)** (1:06 p.m.)

The Board next considered an item contained in the Board Agenda dated May 10, 2011, announcing the PC's approval of Application 2232A-MD06-10-1, as amended. The PC noted that the application met the criteria of character, location and extent, and therefore was in conformance with Section 15.2-2232 of the *Code of Virginia*, as amended. Application 2232A-MD06-10-1 sought approval to construct a Traction Power Substation south of Sunset Hills Road and west of Hunter Mill Road in the Virginia Department of Transportation (VDOT) Right-of-Way, Reston, associated with the extension of Metrorail service through the County, Tax Map 18-3 (VDOT Right-of-Way).

NV:nv

ADDITIONAL BOARD MATTERS

24. **RECOGNITION OF GROUPS** (1:07 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives of the following to appear before the Board to receive proclamations:

- The Health Department recognizing “*Hepatitis Awareness Day*” in Fairfax County.
- The Health Department recognizing “*World AIDS Day*” in Fairfax County.
- The Health Department recognizing “*Disability Employment Awareness Month*” in Fairfax County.
- The Office of Human Rights and Equity Programs recognizing “*Hispanic Heritage Month*” in Fairfax County.
- The Office of Human Rights and Equity Programs recognizing “*American Indian Heritage Month*” in Fairfax County.
- Wolf Trap recognizing its fortieth anniversary.
- The Park Authority recognizing the wonderful Farmers Markets in the County.

Without objection, it was so ordered.

25. **FAITH COMMUNITY HOUSING ENGAGEMENT EVENT** (1:08 p.m.)

Chairman Bulova announced an event that is part of the County's Ten Year Plan to Prevent and End Homelessness. On June 1 the Fairfax-Falls Church Partnership to Prevent and End Homelessness will host a Faith Community Housing Engagement from 9 a.m. until 1 p.m. in the Board Auditorium.

Chairman Bulova stated that the local faith community has led the way when it comes to helping those who have fallen on hard times. The June event will be an opportunity to recognize the faith community's outstanding contributions and a chance to continue collaboration as the County works to meet the goals set in the plan.

Accordingly, Chairman Bulova asked unanimous consent that the Board direct staff in the Office of Public Affairs to:

- Publicize this event.
- Prepare a proclamation to deliver at the event to acknowledge the faith community's pivotal role in helping those in need.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

26. **ANNUAL McLEAN DAY (DRANESVILLE DISTRICT)** (1:09 p.m.)

Supervisor Foust announced that on Saturday, May 21, from 10:30 a.m. to 5 p.m., the McLean Community Center (MCC) will hold its thirty-fifth annual McLean Day event. McLean Day is a day when the community comes together at Lewinsville Park on Chain Bridge Road to meet neighbors and celebrate the community.

Supervisor Foust explained that McLean Day features something for all ages. There is a line-up of live entertainment on the stage organized by the Alden Theatre. There are many rides throughout the park; many of the ones for younger children are free, such as the pony rides, which always draw a long line all day. Local businesses, nonprofit groups, artisans, local officials, and civic organizations have booths to showcase their wares and offer information about various projects. Residents will also be able to vote for the candidates to the MCC Governing Board. Admission is free, and shuttle buses run the entire day to provide no-hassle transport. He thanked the board and staff of the MCC for their efforts to make each year's event a success.

Accordingly, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event to County

offices, libraries, public schools, and community groups. He also invited Board Members to join him at the event. Without objection, it was so ordered.

27. **REQUEST FOR CONCURRENT PROCESSING AND AN EXPEDITED PUBLIC HEARING (MASON DISTRICT)** (1:11 p.m.)

Supervisor Gross said that Quarles Petroleum, Incorporated, ("applicant") has applied for a special exception to operate an unattended service station on a site located within Shirley Industrial Park. The prospective use is essentially the same as a Quarles operation for a site in Chantilly Industrial Park that was approved as a special exception by the Board in 2001. The Planning Commission (PC) public hearing for the current application is expected to be scheduled in early summer of this year.

The applicant requests that the Board authorize concurrent processing and also schedule a public hearing before the Board to occur as soon as possible following the PC hearing.

The applicant understands that this motion does not relieve it of any obligations, ordinances, or standards and will not prejudice the consideration of the application in any way. Accordingly, Supervisor Gross moved that the Board:

- Direct the director of the Department of Public Works and Environmental Services to process the site plans, plats, waivers, permits, and related documents concurrent with Special Exception Application SE 2010-MA-015.
- Direct staff to schedule a public hearing to be held before the Board on Special Exception Application SE-2010-MA-015 to occur as soon as possible following the PC public hearing.

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

28. **KOREAN BELL DEDICATION AT MEADOWLARK GARDENS (HUNTER MILL DISTRICT)** (1:13 p.m.)

Supervisor Hudgins said that Hunter Mill District is fortunate to be home to the Northern Virginia Regional Park Authority's Meadowlark Botanical Gardens. On Saturday, May 14, Meadowlark will celebrate the grand opening of its newest feature, the Korean Bell Garden.

The center of attention at this beautiful facility is a traditional Korean ceremonial bell. The bell was donated from a province in South Korean and crafted in the traditional manner by one of the best bell makers in Korean. It is called the Bell of Peace and Harmony.

Saturday's dedication ceremony will feature Korean food, traditional Korean artists, performances, and free Korean/English cookbooks to the first 200 guests.

Supervisor Hudgins asked unanimous consent the Board direct the Office of Public Affairs to aid in publicizing the dedication ceremony on May 14. Without objection, it was so ordered.

29. **BACKYARD EARTHFEST (HUNTER MILL DISTRICT)** (1:14 p.m.)

Supervisor Hudgins said that on Saturday, May 21, the Park Authority and her office will host the first Hunter Mill District Backyard EarthFest at Frying Pan Farm Park. This event focuses on things people can do to help reap the benefits of "greening" their backyards, whether they have a lawn or just a bit of balcony.

Supervisor Hudgins invited Board Members to come out for an afternoon at the farm, and she asked unanimous consent that the Board direct the Office of Public Affairs aid in publicizing this event. Without objection, it was so ordered.

30. **RECOGNITION OF PRINCIPAL FRANK BENSINGER (HUNTER MILL DISTRICT)** (1:15 p.m.)

Supervisor Hudgins announced that the Reston community is losing a local treasure. Mr. Frank Bensinger is retiring from the County Public Schools at the end of this school year after a long, successful career that includes 21 years as principal at Forest Edge Elementary School.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Bensinger to appear before the Board on June 7 to be recognized for his years of service to the County. Without objection, it was so ordered.

31. **HUNTER MILL COUNTRY DAY SCHOOL (HUNTER MILL DISTRICT)** (1:15 p.m.)

Supervisor Hudgins said Hunter Mill Country Day School, located at 2021 Hunter Mill Road [Tax Map 27-4((1)), Parcel 3] has filed Special Exception Amendment Application SEA 86-C-066-02 to renovate the childcare and nursery school facility with an addition to the building. This addition will move two classrooms from the basement to a more accessible space on the ground level of the building. The purpose of the change is to make the school safer and to provide a better learning experience for the children.

The initial Planning Commission (PC) public hearing was scheduled for July, 2010, but was indefinitely deferred to allow for further analysis from the Virginia Department of Transportation (VDOT). She added that it is her understanding that all outstanding VDOT issues have been resolved and the new PC public hearing date is scheduled for June 16, 2011.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Planning and Zoning to schedule a public hearing to be held before the Board on Special Exception Amendment Application SEA 86-C-066-02 on June 21, 2011. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

32. **GIRL POWER DAY** (1:17 p.m.)

Supervisor Hudgins said that for 12 years, Girl Power, an organization sponsored by the Fairfax-Falls Church Community Services Board, Fairfax County Public Schools, along with private sector and non-profit support, has helped to encourage and empower girls 10 to 14 years old, to build self-esteem and leadership skills. Studies show that girls tend to lose self-confidence and experience low self-esteem, become less physically active and school performance starts to deteriorate during this critical age period. The goal of Girl Power is to empower girls from across the County with positive information through workshops on life building skills. This year 175 girls are participating in this program at more than 17 sites across the County.

The Girl Power philosophy values healthy life choices that empower participants to develop confidence, resist negative peer pressure, do well in school, and become active community participants.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim June 4, 2011, as “*Girl Power Day*” in Fairfax County.
- Direct staff to prepare a proclamation for reading by the Hunter Mill District Supervisor on behalf of Board at the annual Girl Power conference “Girl Power! Voices of Leaders,” on June 4 at the Government Center.

Following discussion about other locations for additional proclamations, without objection, it was so ordered.

33. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (1:19 p.m.)

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

PMH:pmh

34. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (1:19 p.m.)

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

35. **BRADDOCK DISTRICT BIKE DAY** (1:20 p.m.)

Supervisor Cook announced that, matching the theme of National Bike Month and National Bike to Work Day, both May events, he will be hosting a Bike Day in Braddock District. This event is for the whole family and will be held on Saturday, May 28, from 10 a.m. until 2 p.m., in the parking lot at Lake Braddock Secondary School located at 9200 Burke Lake Road.

The County makes significant efforts to support biking opportunities. With the weather warming up more people will be taking to the streets by bicycle making it essential that they be reminded - kids especially - of proper bike safety.

Supervisor Cook noted that at the Bike Day in Braddock District, members of the Police Department will be on hand to discuss bike safety and offer an obstacle course, allowing riders to test their bicycling skill. Representatives from the Department of Transportation's Bike Division will be there with local bike route maps, promoting the trail and bike path system in the County. Fairfax Advocates for Better Bicycling (FABB) will have informational materials available and provide some tips on navigating the area by bike. There will even be a bike mechanic or two from Oasis Bike Works in Fairfax to do inspections and routine tune-ups.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

36. **KAISER PERMANENTE** (1:21 p.m.)

Supervisor McKay noted that the County is fortunate to have many private sector companies as partners who make positive contributions to the health of the community. One of those partners is Kaiser Permanente, an organization with a long history of community support. Kaiser Permanente has been particularly effective in its work with the Medical Care for Children Partnership Foundation. For the past 25 years, Kaiser Permanente has provided children in the program with regular well-child care, acute care, specialty care, and prescriptions at reduced or no cost.

Today in the County, Kaiser Permanente provides services for 1,600 children a year at a cost of \$1,272 per child for a total contribution of over \$2 million a year.

Last July, Kaiser Permanente increased its generosity, dropping its reduced rate of \$300 per child to no charge.

Supervisor McKay asked unanimous consent that the Board direct staff to invite Mindy R. Rubin, Director of Charitable Programs and Safety Net Partnerships for Kaiser Permanente, to appear before the Board for recognition at its meeting scheduled for June 21. Without objection, it was so ordered.

37. **HONOR GUARD COMPETITION** (1:23 p.m.)

Supervisor McKay announced that for the second year, the County Sheriff's Office Honor Guard took first place and best dressed award at the May 7 Washington Metropolitan Council of Governments (COG) Honor Guard competition. This event took place on the grounds of the National Law Enforcement Memorial in Washington, DC.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to express the Board's congratulations to the Sheriff to be shared with the members of the Honor Guard. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

38. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (1:23 p.m.)

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

39. **REVIEW OF IMPACT FEES** (1:24 p.m.)

Supervisor Hyland said that the Mount Vernon Council of Citizens' Association passed a transportation resolution requesting the Board to institute a Zoning Ordinance that will give the Board the ability to apply impact fees.

Supervisor Hyland explained that since the late 1980s, the Board has had the authority to institute impact fees on land use cases, but it continues to use the proffer system because it believes that the present system is more advantageous. As an example, since the Walmart at Kings Crossing opened along Richmond Highway, the southbound traffic has significantly increased at the left turn lane signal light, and it is creating a serious safety issue by blocking the left passing lane. The left turn lane is simply inadequate.

Because this particular development was "by right," the County had no authority to impose adequate infrastructure improvements to address anticipated traffic issues. Apparently, Stafford County has successfully instituted a system of impact fees and proffers and the Council has asked that the Board reexamine the impact

fee legislation to determine if it could provide a solution to development proposals such as Walmart.

Therefore, Supervisor Hyland moved that the Board direct staff to review the proffer system and impact fees, review the experience in Stafford County, and report with recommendations. Chairman Bulova seconded the motion.

Following a brief discussion regarding the motion, Supervisor Herrity asked to amend the motion to direct staff to review the history of the proffer system and how it is serving the Board, and this was accepted.

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

40. **RECESS/CLOSED SESSION** (1:28 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. *T-Mobile Northeast LLC v. Fairfax County, Virginia, and the Board of Supervisors of Fairfax County, Virginia*, Case No. 11-1060 (U.S. Ct. of App. for the Fourth Cir.) (Dranesville District)
 2. *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case No. CL-2009-007555 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 3. *Xuli Zhang v. Police S. Regan and Police PEC M. Green, Mason Station, Fairfax County Police Department*, C.A. No. 1:10-cv-1329 (E.D. Va.)

4. *County of Fairfax, Virginia v. Flashover Systems, Inc.*, Case No. CL-2011-0000557 (Fx. Co. Cir. Ct.)
5. *Diana Konadu v. Fairfax County Department of Family Services*, Case Nos. JA-2010-0000374 and 0000375 (Fx. Co. Cir. Ct.)
6. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority*, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)
7. *Joseph F. and Juliana Campagna, Fairfax Christian School, Inc., Hunter Mill East, LLC, Hunter Mill West, LLC, Robert L. and Rosemary S. Thoburn, and Thoburn Limited Partnership v. Fairfax County Board of Supervisors*, Case No. CL-2010-0005862 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Renni Zhao and Suli Wang v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2011-0003980 (Fx. Co. Cir. Ct.) (Providence District)
9. *SNSA, Inc., d/b/a Fast Eddies Billiard Cafe v. County of Fairfax*, Case No. CL-2011-0005615 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Norma Bostick Hartwell, Elizabeth Ann Bostick, Warren E. Bostick, and Wycliffe on the Potomac Homeowners Association, Inc. v. The County of Fairfax and the Board of Supervisors of Fairfax County*, Case No. CL-2011-0003349 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernard C. Cox*, Case No. CL-2010-0016983 (Fx. Co. Cir. Ct.) (Providence District)

12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derlis A. Arnez, Rosario Arnez, and Carmen R. Arnez*, Case No. CL-2008-0016093 (Fx. Co. Cir. Ct.) (Lee District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad*, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)
14. *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)
15. *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)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler*, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)
17. *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)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Toetie Jones*, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. LM734, LC, Case No. 2010-0014340; LM 734, LC, trading as Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax*

County, Virginia v. Jose R. Loza and Maria C. Loza, Case No. CL-2010-0017377 (Fx. Co. Cir. Ct.) (Mason District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. 4005 Hummer Road, LLC*, Case No. CL-2011-0000354 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. KF Bailey's Crossroads, LLC*, Case No. CL-2011-0000048 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0017148 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose D. Peralta-Lima*, Case No. CL-2010-0016335 (Fx. Co. Cir. Ct.) (Lee District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mehdi Molaei, a.k.a. Molaei Mehdi*, Case No. CL-2010-0017937 (Fx. Co. Cir. Ct.) (Hunter Mill District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert C. Rucroft, Trustee of the George Rucroft Trust*, Case No. CL-2010-0017674 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel P. Sachs*, Case No. CL-2011-0000050 (Fx. Co. Cir. Ct.) (Dranesville District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Francisco Garcia and Irma Garcia*, Case No. CL-2010-0015751 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cheryl A. Padilla*, Case No. CL-2011-0005000 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cornerstone Church of Christ Bibleway World Wide, Arthur Cotton, Al M. Stith, James Sanders, and Morris A. Mills, Trustees*, Case No. CL-2011-0004999 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martin M. Yapur and Elizabeth Corvera Acha*, Case No. CL-2011-0005132 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. First Church of Christ, Scientist, Mount Vernon, Virginia, Walter O. Bachus, Anita Christiane West Little, and Joyce K. Clevenger, Trustees*, Case No. CL-2011-0005401 (Fx. Co. Cir. Ct.) (Mount Vernon District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teresa D. Cruz and Walter Y. Pereira*, Case No. CL-2010-0005538 (Fx. Co. Cir. Ct.) (Lee District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. R. Michael Lehner*, Case No. CL-2011-0005796 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Faical Rihane*, Case No. CL-2011-0005795 (Fx. Co. Cir. Ct.) (Providence District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghassem Sharifi and Souren Hakopian*, Case No. CL-2011-0005857 (Fx. Co. Cir. Ct.) (Providence District)

38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ross Spagnolo*, Case No. CL-2011-0005847 (Fx. Co. Cir. Ct.) (Providence District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul D. Robertson*, Case Nos. 10-0021259 and 10-0021260 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Trung Dinh-Chi Phan*, Case No. 11-0007388 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *Virginia Code* Section 55-513.01 Relating to the Property Owners' Association Act
- Title Certification Requirements for Easements and Dedications
- Appeal of *Virginia Code* Section 15.2-2232 Determination-Application 2232-D11-3

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

DET:det

At 4:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

41. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:05 p.m.)

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

42. **RECLASSIFICATION OF SUSAN DATTA, DIRECTOR, DEPARTMENT OF MANAGEMENT AND BUDGET (DMB), TO CHIEF FINANCIAL OFFICER** (4:06 p.m.)

Supervisor Gross moved that the Board approve the County Executive's recommendation that Ms. Susan Datta be reclassified to the job class of Chief Financial Officer, Grade E-13, at a salary of \$173,171, effective May 23, 2011. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman Bulova congratulated Ms. Datta, who was not present, and noted that this was a reorganizational change.

AGENDA ITEMS

43. **3:30 P.M. – PH ON THE APPROVAL OF FINANCING FOR THE PURCHASE OF A NEW FIRE PUMPER TRUCK BY THE FAIR OAKS VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED (SULLY DISTRICT)** (4:07 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 issue of May 2, 2011.

Michael Long, Deputy County Attorney, presented background on the action the Board was about to take.

Following the public hearing, which included testimony by one speaker, Supervisor Frey thanked Chief Servello and all of the volunteers at Fair Oaks for their efforts. He noted that as the community has grown, so have the number of volunteers, and he pointed out that through the efforts of the volunteers to finance this purchase, the County and its taxpayers do not have to.

Supervisor Frey moved adoption of the Resolution authorizing the financing in an amount of up to \$500,000 for the purchase of a 2011 Pierce Velocity Fire Truck by the Fair Oaks Volunteer Fire and Rescue Company, Incorporated. Supervisor Herrity and Smyth jointly seconded the motion.

Supervisor Herrity announced that everyone can help start to pay for the engine by supporting the Ambulance Chase 5K on Saturday, May 28, at the Government Center.

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

Supervisor Frey confirmed that the race on Saturday, May 28, will begin at 8 a.m., and participants may pre-register at the Fair Oaks Volunteer website.

44. **3:30 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-026 (GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP) (MASON DISTRICT)** (4:13 p.m.)

(NOTE: On April 26, 2011, the Board held a public hearing regarding this item and deferred decision until May 10, 2011.)

Supervisor Gross moved to defer decision on Special Exception Application SE 2009-MA-026 until **May 24, 2011, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by unanimous vote.

45. **C-1 – APPEAL OF VIRGINIA CODE SECTION 15.2-2232 DETERMINATION – APPLICATION 2232-D11-3, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (DRANESVILLE DISTRICT)** (4:14 p.m.)

(Note: Earlier in the meeting, the Board deferred consideration of this item. See Clerk's Summary Item #19.)

The Board next considered an item contained in the Board Agenda dated May 10, 2011, regarding consideration of an appeal filed by MWAA in coordination with DRPT on behalf of WMATA of an April 6, 2011, determination. The Planning Commission (PC) determined that Application 2232-D11-3, a proposal to construct a train control room south of Fisher Avenue in the Virginia Department of Transportation right-of-way, is not substantially in accord with the adopted County Comprehensive Plan, per *Virginia Code* Section 15.2-2232.

Chairman Bulova announced that while Consideration Items are generally administrative items, in this case, because it is an appeal of the PC's decision, the Board would receive:

- An explanation from County staff
- A presentation from the applicant (MWAA)
- A presentation from the community

Chris B. Caperton, Project Coordinator, Planning Division, Department of Planning and Zoning (DPZ), gave the staff presentation.

Following the presentation by the MWAA representative, discussion ensued concerning:

- MWAA's proposals as depicted on various maps
- Location
- Utility placement
- Footprint, grading, line-of-sight, screening, etc.
- Delays and increased costs
- The Comprehensive Plan
- Schedule differential
- Notification timeline

Following presentations from two community representatives, discussion ensued concerning the legal criteria for basing a decision on a 2232 determination, with input from Cynthia L. Tianti, Deputy County Attorney, concerning location, character, and extent.

Supervisor Hudgins asked for a clarification of the Comprehensive Plan relative to 2232 criteria with input Fred Selden, Director, Planning Division, DPZ, regarding neighborhood mitigation and other criteria including location in the road right-of-way.

Supervisor Herrity asked for clarification regarding MWAA's commitment to the installation of motion detector security cameras at both locations, with confirmation from MWAA's representative.

Following confirmation by Mr. Selden of staff recommendation for approval, Supervisor Foust read from a lengthy prepared statement and moved that the Board affirm the PC's decision to deny Application 2232-D11-3 and deny the applicant's appeal from that decision. Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Supervisor Hudgins moved a substitute motion: that the Board reverse the decision of the PC and approve Application 2232-D11-3. Supervisor Cook seconded the motion.

Following a presentation by Supervisor Hudgins, she submitted a letter for the record.

Discussion continued concerning previous efforts at mitigation, legal criteria, co-location and direct line-of-sight, footprint size, and buffers.

The question was called on the substitute motion, and it **CARRIED** by a recorded vote of six, Supervisor Foust, Supervisor Hyland, Supervisor McKay, and Supervisor Smyth voting “NAY.”

The question was called on the main motion, as substituted, and it **CARRIED** by a recorded vote of six, Supervisor Foust, Supervisor Hyland, Supervisor McKay, and Supervisor Smyth voting “NAY.”

46. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-B-993 (UNITED DOMINION REALTY, LP CIRCLE TOWERS, LLC) (PROVIDENCE DISTRICT) (5:39 p.m.)**

The application property is located on the south side of Lee Highway, east of Blake Lane, Tax Map 48-3 ((1)) 53; 48-4 ((1)) 3, 3A1, 3B and 3B1.

Mr. Scott Adams reaffirmed the validity of the affidavit for the record.

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

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

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

- Stephen W. Robinson, McGuire Woods LLP

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

Mr. Adams 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 one speaker, Supervisor Smyth submitted an item for the record.

Following rebuttal by Mr. Adams, discussion ensued concerning revitalization of an aging residential complex.

Mr. Katai presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA B-993, subject to the proffers dated April 25, 2011.
- Modification of the transitional screening and the waiver of the barrier requirements along the project site's north property line in favor of the treatments depicted on the Final Development Plan Amendment (FDPA).
- Modification of the transitional screening and the waiver of the barrier requirements between on-site residential and non-residential uses in favor of the treatments depicted on the FDPA.
- Waiver of the 4-foot peripheral parking lot landscaping requirement for the southerly and easterly property lines.
- Approval of the waiver for underground stormwater management facilities in a residential development subject to Waiver Number 8496-WPFM-001-1.
- Approval of the encroachment into the resource protection area subject to Resource Protection Area Encroachment Exception Number 8496-WRPA-001-1.
- Waiver of the service drive along the Lee Highway frontage.

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

(NOTE: On April 6, 2011, the Planning Commission approved Final Development Plan Amendment Application FDPA B-993-02.)

47. **A-2 – APPROVAL OF PARKING REDUCTION FOR CIRCLE TOWERS (PROVIDENCE DISTRICT)** (5:59 p.m.)

(Note: Earlier in the meeting, the Board deferred consideration of this item. See Clerk's Summary Item #17.)

Supervisor Smyth stated that this parking reduction is a carryover from the morning's Action Items. She said that a long list of conditions accompany the reduction and noted that if parking utilization studies show that additional parking is needed, the applicant must go back and install more parking.

Supervisor Smyth stated that she had an additional condition (#11) which she read into the record:

- Condition 11: The property owner shall develop and implement a parking permit program or similar program to easily identify residential vehicles permitted to park on the property. The parking permit program shall be implemented in conjunction with the establishment of the Transportation Demand Management (TDM) program but shall remain as a separate condition of this parking reduction.

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a parking reduction of 26.5 percent (407 fewer spaces) for Circle Towers, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraphs 4(B), 5, and 26, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions outlined in the Board Agenda Item dated May 10, 2011. Supervisor Foust seconded the motion and it carried by unanimous vote.

48. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-2S, LOCATED NORTH OF FRANCONIA-SPRINGFIELD PARKWAY AND EAST OF WALKER LANE (LEE DISTRICT)** (6:01 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 April 22 and April 29, 2011.

Meghan Van Dam, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of the Planning Commission recommendation for South County APR Item 09-IV-2S, as found in his handout dated May 10, 2011. The proposal expands the existing medical care facility, offices, and accessory uses up to a total 296,000 square feet. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

49. **4 P.M. – PH TO AUTHORIZE THE CONVEYANCE OF A PORTION OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE TELEGRAPH ROAD PROJECT (LEE DISTRICT)** (6:08 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 22 and April 29, 2011.

The property is located at 7936 Telegraph Road, Alexandria, and identified as of Tax Map Number 1001 01 0016.

Michael P. Lambert, Property Manager, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor McKay moved adoption of the Resolution authorizing staff to convey a portion of County-owned property described in Attachment A of the Board Agenda Item dated May 10, 2011, to VDOT for the Telegraph Road Project. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay and Chairman Bulova voting “AYE,” Supervisor Smyth being out of the room.

50. **BOARD ADJOURNMENT** (6:11 p.m.)

The Board adjourned.

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