



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
February 28, 2012**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 28, 2012, at 9:36 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:36 a.m.)

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Sheldon Hoenig who died recently. He was very involved in the Mount Vernon Council's Civic Associations, representing the Wessynton Community. Mr. Hoenig volunteered at the Mount Vernon library teaching seniors and young people to become computer literate in the evenings and he demonstrated how one person can make a difference when they care and do something about it.

Supervisor Hudgins asked everyone to keep in thoughts the family of one of the soldiers who died recently in Afghanistan. His parents are members of the Saint Thomas of Becket parish in Reston and are long time Reston residents.

(NOTE: Later in the meeting, Supervisor Hudgins provided the name of the soldier. See Clerk's Summary Item #31.)

Chairman Bulova asked everyone to keep in thoughts the family and friends of Ms. Brenda Green who died recently. Ms. Green was a citizen representative on the Northern Virginia Planning District Commission that later became the Regional Commission, and she was a major leader in healthcare and human services issues and was a wonderful community leader.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SOPHIE CHASE** (9:40 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to Ms. Sophie Chase of Lake Braddock Secondary School for her accomplishments. Supervisor Herrity seconded the motion and it carried by unanimous vote.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO FAIRFAX COUNTY PUBLIC SCHOOLS** (9:46 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to the following County schools named for African-Americans:

- Colin Powell Elementary School, Centreville
- Langston Hughes Middle School, Reston
- Louise Archer Elementary School, Vienna
- Luther Jackson Middle School, Falls Church

- Lutie Lewis Coates Elementary School, Herndon
- Pulley Career Center, Alexandria
- Quander Road School, Alexandria

Supervisor Herrity, Supervisor Hudgins, and Supervisor McKay jointly seconded the motion.

Supervisor Smyth noted that the James Lee Community Center, in Falls Church was formally an elementary school named after an African-American, James Lee, who donated the land for the school.

Following a brief discussion regarding the recognitions, Supervisor Gross noted that the Lillian Carey School in Mason District was an elementary school which served the community. It is now attached to the Baileys community center and is a location of Higher Horizons' Head Start.

Supervisor McKay also noted that a restored schoolhouse on Beulah Road in the Lee District has been restored and is being used as a museum that tells a remarkable story. Field trips are planned for students to learn about early African-American Education.

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

4. **CERTIFICATE OF RECOGNITION PRESENTED TO ENVIROSOLUTIONS, INCORPORATED** (10:07 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to EnviroSolutions, Incorporated for its generous gifts to the Lorton Community Action Center enabling the center to continue to provide services, plan for the future, and continue its mission to improve the quality of life for families in need in Lorton. This motion was multiply seconded and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY PARK FOUNDATION** (10:16 a.m.)

Jointly with Chairman Bulova, Supervisor McKay moved approval of the Resolution of Recognition presented to the Fairfax County Park Foundation for its tenth anniversary. Supervisor Foust seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING FEBRUARY 2012 AS "TUBERCULOSIS AWARENESS MONTH" IN FAIRFAX COUNTY**
(10:29 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate February 2012 as "*Tuberculosis Awareness Month*" in Fairfax County. Supervisor Gross seconded the motion.

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

A brief discussion ensued, with input from Dr. Gigi Abdalla, Executive Director, Student Health Services, George Mason University, regarding the screening of students and the percentage of those who test positive annually.

BOARD MATTER

7. **INTRODUCTIONS OF NEW STAFF AND INTERNS** (10:42 a.m.)

Chairman Bulova introduced Stephen M. Korda, the new Communications Director in her office. On behalf of the Board, Chairman Bulova warmly welcomed him to the Board Auditorium.

Supervisor Gross introduced Mr. Aaron Frank from her office, and warmly welcomed him to the Board Auditorium.

Supervisor McKay introduced Mike McClanahan, the new Chief of Staff in his office, and warmly welcomed him to the Board Auditorium.

Supervisor Herrity introduced Adam Gaskins, an intern in his office and a student from Chantilly High School, and warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

8. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**
(10:43 a.m.)

Supervisor McKay, Chairman of the Board's Legislative Committee, briefed the Board on the report distributed to Board Members at the dais from the committee meetings on January 27, February 3, and February 17, 2012. He also briefed the Board on the status of select legislation initiated by the County.

Supervisor McKay announced that the next Legislative Committee meeting is scheduled for Friday, March 2, 2012, at 4:30 p.m., in Government Center Conference Rooms 9 and 10 and staff will provide updates on the budget negotiations.

Supervisor McKay moved adoption of 2012 Legislative Report Number two. Supervisor Gross seconded the motion.

Supervisor Hyland asked unanimous consent that the Board direct staff to add the issue of eminent domain to the next Legislative Committee meeting's agenda to discuss the impact and communicate the Board's position to citizens regarding the constitutional amendment on eminent domain. Without objection, it was so ordered.

Discussion ensued regarding contacting and communicating issues with delegates before bills are discussed in the General Assembly and the challenges associated with sharing information on significant issues.

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

PMH:pmh

9. **10:40 A.M. – COUNTY EXECUTIVE PRESENTATION OF THE PROPOSED FISCAL YEAR (FY) 2013 BUDGET** (11 a.m.)

Anthony H. Griffin, County Executive, presented his proposed FY 2013 Budget and distributed copies of the PowerPoint presentation. He noted that the budget is available on the County's website at www.fairfaxcounty.gov/budget and also available on one compact disc from the Department of Management and Budget (DMB). In addition, one reference copy of the budget is available at each County library facility. Mr. Griffin announced that he will also engage in an online discussion on February 29 on *Ask Fairfax*.

Chairman Bulova recognized the presence of Janie Strauss, Chairman and Dranesville District Representative, School Board, in the Board Auditorium and warmly welcomed her.

Discussion ensued with input from Mr. Griffin and Susan Datta, Director, DMB, regarding:

- Libraries and parks – cost for restoring hours and days
- Stormwater service fees and real estate taxes, the breakout of the new positions in the Stormwater Division, Department of Public Works and Environmental Services, and sewer rates
- Funding for the Lorton Arts Foundation (LAF)
- Reduction of Federal and State funding
- Police Department staffing, budget, and the history of overtime

- Utilizing and doubling the space for the Animal Shelter and possibilities for an additional shelter in the southern portion of the County
- Funding of items through Carryover
- Consolidated Community funding pool
- Additional State aid for metro operations and construction
- Health insurance premium increases - County share versus employee share

Supervisor Gross announced that the Mason District Town meeting on the budget is scheduled for Wednesday, March 14 at 7 p.m. at the Mason District Governmental Center.

Supervisor Hudgins announced that the Hunter Mill District Town Hall meetings on the budget are scheduled for:

- March 24 at the Reston Community Center
- March 31 at the Vienna Community Center

Discussion continued, with input from Mr. Griffin and Ms. Datta regarding:

- Human Service needs in the community and Human Service contracts
- One time start-up costs for Dulles Rail
- Agency reductions

Supervisor Frey asked unanimous consent that the Board direct staff to provide a recap of the issue of including funding in the budget for the stormwater program via the real estate tax along with the statutory authority under which it was created. Without objection, it was so ordered.

Following discussion, with input from Mr. Griffin, Supervisor Cook asked unanimous consent that the Board direct staff to report with information regarding how the proposed market rate adjustment and compensation packages compare with surrounding jurisdictions. Without objection, it was so ordered.

Discussion continued, with input from Mr. Griffin and Ms. Datta regarding:

- Retirement funding
- Commercial property tax rates
- Guidance for new the county executive

Supervisor Cook announced that:

- The Braddock District Town meeting is scheduled for Monday, March 19 at 7:30 p.m. at the Canterbury Woods Elementary School
- A joint Town Hall meeting is scheduled for Wednesday, March 28 at 7:30 p.m., at Robinson Secondary School, with Megan McLaughlin, Braddock District School Board Member
- The Braddock District Council community meeting is scheduled for Wednesday, March 14 at 7:30 p.m., at Braddock Hall

Discussion continued, with input from Mr. Griffin and Ms. Datta regarding:

- Employee compensation
- Increase in audit and implementation costs
- Increase in FY 2013 Transfer for School Debt Service
- A request for an increase of School bond sales

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to include on the agenda for the March 13 Budget Committee meeting a briefing of the Capital Improvement Program (CIP) issue and bond sales. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Smyth announced that a joint budget meeting with Patty Reed, Providence District School Board Member and the Providence District community is scheduled for Wednesday, March 7 at 7 p.m., at Luther Jackson Middle School.

Supervisor McKay announced that a joint budget meeting with Tamara Derenak Kaufax, Lee District School Board Member, and the Lee District community is scheduled for Wednesday, March 28 at 7:30 p.m., in the Community Room at the Franconia Government Center.

Supervisor Foust announced the following Dranesville District Town meetings:

- Monday, March 26 at 7 p.m. the Herndon Town Council Chambers
- Thursday, March 29 at 7 p.m. at the Great Falls Library
- Monday, April 2 at 7 p.m. at the McLean Community Center

Following an expression of appreciation to staff, Chairman Bulova highlighted the key dates for the FY 2013 Budget as follows:

- | | |
|---------------|--|
| March 6 | – Advertise Third Quarter/FY 2012 Real Estate Tax rate |
| March 13 & 27 | – Budget Committee, 10 a.m. |
| April 10 | – Board Budget Public Hearings - effective tax rate
3:30 p.m./6 p.m. Budget |
| April 11 | Board Budget Public Hearing - 3 p.m. |
| April 12 | Board Budget Public Hearing - 3 p.m. |
| April 20 | – Budget Committee, 1 p.m. (Pre-Markup) |
| April 24 | – Budget Markup and Approval of Third Quarter |
| May 1 | – Budget Adoption |
| May 24 | – School Board adopts its budget |
| July 1 | – Beginning of FY 2013 |

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10. **11:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:42 p.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard February 28, 2012,” as distributed around the dais. Supervisor Foust seconded the motion, and it carried by unanimous vote.

Appointments are as follows:

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

Reappointments of:

- Ms. Carol Hawn as the At-Large Chairman's Representative
- Ms. Sherri D. Jordan as the Mount Vernon District Representative
- Mr. Charles T. Coyle as the Mount Vernon District Business Representative
- Mr. Mark G. Searle as the Sully District Representative

The Board deferred the appointment of the Mason District Representative.

Confirmation of:

- Mr. Frank Crandall as the Federation of Citizens Associations Representative

ANIMAL SERVICES ADVISORY COMMISSION

Reappointments of:

- Ms. Linda Bartlett as the Braddock District Representative
- Ms. Diane D'Arcy as the Dranesville District Representative
- Ms. Lucinda Stewart as the Hunter Mill District Representative
- Mr. Larry A. Jackson as the Lee District Representative
- Ms. Michelle Hupp as the Mason District Representative
- Mrs. Gina M. Lynch as the Mount Vernon District Representative
- Ms. Allison Volpert as the Providence District Representative
- Ms. Robin Kasten-Daryanani as the Sully District Representative

Appointment of:

- Mr. Harley A. J. “Bucky” Methfessel as the Springfield District Representative

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

ATHLETIC COUNCIL

Reappointment of:

- Mr. Clement Chan as the Diversity-At-Large Principal Representative

The Board deferred the appointment of the Dranesville District Principal Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Hunter Mill, Lee, Mason, and the Springfield District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Appointment of:

- Ms. Gita Amiri as the Design Professional #6 Representative

The Board deferred the appointment of the Design Professional #5 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the At-Large #2, Providence, and Sully District Representatives.

CHILD CARE ADVISORY COUNCIL

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

CIVIL SERVICE COMMISSION

Reappointment of:

- Mr. Richard Stacy as the At-Large #11 Representative

COMMISSION FOR WOMEN

Appointment of:

- Ms. Sondra Seba Hemenway as the At-Large Chairman's Representative

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Appointment of:

- Ms. Jeannine Deem Purdy as the Lee District Representative

Reappointments of:

- Mr. Douglas Dane as the At-Large Chairman's Representative
- Reverend Juan Ancalle as the Braddock District Representative
- Mr. Steven Bloom as the Dranesville District Representative
- Mr. Philip Rosenthal as the Springfield District Representative

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointments of the Hunter Mill and Mason District Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

Confirmation of:

- Mr. Randy S. Jaegle as the Town of Herndon Representative

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointment of the Dranesville District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Mr. James S. Phelps as the Federation of Citizens Associations Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill 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. Eric Bost as a Long Term Care Provider Representative
- Ms. C. Courtney Hutson Nuzzo as a Long Term Care Provider Representative

GEOTECHNICAL REVIEW BOARD

Confirmation of:

- Mr. Daniel S. Rom as the Washington Area Council of Engineering Representative

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #6 and Provider #3 Representatives.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #10 Representative.

HUMAN RIGHTS COMMISSION

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

HUMAN SERVICES COUNCIL

Appointment of:

- Ms. Judith “Tessie” Wilson as the Braddock District Representative

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointment of:

- Mr. Bernard Thompson as the Mason District Representative

LIBRARY BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

SMALL BUSINESS COMMISSION

Reappointment of:

- Mr. Gerarda Culipher as the Springfield District Representative

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #2 Representative.

TENANT LANDLORD COMMISSION

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

TRAILS AND SIDEWALKS COMMITTEE

Appointment of:

- Mr. Kenneth Comer as the At-Large Chairman's Representative

The Board deferred the appointment of the Springfield District Representative.

TREE COMMISSION

Appointment of:

- Ms. Jeanne Kadet as the Braddock District Representative

WATER AUTHORITY

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

DET:det

11. ADMINISTRATIVE ITEMS (12:43 p.m.)

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

Supervisor Herrity called the Board's attention to Admin 1 – Authorization for the Fire and Rescue Department (FRD) to Apply for Funding from the US Department of Homeland Security (DHS) for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant. Discussion ensued concerning further Board review if the grant is awarded.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide additional information concerning the percentage of fire companies that have a fourth person on a ladder truck. Without objection, it was so ordered.

Supervisor Hudgins called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for Fiscal Year (FY) 2013. Discussion ensued concerning Community Development Block Grant (CDBG) funding cuts, the 41 percent federal cut in HOME funds and the resulting effect on the homeless initiative piece with input from Anthony H. Griffin, County Executive, concerning additional monies in the next budget.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide additional information regarding offsets. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion continued concerning the Consolidated Community Funding pool and the reallocation of prior year monies to fill the federal gap, with input from Paula Sampson, Director, Department of Housing and Community Development, regarding cuts and the use of old funds brought forward to fill gaps. She noted that there was an exception for Targeted Public Services which has a statutory requirement on use.

Supervisor Foust asked unanimous consent that the Board direct staff to provide additional information concerning the balance of prior-year monies available for use. Without objection, it was so ordered.

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

ADMIN 1 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY (DHS) FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 14.)

Authorized FRD to apply for funding in the amount of \$2,529,679 to be received over two years from DHS for the SAFER grant program to hire an additional 15 merit firefighter positions. No local cash match is required. However, the required County funding over a three-year period is \$1,837,815. The total cost of this program activity over a three-year period is \$4,367,494 including DHS funding, non-eligible grant costs and full position costs for one year after the initial two-year grant period, as required by grant regulations.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 4, REGULATION OF TRAFFIC

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 20, 2012, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 4, Regulation of Traffic. This amendment would repeal outdated sections of the article that contain largely duplicate language of code sections previously adopted by reference into Section 82-1-6.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (LEE, MASON, 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>
Financial Plaza Partnership McDonald's Restaurant	Lee	Commerce Street (Route 789) [Additional Right-of-Way (ROW) Only]
Metro Park Phase 5 Lot 2 Metro Park Drive	Lee	Metro Park Drive

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Mount Vernon Canada LLC (Mount Vernon Plaza)	Lee	Richmond Highway (Route 1) (Additional ROW Only) Fordson Road (Route 779) (Additional ROW Only)
The Courtyards at Falls Gate	Mason	Falls Gate Court (Formerly Opah Street) Lacy Boulevard (Route 1026) (Additional ROW Only)
Idylwood Crest	Providence	Idylwood Road (Route 695) (Additional ROW Only)

ADMIN 4 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individual, identified with a registration number, as Plans Examiners:

- Scott Shelton (294)

ADMIN 5 – APPROVAL OF TRAFFIC CALMING MEASURES, INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON AND MOUNT VERNON DISTRICTS)

- (Rs)
- Endorsed a traffic calming plan for Waterway Drive consisting of the following:
 - Painted Crosswalk at the intersection of Waterway Drive and Potterton Drive
 - Painted Edgeline on Waterway Drive between Half Moon Circle and Cavalier Corridor
 - Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on:
 - Donegal Lane between Rolling Road and Orange Plank Road (Mount Vernon District)

- Patrick Henry Drive between Leesburg Pike and Beachway Drive (Mason District)
- Adopted a Resolution approving the installation of “Watch For Children” signs on the following roads in the Mason District:
 - Patrick Henry Drive
 - Villa Drive
 - Peace Valley Lane
- Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 20, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the NVCC RPPD, District 39. The proposed district expansion includes Briar Creek Drive (Route 4495) from Stone Gate Drive to Holborn Avenue.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED CUT-THROUGH TRAFFIC MITIGATION PLAN FOR FARMINGTON DRIVE, EDGEHILL DRIVE, AND FORT DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 20, 2012, at 4 p.m.** to consider endorsing Farmington Drive, between Telegraph Road and North Kings Highway; Edgehill Drive, between Fort Drive and Jefferson Drive; and Fort Drive, between North Kings Highway and Edgehill Drive for a cut-through traffic mitigation plan as part of the RTAP. The proposed plan consists of the following traffic calming measures:
- Two speed humps on Farmington Drive
 - Painted parking lane striping on Farmington Drive between North Kings Highway and Edgehill Drive
 - One speed hump on Fort Drive

- Double yellow centerline striping on Fort Drive between North Kings Highway and Monticello Road

ADMIN 8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-H-027-02, ONE RESTON CO LLC AND TWO RESTON CO LLC (HUNTER MILL DISTRICT)

(AT) Approved the request for 30 months of additional time to commence construction for Special Exception Amendment Application SEA 01-H-027-02 to July 13, 2014, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MASON, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-P11-40	NextNav, LLC Antenna collocation on building rooftop 1751 Pinnacle Drive, McLean Providence District	April 30, 2012
FS-P11-41	NextNav, LLC Antenna collocation on building rooftop 7926 Jones Branch Drive, McLean Providence District	April 30, 2012
2232A-Y00-37-1	Sprint Antenna collocation on existing monopole 3721 Stonecroft Boulevard, Chantilly Sully District	May 3, 2012
2232-M11-24	Department of Public Works and Environmental Services County Indigent Cemetery 6271 Lincolnia Road, Alexandria Mason District	September 6, 2012

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES, CONNECTION CHARGES, AVAILABILITY CHARGES, BASE CHARGES, AND THE METER READING DATE ON WHICH THE NEW SERVICE CHARGES WILL TAKE EFFECT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 10, 2012, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), to revise the sewer service, connection, availability, and base fees, and the meter reading date on which the new service charges will take effect.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2013

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 14.)

Authorized the advertisement of a public hearing to be held before the Board on **March 20, 2012, at 4 p.m.** regarding the proposed Consolidated Plan One-Year Action Plan for FY 2013. The public will have an opportunity to comment on the proposed use of funds as described in the *Proposed One-Year Action Plan for FY 2013* in accordance with US Department of Housing and Urban Development (HUD) regulations and guidelines. Citizens may also comment on housing and community service needs in the County as well as provide information concerning changes in housing and community service trends since the Board's last public hearing on the Consolidated Plan in 2011.

12. **A-1 – APPROVAL OF CALENDAR YEAR 2012 FOREST PEST MANAGEMENT SUPPRESSION PROGRAM** (12:48 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff to take the actions concerning the County's Calendar Year 2012 Forest Pest Management Suppression Program as outlined in the Board Agenda Item dated February 28, 2012. Supervisor Hyland seconded the motion.

Discussion ensued concerning the history of the tax that funds this program with input from Anthony H. Griffin, County Executive, and Troy Shaw, Urban Forester III, Urban Forestry Management, Land Development Services, Department of Public Works and Environmental Services, regarding the creation of a dedicated source of funding to pay for spraying.

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

13. **A-2 – APPROVAL OF THE NEW CONTRACT FOR THE PURCHASE OF ELECTRIC SERVICE WITH THE NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC)** (12:54 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a new contract with NOVEC for the purchase of electric service.

14. **A-3 – APPROVAL OF THE GREAT FALLS VOLUNTEER FIRE DEPARTMENT MEMORANDUM OF UNDERSTANDING (MOU) (DRANESVILLE DISTRICT)** (12:54 p.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved and adopted a MOU with the Great Falls Volunteer Fire Department.

15. **A-4 – APPROVAL OF A PARKING REDUCTION FOR HOLY TRINITY CHURCH (DRANESVILLE DISTRICT)** (12:55 p.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 27.9 percent (81 fewer parking spaces) for Holy Trinity Church and a private school of general education, Tax Map Reference 21-3 ((1)) lot 56A, pursuant to Paragraph 4(B), Section 11-102 of the Zoning Ordinance, and based on an analysis of the parking requirements for each use on the site and a shared use parking study, on the conditions outlined in the Board Agenda Item dated February 28, 2012.

16. **A-5 – APPROVAL OF STANDARD PROJECT ADMINISTRATION AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND LORTON ARTS FOUNDATION (LAF) TO ACCEPT TRANSPORTATION ENHANCEMENT PROGRAM FUNDING FOR THE CROSS COUNTY TRAIL (MOUNT VERNON DISTRICT)** (12:55 p.m.)

- (R) On motion of Supervisor Hyland, seconded by Supervisor Foust, 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 authorizing the Department of Transportation to enter into a Standard Project Administration Agreement, in substantial form, to accept funding from VDOT to administer the Cross County Trail Project and to allow LAF to construct the project on the County’s behalf. Total funding of \$312,500 consists of \$250,000 in Transportation Enhancement Grants and a 20 percent required local match of \$62,500.

EBE:ebe

ADDITIONAL BOARD MATTERS17. **REQUEST FOR RECOGNITIONS** (12:56 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:

- Office of the Civil Service Commission to appear before the Board to receive a proclamation recognizing Alternative Dispute Resolution Month.
- Office of Intellectual Disability Services and the Community Services Board to appear before the Board to receive a proclamation recognizing Intellectual Disabilities Inclusion Month.
- Health Department to appear before the Board to receive a proclamation recognizing Lyme Disease Awareness Month.
- Health Department to appear before the Board to receive a proclamation recognizing Nurses Week.
- Office of Human Rights and Equity Programs to appear before the Board to receive a proclamation recognizing Fair Housing Month.

In addition, Chairman Bulova asked unanimous consent that the Board direct staff to prepare and send proclamations recognizing the following:

- 2012 Fairfax County Volunteer Service Awards
- Multiple Sclerosis Awareness Week

Without objection, it was so ordered.

18. **SCHEDULING OF PUBLIC INFORMATION SESSIONS FOR DULLES RAIL PHASE II** (12:57 p.m.)

Chairman Bulova said that the Dulles Corridor Metrorail Project is a 23-mile, 11-station extension of Metro from East Falls Church through Tysons Corner, Dulles International Airport, and into Loudoun County. Phase I of the project, with four stations in Tysons and one in Reston, is set to open in August 2013.

Chairman Bulova noted that after many months of negotiations, this Board, the Loudoun County Board of Supervisors, the Commonwealth of Virginia, and the US Department of Transportation signed a Memorandum of Agreement laying out

a strategy to fund Phase II of the project, which the Board approved on December, 6, 2011. The strategy protects Dulles Toll Road users from unnecessarily high tolls and keeps the County's commitment steady. It includes numerous cost-saving measures, such as an aerial station alignment at Dulles International Airport, a smaller rail yard, and fewer train cars.

Chairman Bulova also noted that complete preliminary engineering estimates on Phase II are due out March 1, 2012. Once released, the funding partners will have 90 days to approve the Board's continued commitment to this ambitious project.

Chairman Bulova said that in April 2011, the Board directed County Executive Anthony H. Griffin to develop a public outreach strategy to inform County residents about the final estimates and to solicit their views. Mr. Griffin has recommended a series of information sessions to be held throughout the County in March where staff will brief the public and gather input to relay to the Board. On March 20, 2012, the Board will hold a public hearing so that residents can speak publicly about the County's commitment to Phase II of Rail to Dulles.

Therefore, Chairman Bulova moved that the Board direct staff to schedule four public meetings and a public hearing before the Board in March at the dates, times, and locations recommended by Mr. Griffin, as follows:

Monday, March 12, 6:30-8:30 p.m.

South County Government Center, Community Room 221 A/B
8530 Richmond Highway, Alexandria, VA 22309

Wednesday, March 14, 6:30-9:30 p.m.

Hutchison Elementary School Cafeteria
13209 Parcher Avenue, Herndon, VA 20170

Thursday, March 15, 6:30-8:30 p.m.

Westgate Elementary School Cafeteria
7500 Magarity Road, Falls Church, VA 22043

Monday, March 19, 7-9 p.m.

Fairfax County Government Center Conference
Room 9/10 (Lobby Level)
12000 Government Center Parkway, Fairfax, VA 22035

Public Hearing Tuesday, March 20, 5 p.m.

Fairfax County Board Auditorium
12000 Government Center Parkway Fairfax, VA 22035

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

19. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-L-053-6**
[WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)] (LEE DISTRICT) (1:01 p.m.)

Supervisor McKay said WMATA has filed Special Exception Amendment Application SEA 91-L-053-6 with the Zoning Evaluation Division (ZED) of the Department of Planning and Zoning (DPZ). The application proposes the construction of a transit police substation and training facility on land adjacent to the Franconia-Springfield Metro Station. The applicant is working closely with staff to resolve the outstanding concerns. A public hearing before the Planning Commission is scheduled for Wednesday, April 18, 2012. In an effort to facilitate the earliest possible construction start on this project it would be helpful to schedule the public hearing before the Board and permit concurrent processing of the necessary site plans by the Department of Public Works and Environmental Services (DPWES).

Therefore, Supervisor McKay moved that the Board expedite the processing of this application by directing the director of:

- ZED to schedule the Board public hearing for Special Exception Amendment Application SEA 91-L-053-6 on May 1, 2012.
- DPWES to concurrently process the associated site plan.

This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the application. Supervisor Foust seconded the motion and it carried by unanimous vote.

20. **ALEXANDRIA ASIAN-AMERICAN LIONS CLUB (LEE DISTRICT)**
(1:02 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor McKay said that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Alexandria Asian-American Lions Club. The Board has approved waiver requests for the Lions annually since 1994. Because of high demand from the vendors and shoppers, the Alexandria Asian-American Lions Club has been asked by the Springfield Franconia Host Lions Club to operate a flea market once a month at the Virginia Railway Express (VRE) parking lot off Backlick Road. The Alexandria Asian-American Lions Club flea market will run from April to November and will not conflict with the Springfield Franconia Host Lions Club's regular twice a month schedule.

Supervisor McKay noted that all net proceeds from these flea markets are returned to the community. The Alexandria Asian-American Lions Club supports organizations such as ECHO, ADA, and the Juvenile Diabetes Foundation and assists indigent citizens with eye glass prescriptions and hearing aids.

Therefore, Supervisor McKay moved that the Board waive the application fees for permits associated with the Alexandria Asian-American Lions Club 2012 flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

21. **REQUEST TO PROCLAIM CYNTHIA HULL DAY IN FAIRFAX COUNTY (LEE AND MOUNT VERNON DISTRICTS)** (1:03 p.m.)

In a joint Board Matter with Supervisor Hyland, Supervisor McKay said that Ms. Cynthia Hull has dedicated the last 33 years of her life to promoting community well-being in Northern Virginia and been a passionate and tireless advocate for at-risk populations. He referred to his written Board Matter which outlined her many accomplishments.

Supervisor McKay explained that Ms. Hull, a non-smoker, has been diagnosed with terminal lung cancer and is spending her final days in Maine with her son, Duncan, his wife Kristen, and her granddaughter Pierce. United Community Ministries (UCM) established a Cynthia Hull for UCM Fund as a living tribute in her honor to help continue Cynthia's life work.

Therefore, Supervisor McKay moved that the Board declare "*Cynthia Hull Day*" in Fairfax County and that a proclamation be prepared for Supervisor Hyland and Supervisor McKay to deliver to UCM. Supervisor Hyland seconded the motion and it carried by unanimous vote.

22. **TAX RELIEF ASSISTANCE** (1:06 p.m.)

Supervisor McKay announced that on Tuesday, March 20, and Friday, March 23, the Department of Tax Administration will be providing tax relief assistance for eligible senior citizens. No appointments are necessary. The hours will be from 9 a.m. until 2 p.m. in the community room of the Franconia Governmental Center.

Therefore, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to inform the community of this service. Without objection, it was so ordered.

DET:det

23. **QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDIT (OFPA)** (1:07 p.m.)

Supervisor Foust noted that the Board has received the OFPA's Quarterly Report as of February 2012, and the Auditor's findings and recommendations are set forth in detail in the report and several are summarized below:

Dulles Metrorail Project: The Auditor continues to monitor the cost and schedule for the Project. The Project schedule as presented by Dulles Transit Partners (DTP) to the Metropolitan Washington Airports Authority (MWAA) has changed from a 161 day lag in September to a 20 day lag in December. The Auditor notes that DTP and MWAA agreed to a mitigation schedule to remove the prior schedule lapse. Regarding the Project budget, the Auditor notes that through December the Project is considered 61 percent complete with approximately 55 percent of the budget expended. The Auditor notes that the Project Team has identified finance cost savings and opportunities to recover project costs which may be outside of the original project scope to potentially mitigate cost overruns. The Auditor continues to closely monitor the Contingency and Allowance budgets as they encounter significant demands. Overall Phase I funding obligations for the County have not changed.

Reston Glen Transaction Review: The Auditor was asked to review this transaction and the summary of findings are as follows: the Auditor examined the financing of the Reston Glen affordable housing units, a privately-owned apartment complex in which the Fairfax County Redevelopment and Housing Authority/Housing and Community Development (FCRHA/HCD) was able to preserve 40 units at up to 50 percent Area Medium Income (AMI) for 30 years. Total investment in the project was \$36.375 million and included a \$2.375 million Penny Fund loan. A foreclosure was triggered by the inability of the then property owner to meet collateral requirements. The Penny Fund loan was lost due to its subordinate position in the foreclosure however the remaining financing due the County was repaid. The 40 unit affordability requirements on the property stay in place for the remainder of the 30 year period.

Transportation Demand Management Monitoring (TDM) Study

The Auditor was asked to look into this to determine how TDM proffers were being reviewed and implemented and found an over reliance by the Department of Transportation (DOT) on developers/owners to provide information on the status of construction and occupancy permits at a site and lack of a formal process to review proffer modification requests. To address these findings, the Auditor identified opportunities for independent confirmation of occupancy permit data and recommended that DOT establish a process to work through the Department of Planning and Zoning (DPZ) on requests to make modifications to existing agreements. Upon review of the report the Audit Committee discussed TDM effectiveness and requested that County staff conduct an analysis of Single

Occupancy Vehicle (SOV) trip reduction Countywide as a result of TDM proffers. The Audit Committee asked that this analysis be provided to the Board at an upcoming Transportation Committee meeting.

Sidewalks and Trails Maintenance: This is follow-up on a report that was previously submitted: upon review of the final report on sidewalk and trail maintenance, the Audit Committee acknowledged the need for resources devoted to sidewalk and trail maintenance countywide. The Audit Committee requested that County staff include options for a repair/replacement fund for sidewalks and trails in the information for Budget Committee discussions.

Out of County Athletic Fees Review: The Auditor reviewed the implementation of Out of County Athletic Fees to determine the equity of implementation and application as there had been questions raised concerning whether certain groups were being more closely scrutinized than others. The review found that the Department of Neighborhood and Community Services (DNCS) uses a consistent methodology to review rosters/applications and to assess the appropriate fees. To ensure future consistency DNCS will be documenting their existing processes. Additionally, DNCS will address a delinquency collection issue identified in the report.

Prior Studies Follow-up: The Auditor continues to follow up on prior studies thus ensuring that the recommendations approved by the Audit Committee and actions expected by the Board are implemented.

Through monitoring the implementation of recommendations related to the collection of delinquent fees, the Auditor noted uncertainty by County departments concerning their ability to impose late payment penalty and interest on accounts. Some non-tax fees require a County ordinance to impose penalty and interest and others do not. After reviewing this issue with the County Attorney's Office, a solution of establishing a single ordinance consistent with the Code of Virginia for all non-tax fees and charges was conceived and is included in the report as a recommendation.

Through monitoring the progress of correcting the deposit classifications of Future Construction Escrows (FCEs), the Auditor reports that the Department of Public Works and Environmental Services is transferring approximately \$4.5 million from FCEs to the proper classifications, typically proffers. Monitoring of FCE corrections will continue.

Future Study Areas: For the Board's information, a listing of the study areas assigned to OFPA from the last Audit Committee meeting has been attached.

Supervisor Foust moved that the Board adopt the February 2012 Quarterly Report of the OFPA including the recommendations set forth therein. Chairman Bulova seconded the motion and it carried by unanimous vote.

Discussion ensued concerning the upcoming schedule on the Audit regarding parking enforcement. Supervisor McKay noted that the one piece not listed is a comparison of what the County charges versus what the State enabling legislation allows.

As part of the audit, Supervisor McKay asked unanimous consent that the Board direct staff to determine whether the County is charging the maximum allowable fine for parking violations under State allowance. Without objection, it was so ordered.

24. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA Q. SMYTH** (1:15 p.m.)

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

25. **PROCLAMATION CELEBRATING REVEREND WENDEL COVER'S ACCOMPLISHMENTS AS SENIOR PASTOR OF WORD OF LIFE INTERNATIONAL CHURCH (SPRINGFIELD DISTRICT)** (1:15 p.m.)

Supervisor Gross announced that the Reverend Wendel Cover has been serving as Senior Pastor of Word of Life International Church in Springfield since March 1977, growing the congregation from 150 persons to an international congregation of more than 2,000 persons today. A celebration of Dr. Cover's service is planned for late March.

Supervisor Gross moved that the Board direct staff to prepare a proclamation recognizing Reverend Cover's accomplishments for presentation during the event, and include the signatures of the Chairman and the Mason District Supervisor. Supervisor Foust seconded the motion and it carried by unanimous vote.

26. **PROCLAMATION DESIGNATING APRIL 9 – 13, 2012, AS "PUBLIC SAFETY TELECOMMUNICATIONS WEEK"** (1:15 p.m.)

Supervisor Gross announced that in 1994 the US Congress proclaimed the second full week in April as "*Public Safety Telecommunications Week*," which serves to recognize at the national, State and local levels the exceptional service provided by 9-11 call takers and dispatchers in their role as first responders. She added that the County's 9-1-1 Center, known as the Department of Public Safety Communications (DPSC), is a nationally recognized public safety communications center. It is the largest in the Commonwealth of Virginia, and one of the ten largest in the United States, which receives and handles approximately one million calls per year. Supervisor Gross noted that the tagline of DPSC is *Fairfax County 9-1-1...always there...always ready...24/7/365*.

Supervisor Gross asked unanimous consent that the Board proclaim April 9 - 13, 2012, as "*Public Safety Telecommunications Week*" in Fairfax County, and direct staff to invite representatives of the to appear before the Board to be recognized

with a proclamation at the March 20, 2012, meeting. Without objection, it was so ordered.

27. **CONTRACTOR LITTER AND COUNTY CONTRACTS** (1:18 p.m.)

Supervisor Gross referred to a copy of an email that her staff has been working on and which had been distributed to the Board. She drew attention to items 1 through 7 of the email and noted that the Mason District Office is getting a lot of calls about litter. She noted that upon investigation her office often determined that it was related to a contractor work site.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to refer the list (items 1 through 7) to the Department of Purchasing and Supply Management for consideration and review as it would relate to contractors doing work for the County.

Following discussion of item 7, without objection, it was so ordered.

PMH:pmh

28. **SAFE KIDS WEEK** (1:21 p.m.)

Supervisor Herrity said that National Safe Kids Week is an annual nationwide event introduced by Safe Kids USA and founding sponsor Johnson and Johnson in 1988. A multifaceted public education campaign is created each year to help parents and caregivers understand a different part of childhood injury prevention. All the aspects of National Safe Kids Week reflect that year's theme.

Supervisor Herrity noted that Safe Kids Week initiatives take on several fronts including a national media and press outreach effort, a public education and interaction effort, research around injury prevention, and also a legislative effort aimed at having jurisdictions pass laws that strengthen child safety. One of the most recent legislative successes was the Virginia Graeme Baker Act, a landmark new law to help protect children from drowning that was enacted in December 2007.

The law provides incentives for states to adopt comprehensive pool safety laws that will protect children from injuries and deaths from dangerous pool and spa drains and traditional drowning. The law also requires all public pools and spas in the country to be outfitted with anti-entrapment safety devices.

This year's national Safe Kids Week is April 23–28 and the theme is poison prevention.

Therefore, Supervisor Herrity asked unanimous consent that the Board:

- Declare April 23–28 as “*National Safe Kids Week*” in Fairfax County.
- Direct the Office of Public Affairs to disseminate information about National Safe Kids Week to the press and other appropriate outlets to raise awareness of this worthy cause.

Without objection, it was so ordered.

29. **MOTION TO INITIATE BOARD’S OWN MOTION - PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 87-A-011-2, PCA 89-A-001-2, AND PCA 95-B-021 (BRADDOCK DISTRICT)** (1:22 p.m.)

Supervisor Cook said that Little River Glen is a 14.13 acre, senior housing development and senior center located at the southeast corner of the intersection of Little River Turnpike and Olley Lane, owned by the Fairfax County Redevelopment and Housing Authority (FCRHA). The facilities include an Adult Day Care Center that operates in approximately 11,500 square feet of gross floor area of the existing facility. It is currently limited to a maximum of 50 participants, and hours of operation between 6 a.m. until 6:30 p.m., Monday through Friday.

Supervisor Cook noted that the FCRHA has recently leased the Adult Day Care space to Inova Health Care Services for the purpose of operating a Program of All-inclusive Care for the Elderly or "PACE." The PACE program is a national model for the provision of community-based health care services to seniors whose needs for chronic care would otherwise require a nursing home level of care. PACE serves Medicaid/Medicare qualifying individuals who are age 55 or older and are able to live safely in the community at the time of enrollment. Among other services, the program offers physical and occupational therapy as well as the services of physicians, nurses, and dieticians.

In support of this program, Inova has recently completed interior renovations to the existing Adult Day Care space, which would permit 60 individuals to be served, per the building and fire codes. However, as currently proffered, the space/program is limited to a maximum of 50. Consequently, FCRHA and Inova are proposing to amend the proffers to increase the capacity for this program, as well as to make any other minor changes that may be required.

Therefore, Supervisor Cook moved that the Board:

- Initiate a Board's Own Motion for the three applications comprising the Little River Glen senior complex, to permit the expansion of the PACE program.
- Direct staff to expeditiously schedule the Planning Commission and Board public hearings.

- Authorize County Executive, Anthony H. Griffin, and his successor in office, to act as agent for the County for all matters concerning these applications.

Supervisor Cook said that the approval of this motion does not in any way relieve the participants from compliance with the provisions of all applicable ordinances, regulations, or adopted standards nor does it prejudice in any way the Board's consideration of the pending applications. Supervisor Hyland seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, regarding the affidavit, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

30. **RECOGNITION OF RETIRED LIEUTENANT COLONEL RUSSELL O'CONNELL (BRADDOCK DISTRICT)** (1:26 p.m.)

Supervisor Cook announced that Lieutenant Colonel Russell O'Connell retired from the Air Force after flying in World War II, and the Korean and Vietnam wars. He noted that he will be 91 years old on Friday.

Therefore, Supervisor Cook asked unanimous consent that the Board direct him to extend to Lieutenant Colonel O'Connell the Board's greetings and best wishes. Without objection, it was so ordered.

31. **THOUGHTS AND PRAYERS FOR FAMILY OF LIEUTENANT COLONEL THOMAS BUDREJKO (HUNTER MILL DISTRICT) (BRADDOCK DISTRICT)** (1:27 p.m.)

(NOTE: Earlier in meeting, the death of a marine was acknowledged. See Clerk's Summary Item #1.)

Supervisor Hudgins clarified the name of the marine who was recently killed in a helicopter collision in Arizona as Lieutenant Colonel Thomas Budrejko.

32. **MARSHALL ROAD ELEMENTARY SCHOOL'S FIFTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (1:28 p.m.)

In a joint Board Matter with Supervisor Smyth, Supervisor Hudgins said that this year, Marshall Road Elementary School in Vienna celebrates its fiftieth anniversary. To honor this milestone, the Marshall Road PTA, students and staff began a program they call **50 for 50**. Their goal is to complete 50 community services projects this year to give back to the community that has supported their school.

Supervisor Hudgins noted that some of their completed projects include raising funds to fight childhood cancer, writing notes for care packages for troops serving overseas, participating in the Town Clean Up program, collecting winter coats

and clothing for those in need, food drives, holiday gift programs, and beautification of school grounds. Many more projects are underway or planned.

On Friday, March 23, the Marshall Road PTA will host the Fiftieth Anniversary Benefit and Auction Gala at Westwood Country Club. Proceeds from the gala will go towards constructing a track at the school and contributing to their technology and other needs.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite principal Jennifer Heiges and PTA representatives to appear before the Board on March 20 to be recognized for their 50 years of quality education of Vienna's youth. Without objection, it was so ordered.

33. **RESTON CHILDREN'S CENTER (RCC) HUNTER MILL DISTRICT**
(1:29 p.m.)

Supervisor Hudgins said that founded in 1967, RCC was Reston's first non-profit, parent-owned cooperative, dedicated to the developmental and educational needs of children, and to provide quality support systems for families. RCC was one of the first child care programs in Reston and the first in the County to provide infant care. In addition to infant care, RCC currently provides pre-school education and before and after school enrichment for children in grades K through 6. In 1988, RCC was the first after-school program in Reston honored with national accreditation and the fourth in Virginia accredited by National School Age Child Care Alliance.

On Saturday, March 10, RCC will celebrate its forty-fifth anniversary at the Hyatt Dulles in Herndon, Virginia from 6 p.m. until 10:30 p.m. There will be dinner and dancing with music provided by Mr. Brian Raubacher. During the event, guests will be able to browse and bid on the silent auction items.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution to include her signature with Chairman Bulova's to be presented at the forty-fifth anniversary event on March 10. Without objection, it was so ordered.

34. **VIENNA LITTLE LEAGUE'S SIXTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (1:30 p.m.)

Supervisor Hudgins said that Vienna Little League is celebrating its sixtieth anniversary this year. Over the years, countless Vienna youth have enjoyed the camaraderie and sportsmanship lessons that come with being on a baseball team.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Vienna Little League Chairman Bill Cervanek and league representatives to appear before the Board on April 10 to be recognized for

60 years of baseball in the Vienna community. Without objection, it was so ordered.

35. **OAKTON GIRLS' SWIM AND DIVE TEAM WINS STATE CHAMPIONSHIP** (1:31 p.m.)

In a joint Board Matter with Supervisor Hudgins and Supervisor Smyth, Supervisor Frey announced that the Oakton Girls' Swim and Dive team won the State championship held at George Mason University. Sophomore Janet Hu won two individual events in butterfly and backstroke, breaking both the State and pool records. In an effort to recognize this tremendous achievement, Supervisor Frey asked unanimous consent that the Board direct staff to invite the members of the Oakton Girls' Swim and Dive team and their coaches to appear before the Board for recognition. Without objection, it was so ordered.

36. **IMPACT TO INLET COVE FROM THE RICHMOND HIGHWAY WIDENING PROJECT (MOUNT VENON DISTRICT)** (1:33 p.m.)

Supervisor Hyland said that Inlet Cove is a community of single family and townhomes north of Richmond Highway, west of Davidson Airfield and east of Telegraph Road adjacent to Fort Belvoir. The Federal Highway Administration, the Virginia Department of Transportation (VDOT) and the Department of Transportation (DOT) are currently developing several alignment alternatives for the Richmond Highway widening from four lanes to six lanes from Telegraph Road to Mount Vernon Memorial Highway as part of the environmental analysis. The last two alignments shown to the Inlet Cove community would require the condemnation of their common property to accommodate the widening.

Supervisor Hyland noted that the County's Federal partners were successful in obtaining the \$180 million to widen and improve Richmond Highway to ease the congestion of the Base Realignment and Closure (BRAC) related traffic going to Fort Belvoir, particularly to support the new hospital on post. To the south of Richmond Highway is the undeveloped land of the southwest training area. Running parallel to Richmond Highway, within 100 feet of the roadway, is Poe Road, a dirt road, which serves the base. The Inlet Cove community does not support any alignment that takes their common property and pushes Richmond Highway closer to their homes.

Supervisor Hyland said that as the roadway widening is meant to support Department of Defense employees, the base should provide 100 percent of the land to support their activities. Given that a roadway already exists to the south of Richmond Highway, widening the roadway to the south is not inconsistent with existing land uses on Fort Belvoir. The Inlet Cove community also expressed the desire to delete the mass transit right of way from the alternatives citing a belief that Metro will never serve the Richmond Highway corridor or Fort Belvoir. Although extending the yellow line south from Huntington or the blue line from

Franconia/Springfield to Fort Belvoir may not happen in the short term, the Board must continue to support its long range plans and set aside the right-of-way now, or pay exponentially more in the future. The speed limit along this part of Richmond Highway is 50 miles per hour (mph). It is 45 mph to the north and south of here. He expressed his hope that staff can create a design that lowers the speed limit to 45 mph, consistent with the rest of Richmond Highway through the County, and curve the alignment away from Inlet Cove.

Therefore, Supervisor Hyland moved that the Board direct DOT to develop Inlet Cove's preferred alternative that shows no encroachment and requires no condemnation of their community's property as part of the environmental analysis currently underway. Supervisor Foust seconded the motion and it carried by unanimous vote.

37. **TRAFFIC CALMING CUT-OUTS FOR EMERGENCY VEHICLES**
(1:36 p.m.)

Supervisor Hyland said that every community in the County wants to slow traffic down through their residential communities, but not at the expense of emergency response. Recently, the Fire and Rescue Department (FRD) has expressed its concern that traffic calming devices, speed humps and speed tables slow its response by up to five seconds per device. Other jurisdictions have permitted cut-outs in speed tables and speed humps so emergency vehicles can drive through the middle unhindered when responding to an emergency. The Department of Transportation (DOT) and the Virginia Department of Transportation (VDOT) have been collaborating on cut-out designs for some time. However, staff has concern about cut-outs leading to non-emergency vehicles crossing the center line to avoid the traffic calming device, which could lead to an accident.

Therefore, Supervisor Hyland asked unanimous consent, that the Board direct DOT to develop cut-out designs with VDOT and FRD and report to the Transportation Committee with their recommendations. Without objection, it was so ordered.

38. **BARRIERS AT FAIRFAX COUNTY GOVERNMENT CENTERS**
(1:37 p.m.)

Supervisor Hyland said that the County prides itself, and has won countless awards, on its fair and open system of government. After the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in April of 1995 and the September 11 terrorist attacks, risk managers have changed the design of public facilities to prevent truck bombings and other attacks on critical public infrastructure. These concerns have trickled down to local governments in the National Capital Region. The County Government Center has, at its entrance, large concrete bollards to reduce the risk of just such an attack. However, the target of terrorist attacks is not local government. The bollards, barriers, and

other fortifications do not convey to the public a sense of openness and access to the government that serves them. At the South County Government Center, delivery drivers are not allowed to park under the overhang. The Mount Vernon Government Center has three bollards, knee high walls and pits to try keep vehicles away from the center. He expressed his belief that staff needs to reassess and balance the risk against the need to provide access to government centers.

Therefore, Supervisor Hyland moved that the Board direct staff in the Department of Facilities Management (FMD) and the Department of Public Works and Environmental Services (DPWES) to provide the Board with a cost estimate for the removal of the bollards and barriers at the County Government Center. Chairman Bulova and Supervisor Cook seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, regarding barriers and traffic calming devices, Supervisor Gross suggested a security briefing be provided by public safety staff.

Supervisor McKay asked unanimous consent that the Board direct staff to report with any security implications. Without objection, it was so ordered.

Supervisor Herrity asked to amend the motion to direct public safety staff to provide a security briefing, and this was accepted.

Chairman Bulova clarified the motion that the Board direct staff to report with costs and a security briefing on removing the bollards and the in-pavement devices at the Government Center.

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

39. **RECOGNITION OF THE ACCOMPLISHMENTS OF SPECIAL OLYMPIAN DAVID CURTIN (MOUNT VERNON DISTRICT)** (1:50 p.m.)

In a joint Board Matter with Supervisor Herrity, Supervisor Hyland said that Mr. David Curtin, of Springfield, has been participating in the Special Olympics since he was a young child competing in swimming, track and field, basketball and softball.

Therefore, Supervisor Hyland asked unanimous consent, that the Board direct staff to invite Mr. Curtin and his family to appear before the Board to be recognized for his accomplishments. Without objection, it was so ordered.

40. **RECOGNITION OF CAPTAIN WILLIE F. BAILEY, FIRE AND RESCUE DEPARTMENT (FRD) (LEE DISTRICT)** (1:51 p.m.)

Supervisor McKay referenced an article in the *Fairfax Times*, on Captain Willie F. Bailey of the FRD, and his exceptional contributions to the community.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Bailey to appear before the Board to be recognized for his outstanding volunteerism. Without objection, it was so ordered.

41. **RECESS/CLOSED SESSION** (1:52 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. *Fairfax County, Virginia v. Mary Getts Bland*, Case No.11-2357 (U.S. Ct. of Appeals for the Fourth Cir.)
 - 2. *Linda A. Eberhardt v. Fairfax County Employees' Retirement System Board of Trustees*, Record No. 10-1761 (Va. S. Ct.); *Linda A. Eberhardt v. Fairfax County, et al.*, Case No. 1:10cv00771-LO/TCB (E.D. Va.); Claim of Linda A. Eberhardt
 - 3. Application of Reston Lake Anne Air Conditioning Corp., PUE-2011-00130 (Va. State Corp. Comm'n) (Hunter Mill District)
 - 4. *SCI Virginia Funeral Services, Inc. v. Eileen M. McLane, Fairfax County Zoning Administrator*, Record No. 111227 (Va. Sup. Ct.) (Providence District)
 - 5. *Fairfax County Redevelopment and Housing Authority v. Shadowood Condominium Association*,

et al., Case No. CL-2010-0013282 (Fx. Co. Cir. Ct.)
(Hunter Mill District)

6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Record No. 2475-11-4 (Va. Ct. App.) (Lee District)
7. *Shawn Shirks v. Fairfax County Department of Family Services*, Record No. 2319-11-4; *Bethany May v. Fairfax County Department of Family Services*, Record No. 1841-11-4 (Va. Ct. App.)
8. *Jennifer Logan v. Fairfax County Department of Family Services*, Record No. 2608-11-4; *Kevin Logan v. Fairfax County Department of Family Services*, Record No. 2751-11-4 (Va. Ct. App.)
9. *Zen Bar Concepts, L.L.C., T/A New Seasons Restaurant v. Fairfax County Police Department and K. D. Kiernan*, Case No. GV11033318-00 (Fx. Co. Gen. Dist. Ct.)
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. *SNSA, Inc. v. Eileen M. McLane*, Case No. CL-2011-0017511 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. John B. McCracken, Jr., and Mary C. McCracken*, Case No. CL-2011-0009048 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Taleb Khallash and Affra Khallash*, Case No. CL-2011-0014328 (Fx. Co. Cir. Ct.) (Dranesville District)

14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barry Road, LLC*, Case No. CL-2011-0010552 (Fx. Co. Cir. Ct.) (Lee District)
15. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Brennan*, Case No. CL-2010-0017543 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ho Kim and Wulsoon Kim, Trustees of the Kim Living Trust*, Case No. CL-2011-0013420 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Reyna Alvarez*, Case No. CL-2011-0014908 (Fx. Co. Cir. Ct.) (Providence District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Maria Alvarez*, Case No. CL-2011-0114733 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul E. Smith, Sr.*, Case No. CL-2011-0004306 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana B. Morales and Jose R.*

- Torres*, Case No. CL-2011-0016255 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jan Forbes and Virginia Forbes*, Case No. CL-2012-0000223 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gay S. Bowman and Suzanne L. Bowman, a/k/a Suzanne L. Bowman Crampton*, Case No. CL-2012-0000511 (Fx. Co. Cir. Ct.) (Providence District)
 25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Rodriguez Ortega*, Case No. CL-2012-0000470 (Fx. Co. Cir. Ct.) (Mason District)
 26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba V. Watkins-Trubem, Gail Adrienne Holmes, Inga Allean Watkins Sinclair, Hugh Everett Watkins, and Edward Alan Watkins*, Case No. CL-2012-0000577 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Garcia and Norka Garcia*, Case No. CL-2012-0000578 (Fx. Co. Cir. Ct.) (Mason District)
 28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven G. Hamburger*, Case No. CL-2012-0000758 (Fx. Co. Cir. Ct.) (Providence District)
 29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ever A. Sanchez and Ana E. Cruz*, Case No. CL-2012-0000759 (Fx. Co. Cir. Ct.) (Lee District)
 30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio E. Argueta and*

- Mauda Aguirre*, Case No. CL-2012-0001025 (Fx. Co. Cir. Ct.) (Mason District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George C. Landrith*, Case No. CL-2012-0001029 (Fx. Co. Cir. Ct.) (Sully District)
 32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teodoro Rojas, Rosa Amanda Rojas, and Mario T. Rojas*, Case No. CL-2012-0001238 (Fx. Co. Cir. Ct.) (Lee District)
 33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Springfield Petroleum Realty, LLC*, Case No. CL-2012-0001239 (Fx. Co. Cir. Ct.) (Mason District)
 34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gonzalo B. Vasquez and Aminta M. Vasquez*, Case No. CL-2012-0001236 (Fx. Co. Cir. Ct.) (Providence District)
 35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. MTC Commercial, LLC*, Case No. CL-2012-0001557 (Fx. Co. Cir. Ct.) (Providence District)
 36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David R. Benbennick and Erin Benbennick*, Case No. CL-2012-0001556 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Anne Crepeau, a/k/a Patricia Anne Ashland*, Case No. CL-2011-0001649 (Fx. Co. Cir. Ct.) (Braddock District)
 38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shafqat Chaudry and Sarwat Malik*, Case No. CL-2012-0001647 (Fx. Co. Cir. Ct.) (Dranesville District)
 39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gary Lee*

Hoskinson, Case No. CL-2012-0002648 (Fx. Co. Cir. Ct.) (Dranesville District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kelly P. Campbell and Kimberly B. Campbell*, Case No. CL-2012-0001756 (Fx. Co. Cir. Ct.) (Mount Vernon District)
41. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hung Tang and Dina Tang, a/k/a Di Tang*, Case No. CL-2012-0001852 (Fx. Co. Cir. Ct.) (Dranesville District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Glenda Sue Stump*, Case No. CL-2012-0001854 (Fx. Co. Cir. Ct.) (Braddock District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Loan Phuong and Patrick John Cooper*, Case No. CL-2012-0001907 (Fx. Co. Cir. Ct.) (Springfield District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Morato and Elizabeth G. Weber*, Case No. CL-2012-0001974 (Fx. Co. Cir. Ct.) (Providence District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kheder A. Rababeh and Alia Rababeh*, Case No. CL-2012-0001925 (Fx. Co. Cir. Ct.) (Lee District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad Adam and Rehana Y. Adam*, Case No. CL-2012-0001924 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- Virginia Code Section 15.2-852. Disclosures in Land Use Proceedings
- Article I, Section 11 of the Constitution of Virginia as it Pertains to Claims from Flood Events

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

ADDITIONAL BOARD MATTER42. **INTENT TO DEFER PUBLIC HEARINGS (BRADDOCK, HUNTER MILL, AND SULLY DISTRICTS)** (1:53 p.m.)

Supervisor Cook announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Rezoning Application RZ 2011-BR-014 and Proffered Condition Amendment Application PCA 2005-SP-019.

Supervisor Hudgins announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Planned Residential Community Application PRC A-502-02.

Supervisor Frey announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on on Rezoning Application RZ 2011-SU-024 and Special Exception Application SE 2011-SU-009.

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #49, #50, and #66.)

DAL:dal

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

ACTIONS FROM CLOSED SESSION43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:45 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor 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."

44. **AUTHORIZATION TO SETTLE APPEAL IN FAIRFAX COUNTY, VIRGINIA V. MARY GETTS BLAND** (3:46 p.m.)

Supervisor Gross moved that the Board authorize settlement of the appeal in Fairfax County, Virginia v. Mary Getts Bland, Case Number 11-2357, United States Court of Appeals for the Fourth Circuit, from the attorneys' fees and costs awarded by the district court in Bland v. Fairfax County, Virginia, Civil Action Number 1:10-cv-1030, according to the terms and conditions outlined by the

County Attorney in closed session. Supervisor Foust seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook abstaining, Supervisor Herrity being out of the room.

45. **DENIAL OF CLAIM MADE BY LINDA A. EBERHARDT** (3:47 p.m.)

Supervisor Gross moved that the Board deny the claim made by Linda A. Eberhardt requesting that the Board grant her service-connected disability retirement benefits for the reasons discussed by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

46. **AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION AS A RESPONDENT** (3:48 p.m.)

Supervisor Hudgins 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 an Increase in Rates filed by Reston Lake Anne Air Conditioning Corporation in State Corporation Commission Case Number PUE-2011-00130. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

47. **AUTHORIZATION FOR ACQUISITION OF THE PROPERTIES LOCATED AT 7624 AND 7626 LUTON PLACE** (3:48 p.m.)

Supervisor McKay moved that the Board authorize the acquisition of the properties located at 7624 Luton Place and 7626 Luton Place, and that the Board direct the County Executive and the County Attorney to take the necessary steps to acquire this property as outlined in closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

AGENDA ITEMS

48. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 74-2-113-2 (FAIRFAX COUNTY BOARD OF SUPERVISORS) (HUNTER MILL DISTRICT)**

AND PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-113-4 (FAIRFAX COUNTY BOARD OF SUPERVISORS) (HUNTER MILL DISTRICT)

AND PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA 74-2-113-8 (FAIRFAX COUNTY BOARD OF SUPERVISORS) (HUNTER MILL DISTRICT) (3:49 p.m.)

- (O) The application property is located in the northeast and southeast quadrant of the intersection of Town Center Parkway and Cameron Glen Drive and on the north side of Bowman Towne Drive, Tax Map 17-1 ((1)) 14B.

Kimberly Callahan, Project Manager, Building Design and Construction Division, Department of Public Works and Environmental Services reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, Supervisor Hudgins submitted items for the record.

Mr. Mayland presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of:

- Proffered Condition Amendment Application PCA 74-2-113-4, subject to the proffers dated February 10, 2012.
- Development Plan Amendment Application DPA 74-2-113-8.
- Planned Residential Community Application PRC 74-2-113-2, subject to the development conditions dated January 17, 2012.
- Modification of the transitional screening and barrier requirement to permit the landscaping depicted on the PRC plan per Section 13-305 of the Zoning Ordinance.
- Modification of the tree preservation target to 28 percent instead of 32 percent on the development site per Section 12.0513 of the Public Facilities Manual.

Supervisor Frey seconded the motion and it carried by a 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 being out of the room.

(NOTE: On January 18, 2012, the PC approved Application 2232-H11-18 as meeting the criteria of character, location, and extent as specified in Section 15.2-2232 of the Code of Virginia and being in accord with the adopted Comprehensive Plan.)

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-SU-024 (POHANKA STONECROFT LLC) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2011-SU-009 (POHANKA STONECROFT LLC) (SULLY DISTRICT) (3:59 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2011-SU-024 and Special Exception Application SE 2011-SU-009 until **March 20, 2012, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

50. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-BR-014 (MIDLAND ROAD LLC AND RIDGEWOOD COMMERCIAL OWNERS PROPERTY ASSOCIATION) (BRADDOCK DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-SP-019 (MIDLAND ROAD LLC AND RIDGEWOOD COMMERCIAL OWNERS PROPERTY ASSOCIATION) (BRADDOCK DISTRICT) (4 p.m.)

Supervisor Cook moved to defer the public hearing on Rezoning Application RZ 2011-BR-014 and Proffered Condition Amendment Application PCA 2005-SP-019 until **March 20, 2012, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-MV-006 (HAMDI H. ESLAQUIT D/B/A HAMDI'S CHILD CARE AND SELIM M. ESLAQUIT) (MOUNT VERNON DISTRICT) (4:01 p.m.)**

(NOTE: On January 10, 2012, the Board deferred this public hearing until February 28, 2012.)

The application property is located at 6606 Winstead Manor Court, Lorton, 22079, Tax Map 99-2 ((17)) 31.

Mr. Selim M. Eslaquit reaffirmed the validity of the affidavit for the record.

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

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

Discussion ensued, with input from Mr. Eslaquit, regarding the position of the community association.

Discussion continued, with input from Ms. Hamid Eslaquit, regarding the proposed hours of operation for the child care center.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland raised a question regarding the number of day care facilities in the community and discussion ensued, with input from Mr. Alan Boyd (Speaker Two).

Supervisor Hyland submitted items for the record.

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

Supervisor Hyland moved to indefinitely defer decision on Special Exception Application SE 2011-MV-006. Supervisor Smyth seconded the motion and it carried by unanimous vote.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-HM-018 (CORINTHIAN COLLEGES, INCORPORATED, D/B/A EVEREST COLLEGE) (HUNTER MILL DISTRICT)** (4:23 p.m.)

The application property is located at 8620 Westwood Center Drive, Vienna, 22182, Tax Map 29-3 ((20)) 9 and 9B pt.

Mr. William M. Baskin, Jr. reaffirmed the validity of the affidavit for the record.

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

Mr. Baskin 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 Hudgins submitted an item for the record.

Discussion ensued, with input from Mr. Baskin regarding the reconciliation of an issue dealing with the parking area.

Mr. Brady presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2011-HM-018, subject to the development conditions dated February 17, 2012.
- Modification of the transitional screening and barrier requirements along the western property line in favor of maintaining the existing conditions.
- Modification of the interior and peripheral parking lot landscaping requirements in favor of maintaining the existing conditions.
- Waiver of the off-street loading space requirement.

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

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-PR-030 (FAIRFAX COUNTY SCHOOL BOARD, A BODY CORPORATE) (PROVIDENCE DISTRICT) (4:31 p.m.)**

- (O) The application property is located on the west side of Chain Bridge Road approximately 750 feet north of its intersection with Jermantown Road and the south side of Miller Road, Tax Map 47-2 ((1)) 34.

Ms. Susan K. Yantis 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:

- Mr. Francis A. McDermott, Hunton and Williams
- Theodore J. Velkoff, At-Large School Board Member

Chairman Bulova also disclosed, although not required, that there was a joint campaign, paid for by the Democratic Party of Virginia, authorized by candidates who appeared on the campaign, and all funding went to the Fairfax County Democratic Committee.

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

- Theodore J. Velkoff, At-Large School Board Member

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

- Mr. Francis A. McDermott, Hunton and Williams

Supervisor Herrity also disclosed, although not required, that he received a campaign contribution of \$100 from Ms. Elizabeth Schultz.

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

- Tamara J. Derenak Kaufax, Lee District School Board Member
- Theodore J. Velkoff, At-Large School Board Member

Supervisor McKay also disclosed, although not required, that he received a campaign contribution in excess of \$100 from Brad Center, former Lee District School Board Member.

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

- Mr. Francis A. McDermott, Hunton and Williams
- Jane K. Strauss, Chairman and Dranesville District School Board Member
- Theodore J. Velkoff, At-Large School Board Member

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

- Mr. Francis A. McDermott, Hunton and Williams
- Mr. John C. McGranahan, Jr., Hunton and Williams
- Mr. Thomas P. Murphy, Hunton and Williams

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

- Theodore J. Velkoff, At-Large School Board Member

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

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

Following the public hearing, Mr. Rogers 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 2011-PR-030, from the R-1 District to the R-2 District, subject to the proffers dated February 10, 2012.
- Modification of the transitional screening and a waiver of the barrier requirements along the northern and southern property boundaries in favor of those shown on the Generalized Development Plan.
- Waiver of the service drive requirement along the property's Chain Bridge Road frontage.
- Waiver of the on-road bike lane requirement along the property's Chain Bridge Road frontage.
- Waiver of the dedication of the right-of-way and the construction of road frontage improvement along the property's Chain Bridge Road frontage.

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

54.

3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-M-103 (BOARD OF SUPERVISORS) (MASON DISTRICT) (4:41 p.m.)

(NOTE: On January 24, 2012, the Board deferred this public hearing until February 28, 2012.)

The property is located at 3521 Moncure Avenue, Falls Church, VA 22041, Tax Map 61-2 ((19)) 5A.

Dennis W. Holder, Senior Engineer III, Building Design and Construction Division, Department of Public Works and Environmental Services, reaffirmed the validity of the affidavit for the record.

Brent M. Krasner, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Holder 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, Mr. Krasner presented the staff and Planning Commission (PC) recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 87-M-103, subject to the development conditions dated January 4, 2012.
- Waiver of the service drive requirement along Columbia Pike in favor of the existing condition indicated on the Special Exception Amendment (SEA) Plat.
- Waiver of the frontage requirements along Columbia Pike in favor of the existing conditions indicated on the SEA Plat.
- Waiver of the trail requirements along Columbia Pike and Moncure Avenue in favor of the existing conditions depicted on the SEA Plat.
- That the Board direct the Director of the Department of Public Works and Environmental Services to waive the tree conservation target in favor of the proposed vegetation plan depicted on the SEA Plat.

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

(NOTE: On January 18, 2012, the PC approved Public Facilities Application 2232-M11-22 as meeting the criteria of character, location, and extent as specified in Section 15.2-2232 of the Code of Virginia and being in accord with the adopted Comprehensive Plan.)

55. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2008-PR-009 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-16 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)
(4:49 p.m.)

(O) (NOTE: On January 10, 2012, the Board deferred this public hearing until January 24, 2012. On January 24, 2012, the Board deferred this public hearing until February 28, 2012.)

The application property is located at 3300-3312 Gallows Road and 3300-3340 Woodburn Road, Falls Church, 22042, Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A1, 1B1 and 1C1.

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

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

- Stephen M. Cumbie, Chairman and Trustee on the Inova Health System Foundation Board, individually and also through NVC Commercial, which is not a party to this application
- Supervisor Gross, a Trustee on the Inova Health System Foundation Board, both individually and through Penny Gross for Supervisor
- Mary Agee, a Trustee on the Inova Health Care Services Board

Supervisor Herrity disclosed that he received campaign contributions in excess of \$100 from the following:

- Todd A. Stottlemyer, a Trustee on the Inova Health System Foundation Board

Supervisor Foust disclosed that he:

- Received a campaign contribution in excess of \$100 from Jon Peterson, a Trustee on the Inova Health Care Services Board
- Attended with his spouse the Inova Health System Foundation's 2011 Annual Gala with complimentary tickets having a face value in excess of \$100 each

Supervisor Gross disclosed that she:

- Is a Trustee on the Inova Health System Foundation Board
- Attended with her spouse the Inova Health System Foundation's 2011 Annual Gala with complimentary tickets having a face value in excess of \$100 each

Supervisor Hyland disclosed that he:

- Is a Trustee of the Inova Health Systems Services Board

Supervisor Cook disclosed that he received campaign contributions in excess of \$100 from the following:

- Todd A. Stottlemeyer, a Trustee on the Inova Health System Foundation Board
- Supervisor Michael Frey, a Trustee on the Inova Health Care Services Board
- Jon Peterson, a Trustee on the Inova Health Care Services Board

Supervisor Frey disclosed that he:

- Is a Trustee of the Inova Health Care Services Board
- Received a campaign contribution in excess of \$100 from Todd A. Stottlemeyer, a Trustee on the Inova Health System Foundation Board

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Supervisor Smyth noted that the application included substantial proffer commitments.

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

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2008-PR-009, subject to the proffers dated December 5, 2011.
- Approval of Special Exception Amendment Application SEA 80-P-078-16, subject to the development conditions dated December 5, 2011.
- Reaffirmation of a modification of transitional screening and a waiver of the barrier requirements, in favor of that shown on the Generalized Development Plan/Special Exception Amendment plat.

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

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO CHAPTER 7 (STREETS, PARKING, AND DRIVEWAYS) OF THE PUBLIC FACILITIES MANUAL (PFM), REGARDING STREET LIGHTS (5:08 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

Bijan Sistani, Branch Chief, Site Development and Inspections Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Supervisor Gross called the Board's attention to page 289 of the Board Agenda Item, bulleted item two, and raised a question regarding the length of time required to move a utility pole, and discussion ensued, with input from Jack Weyant, staff, DPWES, who noted that the item pertains to new street light installation and the payment of the new lights by the developer.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to Chapter 7 (Streets, Parking, and Driveways) of the PFM, regarding street lights, as recommended by the Planning Commission. The proposed amendments shall become effective at 12:01 a.m. on February 29, 2012. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay,

and Chairman Bulova voting “AYE,” Supervisor Foust and Supervisor Smyth being out of the room.

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING INDEPENDENT LIVING FACILITIES** (5:13 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Ms. Pesto, regarding age limitations, the building height limitations and enforcement, and usage of the term “handicap” versus “disability.”

Following the public hearing, Ms. Pesto presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission, regarding independent living facilities for low-income residents as well as modifications to the administrative provisions of the Affordable Dwelling Unit Program and to the definitions of “dwelling unit” and “independent living facility,” as advertised and further set forth in the staff report dated December 6, 2011.
- Authorized staff to draft text and appropriate advertising to amend the Zoning Ordinance to include an additional standard for the independent living use for low-income residents as well as other independent living type facilities to include a height limitation of 35 feet or such other range of height limitations as the Board deems appropriate.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Ms. Pesto, regarding the 35 foot height limitation recommended by the Planning Commission.

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.”

58. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S11-II-F1 FOR PROPERTY LOCATED NORTH OF UNIVERSITY DRIVE, EAST OF ROUTE 123 (OX ROAD) AND SOUTH OF SCHOOL STREET (BRADDOCK DISTRICT)** (5:29 p.m.)

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

Following the public hearing, Mr. Klibaner presented the staff and Planning Commission recommendations.

Supervisor Cook moved approval of Plan Amendment S11-II-F1, as recommended by the Planning Commission, for residential use at a density of five to eight dwelling units per acre (du/ac) for the subject property and a maximum of seven du/ac for parcel 57-4((1)) 6. This recommendation provides sufficient flexibility in the design of the proposed development and addresses concerns relating to tree preservation, streetscaping, access, and open space for future residents. Supervisor Hyland seconded the motion and it carried by unanimous vote.

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)** (5:35 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

Hamid Majdi, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued regarding parking issues.

Supervisor Cook noted that his office holds quarterly meetings to discuss issues of concern raised by citizens in the Braddock District.

Supervisor Cook submitted an item for the record.

Supervisor Cook moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the NVCC RPPD, District 39. The proposed District expansion includes the following street blocks:

- Pulley Court (Route 4398), from Wakefield Chapel Road to the cul-de-sac inclusive
- Toll House Road (Route 4488), from the eastern boundary to the western boundary of 8454; Toll House Road from the eastern boundary to the western boundary of 8460 Toll House Road, and from the western boundary of 8449 Toll House Road to Whistler Court
- Wakefield Chapel Road (Route 710), from Pulley Court to the northern boundary of 4411 Wakefield Chapel Road.

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.”

60. **4 P.M. – PH ON ADOPTION OF THE NORTHERN VIRGINIA REGIONAL WATER SUPPLY PLAN** (5:43 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

John Friedman, Chief, Site Code Research and Development Branch, Department of Public Works and Environmental Services, presented the staff report.

Traci K. Goldberg, representative of Fairfax Water, gave a presentation regarding the water supply planning.

Following the public hearing, Supervisor Gross noted that the Board received a memorandum from Stella Koch, Chairman, Environmental Quality Advisory Council, regarding its support for the regional water supply plan.

Supervisor Gross moved:

- Adoption of the Northern Virginia Regional Water Supply Plan as it pertains to the County by approving the Resolution in Attachment Two of the Board Item. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The County reserves the

right to comment on specific water supply alternatives in the future even though such alternatives may or may not be recommended in this adopted plan. The County will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

- That it is the intent of the Board that the Northern Virginia Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to the Virginia Department of Environmental Quality every ten years in accordance with the State regulation and sound planning practice.

Supervisor Smyth and Chairman Bulova jointly seconded the motion.

Chairman Bulova stated that this has been and will continue to be an enormous regional effort. She noted that the participating Northern Virginia jurisdictions include the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill, and Vienna; the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and the Counties of Arlington, Fairfax, Loudoun, and Prince William.

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."

61. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON PROVIDENCE FOREST DRIVE (PROVIDENCE DISTRICT)** (5:59 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

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

Following the public hearing, which included testimony by one speaker, a brief discussion ensued, with input from Ms. Turner, regarding illegally parked vehicles.

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, as shown in Attachment One of the Board Agenda Item, to prohibit the parking of commercial vehicles as defined in Section 82-5-7, recreational vehicles and all trailers on the south side of Providence Forest

Drive from Gallows Road to Hartland Road, from 9 p.m. to 6 a.m., seven days per week. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Supervisor Smyth noted this is not just a parking problem, vehicles are being stored there.

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."

62. **4:30 P.M. – PH REGARDING THE CONVEYANCE OF A PORTION OF LAND AND REQUIRED EASEMENTS ON COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE TELEGRAPH ROAD PROJECT (LEE DISTRICT)** (6:04 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

Michael Lambert, Property Manager, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor McKay moved adoption of the Resolution authorizing the conveyance of a portion of land and required easements on County-owned property to VDOT for the Telegraph Road project. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Herrity being out of the room.

63. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS)** (6:07 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

Anne-Marie Twohie, Director, Office for Children, presented the staff report.

Discussion ensued, with input from Ms. Twohie, regarding the following:

- Training requirements and the associated fees
- The requirement for a land-line telephone and the fee associated

- State regulations and licensing requirements

Supervisor Foust asked unanimous consent that the Board direct staff to provide, six months after inception of the proposed amendments, information regarding any consequences it is posing for the small providers. Without objection, it was so ordered.

Discussion continued, with input from Ms. Twohie, regarding:

- The training requirements
- Outreach efforts to the child care providers
- The number of child care providers and the number of children being cared for by each

Following the public hearing, which included testimony by two speakers, discussion ensued, with input from Ms. Twohie, regarding:

- Outreach efforts to the providers
- The number of providers who have email
- The notification process used to inform providers of today's public hearing and the response received

Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility Standards), Articles 1 and 3. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Ms. Twohie, regarding the proposed amendments and outreach efforts.

Supervisor Herrity moved a substitute motion to defer decision on this item until staff has adequately determined the impact on the child care community. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Ms. Twohie, regarding:

- Outreach efforts
- The number of children a provider cares for
- Babysitting versus child care
- The permit/licensing requirement

- The Landline telephone requirement

Discussion continued, with input from Anthony H. Griffin, County Executive, who noted that the landline telephone requirement was a recommendation from the Fire and Rescue Department, because when there are major events or emergencies in the area cellular phones are unreliable.

With regard to the outreach efforts, Supervisor Cook asked to amend the substitute motion to direct staff to send a copy of the proposed code amendments to the providers. This was accepted.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the amendment to the substitute motion to direct staff to hold meetings or a forum with the providers to explain the proposed amendments. This was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

The question was called on the substitute motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Hudgins abstaining.

Discussion ensued, with input from David P. Bobzien, County Attorney, who noted that the substitute motion now becomes the main motion.

The question was called on the main motion, as substituted, and it **CARRIED** by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins abstaining.

ADDITIONAL BOARD MATTER

64. **ANNOUNCEMENTS BY SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (6:58 p.m.)

Supervisor Hyland announced that on March 1, at 7:30 p.m., at the Whitman Middle School across from the Mount Vernon Government Center, there will be a budget discussion with the Budget Committee of the Mount Vernon Council of Citizens' Association. He noted that County Executive Anthony H. Griffin will be in attendance and invited everyone to attend.

Supervisor Hyland announced that he needed to leave to attend a meeting with the citizens of New Alexandria, the community that was flooded, regarding flight controls and alignments.

AGENDA ITEMS

65. **4:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC A-502-02 (FAIRWAYS I RESIDENTIAL, LLC AND FAIRWAYS II RESIDENTIAL, LLC) (HUNTER MILL DISTRICT)**
(No Time)

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item #66.)

66. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2012.

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

4:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC A-502-02 (FAIRWAYS I RESIDENTIAL, LLC AND FAIRWAYS II RESIDENTIAL, LLC) (HUNTER MILL DISTRICT) (7:01 p.m.)

On behalf of Supervisor Hudgins, Supervisor Cook moved to defer the public hearing on Planned Residential Community Application PRC A-502-02 until **March 20, 2012, at 4:30 p.m.** Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

The public hearing was held and included testimony by the following individuals:

- Mr. Joseph Woloszyn regarding pay and benefits for police officers, as well as additional funding for equipment. He showed a video depicting the dangers and obstacles that the County Police Officers face on a daily basis.

Supervisor Gross asked Mr. Woloszyn to provide the Board with a list of requests for consideration during budget deliberations.

- Mr. Robert Hawkins regarding renaming the Bailey's Community Center to the Walter J. Hawkins Community Center

Chairman Bulova stated that this issue would be referred to the appropriate staff for consideration.

- Mr. Curtis Hunter regarding complaints about financial spending and solutions for fixing it
- Ms. Diane Boughton regarding objection to the de-staffing of Lake Accotink Park

Chairman Bulova stated that this issue regarding lake Accotink Park would be considered during budget deliberations.

Supervisor McKay expressed his concerns regarding the issue.

Supervisor Foust asked Ms. Boughton to provide a copy of her testimony, for the record, to the Clerk to the Board.

67. **BOARD ADJOURNMENT** (7:30 p.m.)

The Board adjourned.

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