

**MEMORANDUM**  
**COUNTY OF LOUDOUN**

DATE: April 7, 2010  
TO: Department and Agency Heads  
FROM: Tim Hemstreet, County Administrator  
SUBJECT: Action Report of the April 6, 2010 Board of Supervisors' Business Meeting

Listed below is a summary report of the Board's action taken at its April 6, 2010 Business Meeting. On items requiring follow up, the staff person responsible is noted. Please work with your staff to follow through on the Board action as noted.

- ADOPTION OF CONSENT AGENDA  
Vice Chairman Buckley moved that the Board of Supervisors adopt the consent agenda, as amended, to include the following items : #2 (Item #2a-BA-105669 - Surplus School Capital Project Funds pulled), #5, #6, #8, #9, #10, #11, #12, #13, #14, #15, #16, and #17. (Seconded by Supervisor Burton. The motion passed 9-0.)
  
- CLOSED SESSION  
Vice Chairman Buckley moved that the Board of Supervisors recess this business meeting and enter into closed session. The authority for this closed session is Section 2.2-3711 (A) , Subsection (3), and the purpose of the closed session is the discussion in open session would adversely affect the bargaining position or negotiating strategy of the Board. The subjects are:
  1. The purchase of school sites in Western Loudoun (HS-10, MS-10, ES-25); and,
  2. The purchase of school sites in the Ashburn Area.

(Seconded by Supervisor Miller. The motion passed 9-0.)

Vice Chairman Buckley moved that the Board of Supervisors adjourn the closed session and that the Board of Supervisors reconvene its business meeting and that the minutes of the business meeting should reflect that no formal action was taken in closed session. (Seconded by Supervisor Waters. The motion passed 8-0-1, Supervisor Kurtz absent for the vote.)

Vice Chairman Buckley moved that the Board of Supervisors approve the following Resolution Certifying the Closed Session and that this be reflected in the Minutes of this business meeting. (Seconded by Supervisor Waters. The motion passed 8-0-1, Supervisor Kurtz absent for the vote. )

Resolution Certifying Closed Session

WHEREAS, the Loudoun County Board of Supervisors, this 6<sup>th</sup> day of April, 2010, reconvened in closed session by an affirmative vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the bests of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motion by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.

Staff Contact: Jack Roberts, County Attorney

1. BRIEFING BY CHIEF POZZO ON SIGNIFICANT INCIDENT REPORTS  
Chief Pozzo provided the Board a brief update on Significant Incident Reports.  
Staff Contact: Chief Joseph E. Pozzo, Department of Fire, Rescue and Emergency Management
  
- 1A. INTRODUCTION TO METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS REGIONAL INITIATIVE  
This item was discussed at the April 5<sup>th</sup> PI & GB Meeting.  
Staff Contact: Scott York, Chairman
  
2. ADMINISTRATIVE ITEMS REPORT/APRIL 6, 2010  
Vice Chairman Buckley moved approval of the Administrative Items Report of April 6, 2010, as amended (pulled #2g-BA-105669 – Surplus School Capital Project Funds) (Seconded by Supervisor Burton. The motion passed 9-0.)
  - a. BUDGET ADJUSTMENTS  
The Board of Supervisors moved to (1) approve the FY 10 budget adjustments as set out in the April 6, 2010 Administrative Items Report, (2) recognize an increase in revenue in the amount of \$2,784,932 in the General Fund for FY 10, and (3) make an increase in FY 10 appropriations of \$2,798,452 in the General Fund:  
BA-105032, BA-105122, BA-105213, BA-105226, BA-105352, BA-105356, BA-105363, BA-105365, BA-105371, BA-105380, BA-105381, BA-105387, BA-105398, BA-105407, BA-105418, BA-105420, BA-105431, BA-105441, BA-105447, BA-105454,

BA-105455, BA-105508, BA-105509, and BA-105670.

Staff Contact: Ben Mays, Deputy Chief Financial Officer, Department of Management and Financial Services

b. BOARD OF SUPERVISORS' MINUTES

The Board of Supervisors moved to approve the December 14, 2009 Public Input/Energy Strategy Meeting Minutes; the February 2, 2010 and February 17, 2010 Board Business Meeting Minutes; the February 24, 2010 3:30 p.m. and 6:30 p.m. Budget Public Hearing Minutes and the February 27, 2010 9:30 a.m. Budget Public Hearing Minutes; and the March 16, 2010 Public Hearing Minutes.

The following Committee Summaries are included in the Board's packet:  
Finance/Government Services & Operations Committee March 3, 2010  
Joint School Board and Board of Supervisors'  
Committee

January 14, 2010

Staff Contact: Jeanette Gilbert, Office of the County Administrator

c. DEEDS FOR APPROVAL

The Board of Supervisors moved to approve the following Deed for Approval:

1) SBWV-2009-0011 – Leesburg Airport Associates, L.C.

Staff Contacts: William M. Himel, Department of Building and Development; and Ronald J. Brown, Assistant County Attorney

d. SECONDARY ROAD ADDITION – CHURCHILL DOWNS  
(FORMERLY EVANS POND)

The Board of Supervisors moved to adopt the resolution as presented.

Staff Contact: Rick Karle, Department of Building and Development

e. TIMELINE EXTENSION FOR CMPT 2010-0002, POTOMAC  
INTERCEPTOR ODOR ABATEMENT SITE

The Board of Supervisors moved to approve a timeline extension to June 9, 2010, for Planning Commission action on CMPT 2010-0002, Potomac Interceptor Odor Abatement Site.

Staff Contact: Marchant Schneider, Department of Planning

f. PURCHASE OF REAL ESTATE FOR THE NEIGHBORHOOD  
STABILIZATION PROGRAM (NSP)

The Board of Supervisors moved to approve and ratify the contract to purchase the property at 1400 Amelia Street, North, in Sterling and that the Chairman of the Board of Supervisors, the Vice Chair or the County Administrator be authorized to execute the Deed to the property as being accepted by the Board pursuant to Virginia Code §15.2-1803. Said deed

shall be approved by the County Attorney, who shall be authorized to execute any collateral documents required at settlement.

Staff Contact: Kelly Marrocco, Department of Family Services

g. CORRECTION/ZMOD 2008-0013 – SAFEWAY AT STERLING PLAZA COMPREHENSIVE SIGN PACKAGE

The Board of Supervisors moved to approve revised Condition #1, which references the Sign Package dated December 29, 2009.

Staff Contact: Michael Elabarger, Department of Planning

h. AUTHORIZATION FOR COUNTY ADMINISTRATOR TO SIGN VDOT STANDARD PARTNERSHIP ADMINISTRATION AGREEMENT (SPAA) FOR LEASE OF COMMUTER PARKING SPACES IN BROADLANDS SOUTH, IN SUPPORT OF THE TYSONS EXPRESS SERVICE

The Board of Supervisors moved to authorize the County Administrator to execute the Standard Partnership Administration Agreement (SPAA) for the lease of Park and Ride spaces in Broadlands South, in support of the Tysons Express Service.

Staff Contact: Nancy Gourley, Office of Transportation Services

3. LEGISLATIVE ISSUES FOR 2010 GENERAL ASSEMBLY

(This item was discussed at the Board of Supervisors' Public Input and General Business Meeting held April 5, 2010.)

Staff Contacts: John Sandy, Assistant County Administrator; and Jeff Gore and Roger Wiley, Hefty and Wiley, LLC

4. ADOPTION OF THE FY 2011 TAX RATES, OPERATING AND CAPITAL BUDGET, AND APPROPRIATIONS RESOLUTION

Chairman York moved that the Board of Supervisors adopt the FY2011 Fiscal Plan, as presented by the County Administrator on February 8, 2010, and amended by the Board of Supervisors at the March 3, 10, 16, 18, 22 and 25, 2010 budget worksessions, a summary of which is included as Attachment A.

(Seconded by Supervisor Miller.)

Supervisor Burton moved to amend the motion that the Board of Supervisors reinstate the Environmental Health Program Manager described on Page E-55 at a cost of \$107,000. (Seconded by Supervisor Kurtz. The motion passed 5-4, Buckley, Delgaudio, Waters and York voted no.)

Supervisor Burk moved to amend the motion that the Board of Supervisors reinstate funding of \$55,645 to reinstitute the Extension Service Financial Counseling Coordinator position of (1) FTE equivalent. (Seconded by Supervisor Kurtz. The motion passed 5-4, Supervisors Buckley, Delgaudio, Miller and Waters voted no.)

Supervisor McGimsey moved to amend the motion that the Board of Supervisors add \$128,949 to the Health and Welfare Regional Organizations in order to maintain FY10 levels of funding for existing non-contractual health and human service nonprofit listed on Pages 3-93 through 3-99 with the exception of Interfaith Relief, Loudoun ENDependence, and Northern Virginia Family Services which would maintain their approved increase in funding. (Seconded by Supervisor Burk. The motion passed 6-3, Supervisors Buckley, Delgaudio and Waters voted no.)

Supervisor McGimsey moved to amend the motion that the Board of Supervisors fund \$15,000 to Friends of Loudoun Mental Health. (Seconded by Supervisor Miller. The motion passed 7-2, Supervisors Buckley and Waters voted no.)

Supervisor Delgaudio moved to amend the motion that the Board of Supervisors approve the following friendly amendments:

- Reduce the expenditure for Regional Organizations taking out \$191,000 from the Metropolitan Washington Council of Governments; \$385,112 from the Northern Virginia Community College; \$908,063 from the Northern Virginia Regional Park Authority; \$134,000 from the Northern Virginia Regional Commission; and \$65,000 from the Loudoun Small Business Development Center.
- Reduce the expenditure across all Departments of tax dollars for the Drug Court by \$296,000.
- Reduce the Sheriff's Office of tax dollars and return to the balance of \$569,000 to eliminate the DARE Program.
- Reduce 7.49 full-time equivalents (FTE's) {which is referenced in the Proposed FY10 Fiscal Plan Tier 3}.
- Reduce by \$900,000 from the Board of Supervisors' District budget, but to leave a balance of approximately \$200,000 of the \$1.2 million for supervisor payroll and audit costs.
- Reduce one additional FTE from Management and Financial Services to achieve a savings of \$100,000.
- Reduce one additional FTE from Building and Development to achieve a savings of \$100,000.

- Reduce expenditures by \$300,000 for one day closings of all libraries, parks, community centers, and senior centers to achieve this in an equitable manner.
- Revoking all tax exemptions in this fiscal budget in the amount of \$4,984,809 for Air Force Retired Officers' Community, the American Water Resources, the Friends of the Homeless Animals, the Alexander Home for Animals, the Howard Hughes Medical Institute, the Jack Kent Cooke Foundation, the Prison Fellowship, and the Virginia Regional Transportation Association. (Supervisor Delgaudio's amendment to the motion died due to lack of a second.)

Chairman York's motion that the Board of Supervisors adopt the FY2011 Fiscal Plan, as amended, passed 5-4, Supervisors Buckley, Burk, Delgaudio, and Waters voted no.

Chairman York moved that the Board of Supervisors approve the tax rates as displayed in Attachment B. (Seconded by Supervisor Burton.)

Supervisor Delgaudio moved to amend the motion that the Board of Supervisors approve an increase in the tax rate from \$.01 to \$.02 for Public Utility Personal Property (Aircraft Only); for Aircraft/Flight Simulators \$.01 rate to \$.02 rate and for Satellite Manufacturing Equipment as from \$.01 to \$.02 rate. (Supervisor Delgaudio's amendment to the motion died to a lack of a second.)

Supervisor Burton moved to separate the motion on Personal Property-Clean Special Fuels Vehicles (Attachment B).

Voting on the Motion for Personal Property-Clean Special Fuels Vehicles for \$4.20 per \$100 passed 7-2, Supervisors Burton and McGimsey voted no.

Chairman York's motion to approve the tax rates as displayed in Attachment B passed 6-3, Supervisors Buckley, Delgaudio and Waters voted no.

Chairman York moved that the Board of Supervisors adopt FY2011 Appropriations Resolution as found on Attachment C. (Seconded by Supervisor Miller. The motion passed 6-3, Supervisors Buckley, Delgaudio and Waters voted no.)

Chairman York moved that the Board of Supervisors adopt the FY2011-2016 Capital Improvement Program, as amended by the Board of Supervisors at the March 25, 2010 budget worksession found on Attachment D. (Seconded by Supervisor Burk.)

Supervisor Waters moved to separate the motion concerning the HS-8/Ashburn Area noted on Attachment D, Page 11.

Voting on the Motion on HS-8/Ashburn Area on Attachment D, Page 11 passed 7-2, Supervisors Burton and Waters voted no.

Chairman York's motion to adopt the FY2011-2016 Capital Improvement Program, as amended by the Board of Supervisors at the March 25, 2010 budget worksession found on Attachment D, passed 7-2, Supervisors Delgaudio and Burton voted no.

Chairman York moved that the Board of Supervisors approve BA-105669 / Surplus School Capital Project Funds (from the Administrative Items Report). (Seconded by Supervisor Burton. The motion passed 9-0.)

Chairman York moved that the Board of Supervisors cancel the pending PPEA process for the Government Administrative Center. (Seconded by Supervisor Burton. The motion passed 9-0.)

Staff Contacts: Mark Adams, Director, and Ben Mays, Deputy Chief Financial Officer, Department of Management and Financial Services

5. INDUSTRIAL DEVELOPMENT AUTHORITY BOND ISSUANCE FOR THE HILL SCHOOL CORPORATION OF MIDDLEBURG AND HILL SCHOOL PROPERTIES

Vice Chairman Buckley moved that the Board of Supervisors adopt the Resolution of the Board of Supervisors of the County of Loudoun, Virginia for Issuance of Bonds by the Industrial Development Authority of Loudoun County, Virginia to Assist the Hill School Corporation of Middleburg in a Total Amount Not to Exceed \$13,000,000 as provided in Attachment 1. (Consent Item)

(Seconded by Supervisor Burton. The motion passed 9-0.)

Staff Contact: Suzanne Lane, Department of Management and Financial Services

6. REVIEW AND RENEWAL, MODIFICATION OF TERMINATION OF THE NEW OAK HILL AGRICULTURAL AND FORESTAL DISTRICT

Vice Chairman Buckley moved that the Board of Supervisors adopt the ordinance and renew the New Oak Hill Agricultural and Forestal District for a term of four years and require any subdivisions or adjustments to parcels in the district to meet the current zoning requirements or a minimum of 40 acres, whichever is greater. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0. )

Staff Contacts: Robert Chirles, Interim Director, and Patrick Ryan, Department of Economic Development

7. ZMAP 2006-0011/ZCPA 2006-0003/STONE RIDGE COMMERCIAL

Supervisor Miller moved that the Board of Supervisors approve ZMAP 2006-0011 and ZCPA 2006-0003, Stone Ridge Commercial, subject to the Proffer

Statement dated February 22, 2010, revised to March 25, 2010, and with the Findings for Approval. (Seconded by Supervisor Waters. This motion did not receive a vote.)

Supervisor Miller accepted Supervisor Burk's substitute motion that the Board of Supervisors forward this item to the Transportation and Land Use Committee for further discussion. (Seconded by Supervisor McGimsey. The motion passed 5-4, Supervisors Buckley, Delgaudio, Waters and York voted no.)

(The applicant agreed to a timeline extension.)

Staff Contact: Stephen Gardner, Department of Planning

8. PROCLAMATION DECLARING APRIL 2010 AS "DONATE LIFE MONTH IN LOUDOUN COUNTY"

Vice Chairman Buckley moved that the Board of Supervisors issue a proclamation declaring April 2010 Organ and Tissue Donation Awareness Month in Loudoun County. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0.)

Staff Contact: Keith Nusbaum, Staff Aide to Chairman York

9. RESOLUTION OF COMMENDATION/JAKE SPRADLING

Vice Chairman Buckley moved that the Board of Supervisors adopt a Resolution of Commendation to commend Jake Andrew Spradling of Boy Scout Troop #998 of Leesburg, Virginia for his achievement of attaining the rank of Eagle Scout. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0.)

Staff Contact: Naomi Lithgow-Foidl, Staff Aide to Supervisor Kurtz

10. RESOLUTION OF COMMENDATION/DAVID MARTIN

Vice Chairman Buckley moved that the Board of Supervisors adopt a Resolution of Commendation to commend David Martin of Boy Scout Troop #997 in Ashburn, Virginia for his achievement of attaining the rank of Eagle Scout. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0.)

Staff Contact: Naomi Lithgow-Foidl, Staff Aide to Supervisor Kurtz

11. RESOLUTION OF COMMENDATION/BRAEDON BLAYLOCK

Vice Chairman Buckley moved that the Board of Supervisors approve the Resolution of Commendation for Braedon Blaylock, Boy Scout Venture Crew #953, for attaining the rank of Eagle Scout. (Consent Item) (Seconded by Supervisor Miller. The motion passed 9-0.)

Staff Contact: Supervisor Jim Burton, Blue Ridge District

12. RESOLUTION OF COMMENDATION/BERRETT BLAYLOCK

Vice Chairman Buckley moved that the Board of Supervisors approve the Resolution of Commendation for Berrett Blaylock, Boy Scout Venture Crew #953, for attaining the rank of Eagle Scout. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0.)

Staff Contact: Supervisor Jim Burton, Blue Ridge District

13. RESOLUTION OF COMMENDATION/KENDALL BLAYLOCK  
Vice Chairman Buckley moved that the Board of Supervisors approve the Resolution of Commendation for Kendall Blaylock, Boy Scout Venture Crew #953, for attaining the rank of Eagle Scout. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0. )  
Staff Contact: Supervisor Jim Burton, Blue Ridge District
14. RESOLUTION OF COMMENDATION/GARRETT HARRELL  
Vice Chairman Buckley moved that the Board of Supervisors approve the Resolution of Commendation for Garrett Harrell, Boy Scout Venture Crew #953, for attaining the rank of Eagle Scout. (Consent Item) (Seconded by Supervisor Burton . The motion passed 9-0.)  
Staff Contact: Supervisor Jim Burton, Blue Ridge District
15. RESOLUTION OF COMMENDATION/BRAEDON URIE  
Vice Chairman Buckley moved that the Board of Supervisors approve the Resolution of Commendation for Braedon Urie, Boy Scout Venture Crew #953, for attaining the rank of Eagle Scout. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0.)  
Staff Contact: Supervisor Jim Burton, Blue Ridge District
16. RESOLUTION OF COMMENDATION FOR THE LOUDOUN COUNTY DEPARTMENT OF FIRE AND RESCUE, PURCELLVILLE VOLUNTEER FIRE DEPARTMENT, AND MC KIM CONSTRUCTION OF PURCELLVILLE  
Vice Chairman Buckley moved that the Board of Supervisors approve the Resolution of Commendation for the following:
  - Loudoun County Department of Fire and Rescue: Battalion Chief Kevin Wright, Technician Emmitt Carolan, and Training Officer Nathan Herlocker;
  - Purcellville Volunteer Rescue Squad: Earl Hall, Ed Hill, Pete Dowdy (who is also a member of Purcellville Volunteer Fire Department), Stephanie Soloman, Jennifer Purdy and Dave Swartz;
  - Purcellville Volunteer Fire Department: Chief Jimmy Counselman, Assistant Chief Mike Obrien, Fire Fighter Chris Kermode, Fire Fighter/EMT Andy Smith, and Fire Fighter Phil Trankovich; and
  - McKim Construction of Purcellville.(Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0. )  
Staff Contact: Supervisor Jim Burton, Blue Ridge District
17. FINANCE/GOVERNMENT SERVICES AND OPERATIONS COMMITTEE REPORT / MID-YEAR FY 10 LANDFILL FEE WAIVER FOR LOUDOUN HABITAT

Vice Chairman Buckley moved that the Board of Supervisors approve the recommendation of the Finance/Government Services and Operations Committee to approve the mid-year FY 10 landfill fee waiver for Loudoun Habitat for Humanity in the amount of \$640. (Consent Item) (Seconded by Supervisor Burton. The motion passed 9-0.)

Staff Contacts: Mark Adams, Director, and Martina Williams, Department of Management and Financial Services; and Jane Tatum, Department of Construction and Waste Management

IX. COMMITTEE OF THE WHOLE DISCUSSION/ZMAP 2009-0005, SPEX 2009-0009 & CMPT 2009-0001/GREEN ENERGY PARTNERS/STONEWALL HYBRID ENERGY PARK

Supervisor Miller moved that the Board of Supervisors move into a Committee of the Whole. (Seconded by Supervisor Waters. The motion passed 8-0-1, Chairman York absent for the vote.)

Vice Chairman Buckley moved that the Board of Supervisors move out of Committee of the Whole. (Seconded by Supervisor Miller. The motion passed 8-0-1, Chairman York absent for the vote.)

Supervisor Kurtz moved that the Board of Supervisors forward ZMAP 2009-0005, SPEX 2009-0009 and CMPT 2009-0001, Green Energy Partners/Stonewall Hybrid Energy Park, to the April 20, 2010 Business Meeting for action. (Seconded by Supervisor Miller. The motion passed 8-0-1, Chairman York absent for the vote.)

(The applicant agreed to a timeline extension.)

Staff Contacts: Julie Pastor, Director, and Judi Birkitt, Project Manager, Department of Planning