

## Membership Meeting Minutes

Packard Center, 4022 Hummer Road, Annandale  
Thursday, December 17, 2009

Approved January 21, 2010

The December 2009 Meeting of the Membership of the Fairfax County Federation of Citizens Associations was called to order by Corresponding Secretary Esther Ferington at 7:40 p.m. in the general meeting room of the Packard Center. Present were 18 participants and three members of the county's stormwater management staff. (Attendance list is attached to file copy.)

### **Program: Stormwater Management in Fairfax County | Randy Bartlett, Fairfax County Department of Public Works and Environmental Services**

Randy is responsible for the county's stormwater program. Randy gave a presentation that, including questions and answers, covered 80 minutes. The topics were the history of stormwater management, regulatory requirements, treatment practices, funding in Fairfax County, and the future. Fairfax County has about 1500 miles of county-owned stormwater pipes; 45,000 stormwater drainage structures; 1,300 publicly-owned stormwater management facilities; and 3,300 privately-owned stormwater management facilities. Challenges facing Fairfax County include aging infrastructure; growing inventory; growing, complex regulatory requirements; and the emerging nature of best practices.

The presentation slides are posted on the Federation web site:

<http://www.fcfa.org/committees/Environment/StormwaterPresentation091217.ppt>—(31MB)

<http://www.fcfa.org/committees/Environment/StormwaterPresentation091217.pdf>—(12MB)

<http://www.fcfa.org/committees/Environment/StormwaterPresentation091217withNotes.pdf>—(9MB)

Don Hinman followed with a 15-minute presentation of his experience guiding the Huntington Grove Home Owners Association through the process of gaining approvals and implementing plantings adjacent to its stormwater management facility.

<http://www.fcfa.org/committees/Environment/HuntingtonGrovePond091217.ppt>—(16MB)

<http://www.fcfa.org/committees/Environment/HuntingtonGrovePond091217.pdf>—(5MB)

Don and the supporting vendor, Nature by Design, are willing to give “how to” presentations to other home owner associations.

### **Administrative Topics**

President Jeff Parnes, who had been delayed by traffic, assumed the chair for the remainder of the meeting.

**Minutes**—The membership approved the minutes of the November 17, 2009, membership meeting.

### **Treasurer's Report | Scott Schlegel**

Scott provided a handout and reported the balance sheet, budget overview, and membership list as of the meeting date and the transaction list for July 1 through the meeting date. Current assets and equity equal \$9,909.68. Participants received the report for file.

### **Officer and Board Vacancies and Appointments | Jeff Parnes**

**Co-Recording Secretary**—Patty Parker will be moving and so must resign. Anyone interested in serving for the remainder of the 2009/10 term or know a likely candidate please contact Jeff ([FedPres2009@fairfaxfederation.org](mailto:FedPres2009@fairfaxfederation.org)).

**Human Services**—Need Chair

**Bulletin Editor**—Carol is planning to step down after the June 2010 bulletin. Anyone interested in serving as Editor when she steps down please either contact her ([FedBulletinEditor2009@fairfaxfederation.org](mailto:FedBulletinEditor2009@fairfaxfederation.org)) or Jeff ([FedPres2009@fairfaxfederation.org](mailto:FedPres2009@fairfaxfederation.org)).

## **The Federation is Looking for a New Place to Hold its Meetings for 2010 | Jeff Parnes**

The Federation has received word that the Park Authority plans to renovate the Packard Center and that the Federation will need to find an alternative meeting place for a couple of months during the renovation. Any member who knows of a suitable location should contact our second Vice President, Kahan Dhillon, at [fed2ndvp2009@fairfaxfederation.org](mailto:fed2ndvp2009@fairfaxfederation.org).

Flint had suggested the Dunn Loring Administrative Center located at 2334 Gallows Road, Dunn Loring. Some participants stated that this facility (and some other potentially acceptable government facilities) closes at 9 p.m. (or earlier) and thus would not meet the Federation's needs. Closure time is a consideration in site selection.

## **Old Business**

### **Board of Supervisors (BOS) Chairmen's' Photos | John Jennison (absent)**

BOS Chair Bulova's office staff has determined where the chairmen's photographs may be best displayed. Supervisor Herrity has provided a photo of his father, the late Chairman Herrity. We will arrange for it to be framed by the same firm that framed the other portraits. We are also seeking photographs of two other former chairmen, now deceased, who had served in the 1960s and 1970s.

BOS Chair Bulova's office is contacting Public Affairs about date for a small reception to receive, hang or unveil the photographs.

## **New Business**

### **Resolution on Daytime Noise Limits | Fred Costello**

To "fast track" this resolution, Fred introduced it first directly to the membership, rather than to the board of directors. By Federation rules, this procedure required a vote of two-thirds to allow consideration. The motion for consideration passed by a vote of 16 for and 5 against. (In the Federation each member association is allocated a number of votes based upon association population.)

The resolution deals with the fact that daytime noise is no longer limited because of a recent court decision that struck down the current ordinance as too vague; hence there currently is no daytime noise limit. Quick county action to implement a new ordinance was urged because a farm winery, which could also serve as a wedding and party site, is scheduled to open on January 16 in Clifton. If the noise limit is not set before it opens, it may be possible for the business to be grandfathered and hence exempt from noise restrictions.

The resolution as proposed read:

"Background: a recent court case nullifies all limits on daytime noise within Fairfax County.

WHEREAS, in the Tanner v. City of Virginia Beach (VLW 009-6-044) case, the Virginia Supreme Court ruled unconstitutional noise ordinances that use "reasonable persons" as the measure of acceptable noise because it is vague;

WHEREAS, the current Code of Fairfax County uses "reasonable persons" as the measure of unacceptable noise;

WHEREAS, Tanner renders void any limit on daytime noise in Fairfax County;

WHEREAS, daytime noise sources, either that are currently in place or that might be instituted before a new ordinance is instituted, though annoying, might be "grandfathered" and thereby made permanently allowed;

WHEREAS, the current Code of Fairfax County limits nighttime noise by total sound level (in dBA) and in each audible sound octave in dB;

WHEREAS, the current Code of Fairfax County limits nighttime noise to a total sound level to 55 dBA in residential areas; and

BE IT RESOLVED, that the [Fairfax County] Federation of Citizens Associations requests that the code of the County of Fairfax, Section 108, be revised such that the daytime limits on noise be specified in both total sound level (dBA) and in each sound octave (dB) as done for the nighttime limits, and the limits be set at no more than 3 dBA and 3 dB, respectively, above nighttime values, with exemptions given for noise generated during construction and maintenance.

FURTHERMORE, BE IT RESOLVED, that this revision to Section 108 be instituted at the earliest possible date, preferably before January 2010, so that the limits are established before some noises are “grandfathered” as permissible.”

Discussion included these points.

- The Federation normally does not engage issues that affect only one locality, in this case Clifton. The resolution, however, seeks to establish countywide policy.
- Would noise-making businesses be grandfathered or would any new ordinance apply to existing sources of noise? Opinions varied, but there was no definitive answer to this legal question in the meeting.
- The Federation’s resolution as drafted provides specific sound limits. Should the Federation delve into such technical specifics? This issue was resolved by keeping the specified limits but urging quick passage as an interim measure which the county could later refine.

The resolution, modified to include the phrase “on an interim basis,” was adopted by a vote of 18 for and 2 against.

Fred will provide Esther the final text of the resolution. Esther will forward the resolution to the Board of Supervisors.

### **Resolution on Operation of Farm Wineries | Fred Costello**

To “fast track” this resolution, Fred introduced it first directly to the membership, rather than to the board of directors. By Federation rules, this procedure required a vote of two-thirds to allow consideration. The motion for consideration passed by a vote of 19 for, none against, and two abstentions.

Virginia law and county zoning are vague regarding the operation of wineries in areas zoned for residential conservation. If a thing is not prohibited; it is allowed. The county has no policy regarding an approval process for wineries.

The resolution as proposed read:

“Background: The Code of Virginia, Section 15.2-2288.3, states that no locality shall regulate a farm winery’s activities consisting of “on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery.” However, the same section states that “Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public.

In addition, this same section states that “no local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

In light of these citations from the Code of Virginia, various counties have determined that “substantial impact on the health, safety, or welfare of the public” may occur from farm wineries unless some limits are placed on the wineries. For example, Prince William County does not allow on-site food preparation, limits the number of occupants to 150, and limits the floor area for wine tasting and food sales to 20% of the gross floor area.

The purpose of RC-zoned land includes promoting “open, rural areas for the growing of crops, pasturage, horticulture, dairying, floriculture, the raising of poultry and livestock” (see <http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art03.pdf>). This section of the Fairfax County zoning ordinance allows, under special permit, RC-zoned land owners to use their land for temporary uses, limited to “Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities.” Furthermore, it states that “no sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permitted or special exception use.” Farm wineries fall under this category. The lot size must be at least 5 acres, except cluster lots may be as small as 36,000 square feet.

The purpose of RE-zoned land also includes promoting agricultural uses. Lot sizes can be as small as 75,000 square feet (1.7 acres).

R-1-zoned land allows some agricultural uses, but does not specifically forbid the use of the land for the production and sale of wine.

WHEREAS, Fairfax County has no regulations that, as allowed by Code of Virginia, protect the properties near farm wineries;

BE IT RESOLVED, that the [Fairfax County] Federation of Citizens Associations requests that the Fairfax County Zoning Ordinance be revised such that all agricultural businesses conducted in a residential district shall demonstrate by analysis the agricultural operation will not, to the satisfaction of the Board of Supervisors, jeopardize the health, safety, or welfare of the public in the vicinity of the business.”

Discussion lead to an amendment to revise the “be it resolved” paragraph to active voice rather than passive and to more accurately describe the role of the Board of Supervisors.

The Recording Secretary’s notes captured the new paragraph as:

“BE IT RESOLVED, that the Fairfax County Federation of Citizens Associations requests that the Fairfax County Board of Supervisors revise the zoning ordinance such that all agricultural businesses conducted in a residential district shall demonstrate by analysis the agricultural operation will not jeopardize the health, safety, or welfare of the public in the vicinity of the business.”

The resolution, as modified, was adopted by a voice vote.

Fred will provide Esther the final text of the resolution. Esther will forward the resolution to the Board of Supervisors.

**Publicity – Charlie Dane**

Page 5 of the Monday, 7 December, edition of the Washington Examiner contains Rob Jackson's (President of McLean Citizens Association) complimentary comments about the Federation. The article is available at <http://www.fcfa.org/newspaper/The3-minuteInterviewRobJacksonWashingtonExaminer091203.pdf>.

**Board & Committee Reports**

**Association Services | Don Hinman**

Don, with Kosmo Tatalias’s help, will package the presentation he made tonight on home owner association plantings near stormwater facilities to include a narrative for posting on the Federation’s web site.

**Budget | Carey Campbell (absent) and Charlie Hall (absent)**

Kosmo Tatalias attended the recent BOS Budget Committee meeting at which Chairman Bulova presented a proposed list of Board Priorities for FY 2011, based on the Board of Supervisors (BOS) June retreat discussion. These priorities are proposed to be included in every FY 2011 document. Kosmo thinks they had not stated the priorities for FY 2010, so this is a return to the traditional approach.

<p>Chairman’s proposed FY 2011 priorities include:</p> <ul style="list-style-type: none"> <li>• Quality educational system</li> <li>• Safe streets and neighborhoods</li> <li>• Clean sustainable environment</li> <li>• Livable, caring and affordable communities</li> <li>• Vibrant economy</li> <li>• Efficient transportation network, and</li> <li>• Recreational and cultural opportunities</li> </ul>	<p>For comparison, the adopted FY 2008 priorities were:</p> <ul style="list-style-type: none"> <li>• Strong Investment in Education</li> <li>• Public Safety and Gang Prevention</li> <li>• Affordable Housing</li> <li>• Environmental Protection</li> <li>• transportation improvements</li> <li>• Revenue Diversification</li> </ul>
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**Citizen of the Year | John Jennison (absent)**

Nominations for the Citizen of the Year are open until 31 Jan 2010. For criteria and a nomination form, see <http://www.fairfaxfederation.org/coy1.htm>. Deserving residents who do not receive the one Citizen of the Year award may be awarded a Citation of Merit. Awards will be presented at a banquet in the April/May period.

As a result of a suggestion made at this meeting, Jeff will revise the web site so that past Citizens of the Year may be viewed on a single page.

**Education | Charlie Dane**

On January 7 the Superintendent Jack Dale will release his proposed FCPS budget.

On January 12 the Federation's Education Committee will meet and review it.

In late January the Federation will have the opportunity to testify on the superintendent's budget before the Fairfax County School Board.

### **Environment | Flint Webb**

The Federation is pleased to have Ana Prados continue to represent the Federation at the MWAQ Technical Advisory Committee (TAC). (This requires a re-nomination letter from the Federation to MWAQ, which Jeff will ensure has been sent.)

The Environment Committee of the Fairfax County Planning Commission will be holding a public workshop on January 6 on a draft Policy Plan Amendment proposal addressing disturbances to Environmental Quality Corridors. Of particular note is the availability of a background document containing the "Strawman" draft Plan Amendment at <http://www.fairfaxcounty.gov/planning/eqcdisturbancesstrawman.pdf>.

On the topic of reducing greenhouse gas emissions, Flint noted that the county does not plan to establish an actual baseline of its 2005 inventory. Without a baseline, the county could claim post-2005 credit for actions taken before 2005 to reduce greenhouse gas reductions. Flint will draft a resolution that the Federation supports the development of a reasonable a 2005 inventory of greenhouse gas emissions. This inventory will enable a more accurate and honest accounting of emission reductions that have occurred—or that do occur in the future—since the baseline date of 2005.

Flint attended an EPA meeting on the Chesapeake Bay Total Daily Maximum Loads (TDML). The new TMDL will revise the stream TMDLs established by the state and will add or modify limits on nitrogen, phosphorous and sediment. The regulations are on a fast track.

### **Human Services | Position vacant**

#### **Land Use | Fred Costello**

Fred has been named to the Reston Master Plan Special Study Task Force.

#### **Legislation | Tania Hossain**

In preparation for distribution, Carol Hawn is formatting the Federation's recommendations for consideration by the 2010 General Assembly session. Jeff Parnes is the second speaker at the public hearing on legislation on January 10.

#### **Membership | Tania Hossain**

Current membership is 38.

#### **Public Safety | Gail Parker (absent)**

#### **Resolutions | Bill Hanks—no report**

#### **Transportation | Roger Hoskin and Carey Campbell (absent)**

#### **Northern Virginia Transportation Alliance**

Jeff Parnes attended the Northern Virginia Transportation Alliance's December 17th 2009 Speaker's Series event. At the event he met Til Hazel, who is advocating reinvestment in infrastructure.

#### **Planning and Design Division Monthly Projects Status Reports**

This information provided via agenda: The Planning and Design Division of the Department of Public Works and Environmental Services publishes monthly projects status reports for sidewalks, trails, bus shelters, and road projects. The October report is available at

<http://www.fcfa.org/committees/Transportation/PDDMonthlyStatusReport200910.pdf>

- The new contact for trail requests and maintenance on Park Authority land is Liz Cronauer (FCPA), 703-324-8629, [Elizabeth.Cronauer@fairfaxcounty.gov](mailto:Elizabeth.Cronauer@fairfaxcounty.gov).
- The contact for sidewalk requests and maintenance Chris Wells (FCDOT), 703-324-8629, [Elizabeth.Cronauer@fairfaxcounty.gov](mailto:Elizabeth.Cronauer@fairfaxcounty.gov).

If you have questions, contact Mark Tipton, FCFA Representative, Trails and Sidewalks Committee.

[FedTrailsSidewalksComRep2009@fairfaxfederation.org](mailto:FedTrailsSidewalksComRep2009@fairfaxfederation.org)

## **Website | Jeff Parnes**

You are invited to visit the Fairfax Federation Forum: The Federation's own discussion board at <http://fairfaxfederation.org/smf/index.php>. Please follow the link and register. If you have any questions, please get with Jeff at [Fedwebmaster2009@fairfaxfederation.org](mailto:Fedwebmaster2009@fairfaxfederation.org).

## **District Council Reports**

**Braddock | Art Wells (absent)**

**Dranesville—N/A**

**Hunter Mill—N/A**

**Lee | Don Hinman**

The Community-wide Parking District (CPD) is now in effect in Lee District. To date police have issued only warnings; enforcement by issuing tickets will begin soon.

**Mason | Roger Hoskins—no report**

**Mount Vernon | Karen Pohorylo (Absent)**

Mount Vernon District Supervisor Gerry Hyland and Mount Vernon School Board Member Dan Storck held a public meeting regarding the fiscal year 2011 budget in the Mount Vernon District on December 9.

**Providence | Charles Hall (Absent)**

**Springfield | Mike Thompson (Absent)**

**Sully | Jeff Parnes**

The SDC had a Public Safety briefing at last night's meeting and will have a Parks report in January.

The Land Use and Transportation Committee reviewed the three APR cases that had been deferred awaiting the VDOT 527 analysis. No objections were raised to the Sully APR Task Force recommendations

## **Closing Announcement—Celebration Honoring Ann Rodriguez**

### **Celebration Honoring Ann Rodriguez**

Several Federation representatives attended the Celebration of Ann's Life, hosted by the Arts Council of Fairfax County, on Wednesday, December 2nd, CenterStage, Reston Community Center, Hunters Woods in honor of Ann Rodriguez, their recently deceased president and CEO.

### **Verdia Haywood is Retiring after 25 Years as Deputy County Executive for Human Services**

Please mark your calendar and plan to drop by his Retirement Open House on Thursday, January 14th between 10 a.m. and 3 p.m. just outside of Verdia's office. All are invited and at Verdia's request – there are NO speeches, NO program, and NO formalities; just a time to say, “hey, HEY, hey” and enjoy some treats.

Next, get together with some colleagues—or go it alone—and make a scrapbook page (standard 12 X 12) that captures a memory. All together, it will become a book to bring smiles for years to come! You are welcome to bring in a photo or jot down a story instead of a whole page.

During the week of January 4 - 11, there will be an “Open Mike” video camera set up in the Government Center at designated dates and times (TBD). We invite everyone to stop by and sing a song, say a few words, tell your favorite joke, or make faces so Verdia can relax later at home with some popcorn and enjoy the memories.

And last but not least, in lieu of any retirement gifts, if you are so inclined, make a donation to the Verdia Haywood Long Term Care Services Fund. To honor Verdia's vision and dedication, CareFaxLTC/Life Circle Alliances has created this fund to help provide resources for emerging projects in long term care for older adults or adults with disabilities. Harriet and Jerry Hopkins have issued a challenge grant of up to \$5,000 to be matched dollar for dollar by donations from the community. All donors who contribute by December 31, 2009, will be recognized as charter members of the Fund.

Donations can be made on line via the CareFaxLTC / Life Circle Alliances website <http://www.carefaxltc.org>: please note "for the Verdia Haywood Fund" in the designation field. You may also donate via check made payable to CareFaxLTC and mailed to CareFaxLTC at 4031 University Drive, Box 323, Fairfax, VA 22030.

We look forward to seeing you on January 14th! Please feel free to pass this along to others you know who know Verdia.

### **Adjournment**

The meeting adjourned at 10:50 p.m.

### **Next Meetings**

The next membership meeting is scheduled January 21, 2009, at 7:30 p.m., in the general meeting room of the Packard Center.

The next board meeting is scheduled January 28, 2009 at 7:30 p.m., in the general meeting room of the Packard Center.

### **Summary of Action Items from This Meeting**

<b>Action</b>	<b>Who</b>
Make final edits to the resolution on Daytime Noise Limits and send to Esther	Fred Costello
Forward the resolution on Daytime Noise Limits to the Board of Supervisors	Esther Ferington
Make final edits to the resolution on Operation of Farm Wineries and send to Esther	Fred Costello
Forward the resolution on Operation of Farm Wineries to the Board of Supervisors	Esther Ferington
Prepare a presentation with text on home owner association plantings near stormwater facilities for posting on the Federation web site	Don Hinman and Kosmo Tatalias
Revise the Federation web site so a list of past Citizen of the Year awardees can be seen in one view	Jeff Parnes
Ensure that Ana Prados has been nominated to represent the Federation at the MWAQ Technical Advisory Committee (TAC) for another term	Jeff Parnes
Draft a resolution supporting the development of a reasonable 2005 inventory of greenhouse gas emissions	Flint Webb

Minutes prepared by Ed Wyse, Recording Secretary