



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
June 22, 2009**

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15-09

DMS:dms

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 Monday, June 22, 2009, at 9:39 a.m., there were present:

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

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 9:46 a.m.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Dave Foreman, Sr., who died recently. Mr. Foreman was the father of Dave Foreman, Supervisor Herrity's Chief of Staff. The late Mr. Foreman was very active in his community.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Francene Harris Robinson, who died recently. Ms. Robinson was extremely active in her community and was a former winner of the Best of Reston award.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MASTER TIM RUITER** (9:41 a.m.)

Supervisor Frey moved approval of the Certificate to Recognition presented to Master Tim Ruitter for his placement in the Scripps National Spelling Bee. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO CHESTERBROOK RESIDENCES, INCORPORATED** (9:48 a.m.)

Supervisor Foust moved approval of the Certificate to Recognition presented to Chesterbrook Residences, Incorporated, for receiving a Commonwealth Council on Aging 2009 Best Practices Award in the housing category. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO THE ASIAN AMERICAN HISTORY PROJECT TASK FORCE AND CERTIFICATE OF RECOGNITION PRESENTED TO MR. TERRY SAM** (10:02 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Asian American History Project Task Force for organizing numerous people, organizations, business, and government agencies that made the first naturalization ceremony held at the Government Center a success. Supervisor Smyth seconded the motion.

Chairman Bulova moved approval of the Certificate of Recognition presented to Mr. Terry Sam for his significant role as the volunteer photographer of all events and initiatives of the Asian American History Project Task Force. Supervisor Smyth seconded the motion.

The question was called on the motions, which carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **RESOLUTION OF RECOGNITION PRESENTED TO UNITED COMMUNITY MINISTRIES (UCM)** (10:18 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition to thank and congratulate UCM for its years of service and fortieth anniversary. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED TO GOOD SHEPHERD HOUSING AND FAMILY SERVICES** (10:35 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition to thank and congratulate Good Shepherd Housing and Family Services for its years of service and thirty-fifth anniversary. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Foust being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)** (10:45 a.m.)

(BACs) Supervisor Herrity moved approval of the Certificate to Recognition presented to the EDA for its work in the relocation of several major corporations to the County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **10 A.M. – PRESENTATION OF THE VOLUNTEER FIRE AND RESCUE SERVICE AWARDS** (11:11 a.m.)

Timothy Fleming, Chair, Volunteer Fire Commission, and Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department, presented the Volunteer Fire Service awards to the following individuals who have demonstrated extraordinary commitment to the Fire and Rescue Department through hundreds of hours of time spent providing Fire and Emergency Medical Service or in other roles to support the goals of the County combined career-volunteer system:

- Volunteer Firefighter of the Year – John Hootman, McLean Volunteer Fire Department
- Volunteer Operational Officer of the Year – Andrew Eastman, President, Dunn Loring Volunteer Fire and Rescue Department

- Volunteer Suppression Rookie of the Year – James Friel, Bailey’s Crossroads Volunteer Fire Department
- Volunteer Basic Life Support (BLS) of the Year – Miriam Alonso, Greater Springfield Volunteer Fire Department
- Volunteer Emergency Medical Service (EMS) Providers of the Year – Monica Haley, Vienna Volunteer Fire Department and Andre Pennington, Annandale Volunteer Fire Department
- EMS Volunteer Rookie of the Year – Sean Bhatt, Annandale Volunteer Fire Department
- Administrative Officer of the Year – Stanley Ellis, Vienna Volunteer Fire Department
- Administrative Member of the Year – Mary Zocchi, McLean Volunteer Fire Department

The following individuals received Special Recognition Awards:

- Captain II David Tobin, Fire and Rescue Department
- The Ladies Auxiliary and Canteen 413, Dunn Loring Volunteer Fire and Rescue Department

The following individual received the Fire Chief’s Award:

- Donald Melick, Chief, Burke Volunteer Fire and Rescue

Supervisor Gross announced that earlier this morning, a senior citizen residence in the Mason District had been evacuated. She stated that Baileys Crossroads Station 10 was part of the response team. Supervisor Gross thanked all of the people involved in the response to that incident. She noted that the County has numerous resources and that incidents similar to this mandate the cooperation of numerous departments and counties.

9. **10:10 A.M. – PRESENTATION OF THE A. HEATH ONTHANK AWARDS**
(11:27 a.m.)

(BACs) The Honorable Rosemarie Annunziata, Chairman, Civil Service Commission, gave a brief presentation regarding the A. Heath Onthank Awards, the highest honor the County bestows on its employees. John Byers, Chairman, A. Heath Onthank Award Selection Committee, introduced the Committee members.

Susan Woodruff, Director, Department of Human Resources, announced the 2009 A. Heath Onthank Award recipients as follows:

- Mary W. Kudless, Deputy Director, Fairfax-Falls Church Community Services Board
- Michael J. Lucas, Chief Animal Control Officer, Police Department
- Katherine L. Stemler, Transportation Supervisor, Mount Vernon Pyramid, Facilities and Transportation Services

10. **10:20 A.M. – PRESENTATION OF THE CIVIL WAR SESQUICENTENNIAL PROJECT AND RESOLUTION TO SUPPORT THE STATEWIDE SESQUICENTENNIAL PROJECT AND ENDORSE THE EFFORTS OF THE COUNTY'S SESQUICENTENNIAL COMMITTEE** (11:39 a.m.)

(BACs)
(R)

Patrick Lennon, Co-Chair of the Local Organizing Committee, Visit Fairfax, and Elizabeth Crowell, Committee Member, Park Authority, gave a presentation regarding the proposed Civil War Sesquicentennial Project. Mr. Lennon stated that the commemoration period for the Civil War would last from the year 2011 until 2015. Mr. Lennon said that events and activities would be planned that focused on the history of the Civil War.

Discussion ensued, with input from Mr. Lennon, regarding possible collaborations with the Lincoln at the Crossroads Alliance (LATCRA).

Chairman Bulova stated that the Board just heard a presentation on the status of the Fairfax County Sesquicentennial Steering Committee and its efforts to date. It was explained that the Virginia General Assembly created the Virginia Sesquicentennial of the American Civil War Commission during the 2006 Session of the General Assembly for the purpose of planning for and commemorating the 150th anniversary of Virginia's participation in the American Civil War, the duration of which will be 2011 through 2015. In 2007, the Speaker of the House of Delegates requested the formation of local committees to assist the State commission and to bring a local historical flavor to commemoration events.

Chairman Bulova noted that in addition to the formation of the Fairfax Committee, the Board has been asked to approve a Resolution in support of the Statewide Civil War Sesquicentennial Project and endorse the efforts of the Fairfax County Committee. Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved:

- Adoption of the Resolution to support the Statewide Civil War Sesquicentennial Project.

- Endorsement of the efforts of the Fairfax County Committee.

Supervisor Frey and Supervisor Smyth 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."

Vice-Chairman Gross returned the gavel to Chairman Bulova.

EBE:ebe

11. **10:35 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:50 a.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Dranesville District and Sully District Representatives.

ADVISORY SOCIAL SERVICES BOARD

Supervisor Hudgins moved the appointment of Ms. Narayani Siva as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

AFFORDABLE DWELLING UNTI ADVISORY BOARD

Chairman Bulova moved the reappointment of Mr. James H. Scanlon as the Engineer/Architect Planner #1 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Farmer #3 Representative.

AIRPORTS ADVISORY COMMITTEE

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

(NOTE: Later in the meeting, the Board appointed the Mount Vernon District Representative. See page 7.)

ATHLETIC COUNCIL

Supervisor Cook moved the appointment of Ms. Marcia M. Pape Daniels as the Braddock District Principal Representative. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, the Board made additional appointments to the Athletic Council. See below.)

AIRPORTS ADVISORY COMMITTEE (continued)

Supervisor Hyland moved the appointment of Mr. Charles T. Coyle as the Mount Vernon District Business Representative. Supervisor McKay and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL (continued)

(NOTE: Earlier in the meeting, the Board made an appointment to the Athletic Council. See above.)

Supervisor Gross moved the reappointments of:

- Ms. Barbara Lowrey as the Mason District Principal Representative.
- Ms. Jenifer Beusoliel as the Mason District Alternate Representative.

Chairman Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock District Alternate, Dranesville District Alternate, and the Lee District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Chairman Bulova moved the reappointment of Ms. Lilyan Spero as the At-Large Chairman's Representative. This motion was multiply seconded, and it carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Regina Jordan as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. John Byers as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of the Honorable Emilie Miller as the Providence District Representative. Supervisor Hyland and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Olga Hernandez as the Sully District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Dranesville, Lee, and Springfield District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Alternate #2 Representative.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large #3 Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Springfield District Representative.

COMMISSION ON AGING

Supervisor Cook moved the appointment of Dr. Kenneth B. Malmberg as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Hyland moved the appointment of Ms. Sherry Nachnani as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Providence District and Religious Community Representatives.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

CONFIRMATION:

Supervisor Hudgins moved confirmation Mr. Michael Horwatt as the Economic Development Authority Representative.

Supervisor Hyland seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Providence District Representative.

ECONOMIC ADVISORY COMMISSION

Chairman Bulova moved the appointment of Mr. Frank McDermott as the At-Large #4 Chairman's Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

ECONOMIC DEVELOPMENT AUTHORITY

Chairman Bulova moved the reappointment of Mr. Steven Davis as the At-Large #5 Citizen Representative. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Ann Rodriguez as the At-Large #7 Citizen Representative. This motion was multiply seconded and it carried by unanimous vote.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 Representative.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Chairman Bulova moved the appointment of Mr. Paul Gilbert as the At-Large Chairman's Representative. Supervisor Gross and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. David Melugin as the Lee District Representative. Supervisor Foust and Supervisor Herrity jointly seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Roland D. Gunn as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Major General Joseph Anderson as the Sully District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Cook announced the nomination of Ms. Jessica Burmester as the Braddock District Representative.

Supervisor Hudgins moved the reappointment of Mr. Glenn Kamber as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Ms. Martha Lloyd as the Lee District Representative. Supervisor Gross and Supervisor Foust jointly seconded the motion, which carried by unanimous vote.

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

HEALTH CARE ADVISORY BOARD

Supervisor Gross moved the reappointment of Ms. Rose C. Chu as the Mason District Representative. Supervisor Foust and Supervisor Smyth jointly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Francine Jupiter as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Dranesville District Representative.

HEALTH SYSTEMS AGENCY BOARD

Supervisor Smyth moved the reappointment of Mr. David Braun as the Consumer #1 Representative. Supervisor Smyth and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Sallie Eissler as the Provider #2 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Consumer #3, Consumer #5, Provider #1, and Provider #3 Representatives.

HISTORY COMMISSION

Supervisor Foust moved the reappointment of Ms. Carole Herrick as the At-Large #1 Representative. Supervisor Gross seconded the motion which carried by unanimous vote.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #3 Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Springfield District Representative.

LIBRARY BOARD

Supervisor Herrity moved the reappointment of Mr. Joseph Sirh as the Springfield District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Chairman Bulova moved the reappointment of Mr. David Miller as the Fairfax County #3 Representative. This motion was multiply seconded and it carried by unanimous vote. A brief discussion ensued regarding the appointment of members to at-large seats.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Hudgins moved the reappointment of Mr. Adam Parnes as the Hunter Mill District Representative. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Dranesville, and the Providence District Representatives.

ROAD VIEWERS BOARD

Supervisor Herrity moved the reappointment of Mr. Joseph Bunnell as the At-Large #1 Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the appointment of Mr. Marcus Wadsworth as the At-Large #3 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

TRAILS AND SIDEWALKS COMMITTEE

Supervisor Cook moved the appointment of Mr. Thomas Kennedy as the Braddock District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

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

TRANSPORTATION ADVISORY COMMISSION

Supervisor Foust moved the appointment of Mr. John Terzaken as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

TREE COMMISSION

Chairman Bulova moved the appointment of Mr. Lyle Chet McLaren as the At-Large Chairman's Representative. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Springfield District and Sully District Representatives.

VOLUNTEER FIRE COMMISSION**CONFIRMATIONS:**

Supervisor Hudgins moved confirmation of the following appointments:

- Mr. John S. Kirby as the At-Large Representative
- Mr. Rober J. Mizer as the Zone III Representative
- Mr. Michael Masciola as the Zone IV Representative
- Mr. Shawn Stokes as the Volunteer Fire and Rescue Association #2 Representative

Supervisor Frey seconded the motion, which carried by unanimous vote.

WATER AUTHORITY

Chairman Bulova moved the appointment of Mr. Richard Terwilliger as the At-Large Chairman's Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Frank Begovich as the Lee District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock District Representative and the Braddock Temporary Alternate Representative.

WETLANDS BOARD

The Board deferred the appointment of the At-Large #1 Representative.

ADDITIONAL APPOINTMENTS**ENVIRONMENTAL QUALITY ADVISORY COUNCIL****CONFIRMATION:**

Supervisor Smyth moved confirmation of the following appointment:

- Mr. Ben Swanson as the Student Representative

Supervisor Gross seconded the motion, which carried by unanimous vote.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Supervisor Hudgins announced the resignation of Mr. John Coleman from the Southgate Community Center Advisory Council.

DET:det

12. **ADMINISTRATIVE ITEMS** (12:16 p.m.)

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

Supervisor Smyth and Supervisor Herrity called the Board's attention to Admin 9 – Authorization to Advertise a Public Hearing on a Proposed Amendment to the Zoning Ordinance Regarding Single Family Detached Dwelling Grade. Noting the range of fees, Supervisor Smyth inquired as to the actual cost to the County for review, with input from Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, and James Patteson, Director, Land Development Services, Department of Public Works and Environmental Services, concerning the rate of recovery. Discussion continued concerning the Board of Zoning Appeals and variances, with additional input from Ms. McLane concerning the proposed standards.

Supervisor Herrity noted that at a Development Process Committee meeting in March, it was agreed that expanded fiscal impact was to be included. Input ensued from Mr. Patteson concerning grades and setback ratios.

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 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, AND SPRINGFIELD 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-S09-14	New Cingular Wireless PCS LLC Antenna colocation on existing transmission pole 5460 Rockpointe Drive (Springfield District)	August 23, 2009
FS-L09-16	New Cingular Wireless PCS LLC Rooftop antennas 8350 Richmond Highway (South County Government Center) (Lee District)	August 23, 2009
FS-H09-17	Cricket Communications Rooftop antennas 2610 Reston Parkway (Fox Mill Fire Station) (Hunter Mill District)	August 23, 2009
2232-S09-6	Cricket Communications Replacement 120’ monopole/light pole 6001 Union Mill Road (Centreville High School) (Springfield District)	August 28, 2009
2232-V09-15 (formerly FS-V09-18)	New Cingular Wireless PCS LLC Replacement 76’ monopole/light pole 2500 Parkers Lane (Walt Whitman Middle School) (Mount Vernon District)	August 29, 2009
FS-H09-22	Cricket Communications Antenna colocation on existing transmission tower 1977 Hunter Mill Road (Hunter Mill District)	August 29, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-D08-19	T-Mobile Northeast LLC Antenna colocation on 10' extension to existing transmission pole Near Georgetown Pike and Colonial Farm Road (Dranesville District)	September 3, 2009

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, LEE, MOUNT VERNON, PROVIDENCE,
SPRINGFIELD, AND SULLY 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>
Sparger Street Property	Dranesville	Springhaven Garden Lane
Newington LC	Lee	Cinder Bed Road (Route 637) (Additional ROW Only)
Highgrove Estates Section 2	Lee	Willowfield Way Penny Lane
Highgrove Estates Section 2	Lee	Deer Ridge Trail Meriwether Lane
Earl H. Curtis and Wife Subdivision Lots 4 and 5A	Mount Vernon	Lorton Road (Route 642) (Additional ROW Only)
Morgan at McLean LLC	Providence	Chain Bridge Road (Route 3547) (Additional ROW Only) Colonial Lane (Route 1074) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Hearthstone Village Oakton Section 1	Providence	Lynnhaven Place Hunter Mill Road (Route 674) (Additional ROW Only)
The Horizon Bank of Virginia	Providence	Lee Highway (Route 29) (Additional ROW Only) Prosperity Avenue (Route 699) (Additional ROW Only) Hilltop Road (Route 744) (Additional ROW Only)
Remington Place and Trustees of New Hope Church Incorporated	Springfield and Mount Vernon	Blu Steel Way
The Hunter Property	Sully	Walney Park Drive (Route 7704)

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY
FOR THE CONSTRUCTION OF THE LANGLEY OAKS POND NUMBER
ONE PROJECT (DRANESVILLE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 3, 2009, at 4 p.m.** on the acquisition of certain land rights necessary for the construction of Project 318/FX4000 (TR001) – Langley Oaks Pond Number One, in Fund 318, Stormwater Management Program.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF
SOUTHLAND AVENUE (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 3, 2009, at 4 p.m.** to consider the vacation and abandonment of a portion of Southland Avenue (Route 2523).

ADMIN 5 – INSTALLATION OF “NO PARKING COMMERCIAL VEHICLES OVER 12,000 POUNDS” SIGNS ON I-395/EDSALL ROAD OFF-RAMP TO BREN MAR DRIVE (MASON DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “No Parking Commercial Vehicles Over 12,000 Pounds” signs along the gravel shoulder adjacent to the off-ramp from I-395/Edsall Road to Bren Mar Drive.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE NEWGATE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2009, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Newgate CPD, in accordance with current CPD restrictions.

ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON, HUNTER MILL, SULLY, AND LEE DISTRICTS)

- (R)
- Endorsed traffic calming measures on Hillcrest Place consisting two speed humps and one multi-way stop on Hillcrest Place (Mason District)
 - Adopted a Resolution authorizing the installation of “Watch for Children” signs on the following streets:
 - Abbey Oak Drive (Hunter Mill District)
 - Billingsgate Lane (Sully District)
 - Wycombe Street (Sully District)
 - McClelland Place (Lee District)
 - Directed staff to request the Virginia Department of Transportation install the approved measures as soon as possible.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 09151 FOR THE OFFICE OF EMERGENCY MANAGEMENT (OEM) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREA SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA (DC) OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE THROUGH THE STATE ADMINISTRATIVE AGENCY (SAA) FOR THE NATIONAL CAPITAL REGION

- (SAR) Approved SAR AS 09151 in the amount of \$142,850 for OEM to accept a DHS Fiscal Year 2007 UASI Sub-Grant Award from SAA. In partnership with the Department of Public Works and Environmental Services, these funds will be used to review, update, and develop local emergency action plans and develop an emergency response program for high hazard dams within the County. This project will be implemented in accordance with the program guidance documents. No local cash match is required.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SINGLE FAMILY DETACHED DWELLING GRADE

(Note: Earlier in the meeting, this item was discussed. See page 13.)

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on July 23, 2009, at 8:15 p.m., and before the Board on **September 14, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding single family detached dwelling grade.

13. **A-1 – APPROVAL OF REVISIONS TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD AND THE RESTON COMMUNITY CENTER (RCC) (HUNTER MILL DISTRICT)** (12:23 p.m.)

- (BAC) On motion of Supervisor Hudgins, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the revisions to the MOU between the Board and the RCC.

14. **A-2 – APPROVAL OF PRELIMINARY BOND DOCUMENTS FOR DULLES RAIL TAX DISTRICT FINANCING AND AUTHORIZATION OF JUDICIAL PROCEEDINGS TO VALIDATE BONDS** (12:24 p.m.)

Chairman Bulova announced that this item was being deferred until later in the afternoon following a brief meeting of the Dulles Rail Commission.

(Note: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #36.)

15. **A-3 – APPROVAL OF THE CODE OF OPERATIONS AND COMPOSITION OF THE COUNTY’S HEAD START/EARLY HEAD START POLICY COUNCIL** (12:24 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax County Head Start/Early Head Start Policy Council Code of Operations and the composition of Policy Council, as outlined in the Code.

16. **A-4 – APPROVAL OF CHANGES TO THE COUNTY PURCHASING RESOLUTION** (12:25 p.m.)

(R) On motion of Supervisor McKay, 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 approved the changes to the Purchasing Resolution, to become effective on July 1, 2009. The proposed changes incorporate modifications resulting from legislation enacted during the 2009 session of the Virginia General Assembly and other administrative changes recommended by staff.

17. **A-5 – APPROVAL OF REVISIONS TO CHAPTER 4 OF THE PERSONNEL REGULATIONS REQUIRED TO IMPLEMENT THE SUSPENSION OF PAY INCREASES FOR FISCAL YEAR (FY) 2010** (12:25 p.m.)

Chairman Bulova announced that this item was being deferred until after closed session.

(Note: Later in the meeting, the County Executive withdrew this item. See Clerk’s Summary Item #35.)

18. **C-1 – NATIONAL ASSOCIATION OF COUNTIES’ (NACo) ANNUAL CONFERENCE** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated June 22, 2009, requesting that the Board designate a voting and alternate delegate to represent the County at the NACo Annual Conference to be held in Davidson County, Tennessee on July 24-28, 2009.

Supervisor Gross noted that the County received eight NACo achievement awards and the County’s attendees need to coordinate acceptance of the awards.

Supervisor Gross moved the appointment of:

- Supervisor Hyland as the County’s voting delegate for NACo.

- Supervisor Gross as the County's alternate voting delegate for NACo.
- Supervisor Hudgins as the County's alternate voting delegate for NACo.

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

19. **C-2 – APPROVAL OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD AND THE FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED (FPY)**
(12:27 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated June 22, 2009, regarding an amendment to the MOU between the Board and FPY.

Chairman Bulova announced that there were two alternatives under consideration:

- To allow a County employee to serve as an officer and voting member of the FPY.
- To allow a County employee to be a member of the board of directors but not a voting member.

Supervisor Frey, one of two Board members on the FPY Board, inquired as to why it was set up so that County employees were not allowed to be members, and David P. Bobzien, County Attorney, stated that there were three choices:

- Do nothing.
- Allow County employees to be voting officers or board members.
- Allow County employees to participate as officers or board members without a vote.

Supervisor Frey expressed concern as to whether this circumstance was consistent with other boards and commissions where County employees serve with input from Anthony H. Griffin, County Executive, concerning his experience with the Chamber and Visit Fairfax.

Supervisor Frey moved that the Board:

- Defer action on this item.
- Direct staff to research whether the Board has a policy; whether that policy was being implemented fairly with regard to all boards

and commissions that County employees serve on; and if not, consider a policy that would govern all County employees' participation.

Supervisor Hyland seconded the motion.

Supervisor Gross noted that when the Partnership was established, the intent was to ensure that it was not an entity of the County government but a stand-alone non-profit organization.

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

20. **I-1 – GREEN BUILDING CERTIFICATION – CROSSPOINTE FIRE STATION, FOUNDATIONS (SPRINGFIELD DISTRICT), AND BURKE CENTRE LIBRARY (BRADDOCK DISTRICT)** (12:37 p.m.)

The Board next considered an item contained in the Board Agenda dated June 22, 2009, announcing that three County building projects, developed as part of the Capital Improvement Program, recently achieved formal green building certifications under the US Green Building Councils Leadership in Energy and Environmental Design (LEED) and the Green Globe Initiative Rating Systems.

Chairman Bulova asked unanimous consent that the Board direct staff to publicize these certifications. Without objection, it was so ordered.

Discussion ensued concerning the cost of certification with input from Anthony H. Griffin, County Executive, concerning self-certification. Mr. Griffin stated that self-certification was a commitment that was made both to the County and the Council of Governments (COG) and that he would report back to the Board.

21. **I-2 – CONTRACT AWARD – HEALTH DEPARTMENT LABORATORY (PROVIDENCE DISTRICT)** (12:39 p.m.)

The Board next considered an item contained in the Board Agenda dated June 22, 2009, requesting authorization for staff to award a contract to Rand Construction Corporation in the amount of \$3,773,133 for the construction of Project 009520, Health Department Laboratory, in Fund 303, County Construction.

The staff was directed administratively to proceed as proposed.

22. **I-3 – CONTRACT AWARD – DENTAL SERVICES FOR INMATES IN THE ADULT DETENTION CENTER** (12:39 p.m.)

The Board next considered an item contained in the Board Agenda dated June 22, 2009, requesting authorization for staff to award a contract to Dentrust

Dental Virginia, PC for dental services for inmates housed in the Adult Detention Center (ADC) of the Office of the Sheriff. The total estimated annual amount of this contract is \$94,172 for years one and two; year three will be \$96,055; and year four will be \$97,977.

The staff was directed administratively to proceed as proposed.

23. **I-4 – CONTRACT AWARD – CLARKS BRANCH BRIDGE AT RIVERBEND PARK (DRANESVILLE DISTRICT)** (12:39 p.m.)

The Board next considered an item contained in the Board Agenda dated June 22, 2009, requesting authorization for staff to award a contract to Harbor Dredge and Dock in the amount of \$224,450 for the construction of a pedestrian and equestrian bridge over Clarks Branch in Riverbend Park. Funds for this project are available in Project 475508, Park Development, Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

EBE:ebe

ADDITIONAL BOARD MATTERS

24. **DIRECT SUPPORT PROFESSIONALS APPRECIATION MONTH** (12:39 p.m.)

Chairman Bulova announced that throughout the month of September, the Fairfax Long Term Care Coordinating Council will be promoting an Appreciation Month for Direct Support Professionals.

These professionals are responsible for providing hands-on care for Fairfax County residents with disabilities that require long term care. As the baby boomer generation ages, these dedicated workers will play an essential part in maintaining the health and wellness of individuals with disabilities.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board proclaim September as “*Direct Support Professionals Appreciation Month*” in Fairfax County and direct staff to invite these caregivers to appear before the Board on July 13, 2009, to accept this proclamation. Without objection, it was so ordered.

25. **FIFTIETH ANNIVERSARY CELEBRATION OF THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS)** (12:40 p.m.)

Chairman Bulova announced that CRS will be celebrating its 50 year anniversary on July 16, 2009. This department continues to provide outstanding services to the residents of the County.

Throughout its 50 years, CRS has developed programs designed to promote community involvement for individuals of all ages and abilities. It has a wide selection of programs ranging from youth development activities to opportunities for senior adult empowerment. CRS' contributions have made the County a better place to live, work, and play.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite representatives of CRS to appear before the Board on July 13 to receive a Proclamation recognizing and declaring July 16, 2009, as the 50 Year Anniversary Celebration of this department. Without objection, it was so ordered.

26. **SPENDING OF AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) GRANTS** (12:41 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland, Chairman Bulova stated that the County will be the recipient of millions of dollars in funding through the ARRA. This funding was approved by Congress and authorized by President Obama to help localities and states immediately protect and provide jobs. The ARRA will be used to fund public infrastructure, green energy projects, and other projects which will require materials, goods, and services.

Since it is becoming increasingly difficult for everyday Americans to find a job or to keep the one they have, and these same Americans are the taxpayers who have funded the ARRA, Chairman Bulova asserted that the spending of the economic recovery money should be used, to the fullest extent possible, to buy materials, goods, and services that are produced within the United States, thus employing the very workers that pay the taxes supporting the economic recovery effort.

During its last quarterly meeting, the Virginia Association of Counties Board of Directors endorsed a resolution at the request of the Isle of Wight County regarding supporting the purchase of products and services made in the United States with economic stimulus funding.

Therefore, Chairman Bulova moved that the Board:

- Join counties around the Commonwealth in resolving to restore economic growth and opportunity by spending ARRA funds on materials, goods, and services that maximize the creation of American jobs and help keep Americans employed.
- Commit to the fullest extent possible, to purchase materials, goods, and services made or performed in the United States of America with ARRA funds provided to the County by American taxpayers.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from David P. Bobzien, County Attorney, regarding the ARRA grant and procurement laws.

Supervisor Herrity asked to amend the motion to remove the word “fullest” from the motion, and this was accepted.

Following further discussion, with input from Mr. Bobzien, regarding the details of the grant, the question was called on the motion, as amended, which **CARRIED** by a recorded vote of eight, Supervisor Cook voting “NAY,” Supervisor Herrity abstaining.

27. **PROFFER AUTHORITY ON ATHEY-VOGEL SUBCOMMITTEE** (1 p.m.)

Chairman Bulova announced that in 2008, the Virginia General Assembly established the Joint Subcommittee to Study Development and Land Use Tools in Virginia’s Localities--sometimes referred to as the Athey-Vogel Study, in reference to the House and Senate patrons of the study resolutions creating the subcommittee.

This joint subcommittee has under review two draft pieces of legislation, copies of which were distributed to Board Members, in addition to the agenda from its meeting last Thursday. The first deals with amendments to the urban development area provisions of House Bill 3202, the major transportation funding bill from the 2007 Session.

Of most concern to the Board, the second proposes to eliminate a locality’s ability to accept cash proffers and certain off-site non-cash proffers for residential developments and the residential component of mixed-use developments.

In lieu of residential cash proffers, the draft legislative proposal would allow localities to adopt a model one-size-fits-all impact fee ordinance that the Virginia Commission on Local Government would be charged with drafting.

Chairman Bulova said that this proposal is patterned somewhat after Senate Bill 768 that was introduced in the 2008 Session, but that failed to pass. This bill was strongly opposed by the Board.

County staff attended the subcommittee and work group meeting last Thursday, where these proposals were discussed in detail. Those in attendance were told that the two draft proposals were intended to be starting points for discussion and were not intended to be final. Particularly in the case of the proposal that would provide for impact fees in lieu of certain cash and non-cash proffers, staff advised that just about all interested parties, including local governments and those representing the building and development industry, agree that this proposal should be scrapped and a fresh approach taken.

The Joint Subcommittee is not expected to meet again until sometime in August. In the meantime, the Chairman of the Subcommittee has invited interested parties to submit written comments and suggestions on the two proposals. Chairman Bulova asserted that it is critical that the Board reaffirm for the benefit of the Joint Subcommittee and Fairfax County's Delegation that it strongly opposes any diminution in the County's existing proffer authority. The County and the communities it represents have some significant and exciting land use challenges ahead, none the least of which are the future development of Tysons Corner, the Rail to Dulles Corridor, Merrifield, Springfield, and the areas around Fort Belvoir and the Engineers' Proving Ground, just to name a few. The County must retain its proffer authority so that it will have as much flexibility as possible to address development issues as they may arise.

Accordingly, Chairman Bulova moved that the Board direct:

- That the two draft legislative proposals that have been distributed to Board Members today be forwarded to County staff for review.
- Staff to continue to actively follow the work of the Joint Subcommittee to Study Development and Land Use Tools in Virginia's Localities and to keep the Board informed of the Subcommittee's actions.
- Staff to draft a letter from the Board to be sent to members of the Joint Subcommittee, and copied to the Fairfax County Delegation, the Virginia Association of Counties, the Coalition of High Growth Communities, the Virginia Municipal League, and the Northern Virginia Regional Commission, that explains why it is important that the County retain its current proffer authority, and that the Board opposes any diminution of that authority.

Supervisor McKay seconded the motion.

Discussion ensued with input from Karen Harwood, Deputy County Attorney, regarding the timeline for the draft letter to be presented to the Board for review and input.

Supervisor Smyth asked to amend the motion to send copies of the letter to candidates for the General Assembly and members of the Home Builders Association of Virginia and Virginia Association of Commercial Real Estate, and this was accepted.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

28. **BOARD RETREAT** (1:10 p.m.)

Chairman Bulova announced that the Board's Retreat will be held on Monday, June 29 and June 30, at Frying Pan Farm Park at the Visitors Center. There will be no opportunity for public testimony, but the public is welcome to attend.

NV:nv

29. **ORDERS OF THE DAY AND INTENT TO DEFER PUBLIC HEARINGS (MOUNT VERNON AND SULLY DISTRICTS)** (1:13 p.m.)

Following a query to David P. Bobzien, County Attorney, regarding the length of time needed for closed session, Chairman Bulova announced that Board Matters will be presented later in the day, following the public hearings.

Anthony H. Griffin, County Executive, announced that there is a meeting scheduled for 2:30 p.m. which several Members of the Board have to attend.

Supervisor Hyland announced his intent to defer the public hearing on Spot Blight Abatement Ordinance for 9915 Old Colchester Road.

(NOTE: Later in the meeting, this public hearing was held and decision deferred. See Clerk's Summary Item #64.)

Supervisor Frey announced his intent to defer the public hearing on Proffered Condition Amendment Application PCA 2006-SU-025.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #56.)

30. **RECESS/CLOSED SESSION** (1:14 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. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique Vereen*, Record No. 081863 (Sup. Ct. Va.) (Lee District)
 2. *FFW Enterprises v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2008-0013918 (Fx. Co. Cir. Ct.) (Providence District)
 3. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
 4. *Jill Borak, et al. v. Nancy Rodrigues, et al.*, Case No. 3:08cv00809 (U.S.D.C., E.D. Va)
 5. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006783 (Fx. Co. Cir. Ct.) (Countywide)
 6. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006761 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)
 7. *Light Global Mission Church v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0016274 (Fx. Co. Cir. Ct.) (Sully District)
 8. *Tyler Sutherland v. William E. Baitinger*, Case No. CL-2008-0013204 (Fx. Co. Cir. Ct.)
 9. *Nahom F. Beyene v. J. W. Andrea*, Case No. 1:08cv1321 (U.S.D.C., E.D. Va.)
 10. *Lenir Richardson v. Zips Dry Cleaners and Officer Corrigan (sic)*, Case No. CL-2007-0011466 (Fx. Co. Cir. Ct.)

11. *Lenir Richardson v. Masyra Sadig, et al.*, Case No. CL-2008-0008758 (Fx. Co. Cir. Ct.)
12. *Irene Richardson and Lenir Richardson v. Andrew Lee Richardson, et al.*, Case No. CL-2007-0007994 (Fx. Co. Cir. Ct.)
13. *In re Grievance of Rangeen Albarzanchi*, No. 0916 (Fx. Co. Civil Serv. Comm'n)
14. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Strohl and Pamela L. Strohl*, Case No. CL-2008-0016691 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph L. Williams*, Case No. CL-2007-0012566 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio E. Ayala and Laura Sanchez*, Case No. CL-2008-0016939 (Fx. Co. Cir. Ct.) (Lee District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susan W. Butler*, Case No. CL-2008-0015767 (Fx. Co. Cir. Ct.) (Mount Vernon District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian K. Fleck and Terri R. Fleck*, Case No. CL-2007-0011235 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos*, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Green Door Investments, LLC, Little Count, LLC, Little Eye, LLC, and A.K. Foods, Inc.*, Case No. CL-2008-0011749 (Fx. Co. Cir. Ct.) (Providence District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gerald M. Bowen*, Case No. CL-2009-0001835 (Fx. Co. Cir. Ct.) (Sully District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mauricio E. Villegas*, Case No. CL-2009-0001974 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Porfirio H. R. Bonilla and Gloria Alvarez Diaz*, Case No. CL-2009-0003062 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria J. Mickey*, Case No. CL-2009-0004025 (Fx. Co. Cir. Ct.) (Mount Vernon District)

27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas R. Ohner and Mildred H. Ohner*, Case No. CL-2008-0013675 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter Maranon and Nelly M. Maranon*, Case No. CL-2009-0003972 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Funes and Dilia Diaz*, Case No. CL-2008-0016139 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz*, Case No. CL-2008-0016330 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee*, Case No. CL-2009-0007328 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry Baynes and Maria Smith*, Case No. CL-2009-0007425 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ernesto Edwin Perez*, Case No. CL-2009-0007635 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene A. Velasquez and Tomasa Velasquez*, Case No. CL-2009-0007700 (Fx. Co. Cir. Ct.) (Lee District)

35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Majana and Saira E. Majana*, Case No. CL-2009-0007699 (Fx. Co. Cir. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Valentini*, Case No. CL-2009-0007781 (Fx. Co. Cir. Ct.) (Dranesville District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francisco P. Machado and Emiliana Estrada*, Case No. CL-2009-0007912 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Seung Ik Seo and Myung Soon Han*, Case No. CL-2009-0008136 (Fx. Co. Cir. Ct.) (Springfield District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo Ramirez*, Case No. CL-2009-0008217 (Fx. Co. Cir. Ct.) (Hunter Mill District) (Strike Team Case)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tom Hu*, Case No. CL-2009-0000541 (Fx. Co. Cir. Ct.) (Lee District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Apolonia G. Fuentes*, Case No. CL-2009-0008361 (Fx. Co. Cir. Ct.) (Providence District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 08-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)

43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androula Demetriou*, Case No. 09-0014890 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
44. *Fort Hunt Plumbing, Inc. v. National Capital Homes, Inc.*, Case No. CL-2008-0006531 (Fx. Co. Cir. Ct.) (Mount Vernon District)

And in addition:

- Construction Claims Arising from the Huntington Metrorail Station Parking Garage
- *Fairfax County Water Authority v. City of Falls Church*, Case No. 08-16114
- Fire Prevention Code of Fairfax County, Fairfax County Code Chapter 62
- Parkridge Six, LLC and WFLP-H, LLC v. Fairfax County, Board of Supervisors of Fairfax County, and Metropolitan Washington Airports Authority, CL-2009-2083
- Fairfax County, et al. v. Bank of America, N.A., Case No. 1:08-cv-00433 (US District Court for the District of Columbia)
- Action 5 - Approval of Revisions to Chapter 4 of the Personnel Regulations Required to Implement the Suspension of Pay Increases for FY 2010

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

DAL:dal

At 3:07 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

31. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:07 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which

closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland and Supervisor Smyth 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."

32. **REJECTION OF SETTLEMENT OFFER IN CASE OF FAIRFAX COUNTY WATER AUTHORITY VERSUS CITY OF FALLS CHURCH, ET AL. AND CITY OF FALLS CHURCH VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA ET AL.** (3:08 p.m.)

Supervisor Smyth moved that the Board reject the June 3, 2009, settlement offer made by the City of Falls Church in the Fairfax County Circuit Court case of *Fairfax County Water Authority v. City of Falls Church, et al.*, CL-2008-0016114 and the Virginia Supreme Court case of *City of Falls Church v. Board of Supervisors of Fairfax County, Virginia et al.*, (Record Number to be filled in later) for the reasons outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

33. **BOARD APPROVAL OF USE OF COUNTY CAPITAL PROJECT BALANCES REMAINING AT THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)** (3:08 p.m.)

Supervisor McKay moved that the Board approve the use of up to \$1,300,561 in County capital project balances remaining at WMATA for the payment of certain claims asserted by the construction contractor, arising from the construction of the new Huntington Metrorail parking structure, as outlined by the County Attorney in closed session. Supervisor Foust, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

34. **WITHDRAWAL OF COUNTY AS A PLAINTIFF IN CASE OF FAIRFAX COUNTY, ET AL. VERSUS BANK OF AMERICA, NA** (3:10 p.m.)

Supervisor Hyland moved that the County Attorney is directed to withdraw the County as a plaintiff in the case of *Fairfax County, et al. v. Bank of America, NA*, Case Number 1:08-cv-00433, in the United States District Court for the District of Columbia, or any successor lawsuit that has been filed. Supervisor Foust seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

35. **A-5 – APPROVAL OF REVISIONS TO CHAPTER 4 OF THE PERSONNEL REGULATIONS REQUIRED TO IMPLEMENT THE SUSPENSION OF PAY INCREASES FOR FISCAL YEAR (FY) 2010**

(3:11 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #17.)

Following a brief discussion, Anthony H. Griffin, County Executive, withdrew this item.

Supervisor Gross, Chairman of the Personnel Committee, stated that the budget guidance in the Board's adoption of the FY 2010 Budget in April was clear. The adopted FY 2010 Budget does not contain any compensation increases. That includes longevity steps, outstanding performance awards, pay for performance, and merit increments.

36. **A-2 – APPROVAL OF PRELIMINARY BOND DOCUMENTS FOR DULLES RAIL TAX DISTRICT FINANCING AND AUTHORIZATION OF JUDICIAL PROCEEDINGS TO VALIDATE BONDS** (3:13 p.m.)

(R)

(BONDS)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #14.)

Chairman Bulova noted that the Board just completed a meeting of the Phase I Dulles Rail Transportation Improvement District, where this issue was discussed.

Supervisor Smyth moved that the Board concur in the recommendation of staff and adopt a Resolution which:

- Approves preliminary financing documents to begin the process for financing the Dulles Rail project and authorizes the execution of the Project Agreement which sets forth the agreement between the County, the Economic Development Authority (EDA), and the Dulles Rail Phase I Transportation Improvement District Commission to finance the Dulles Rail project.
- Approves the form of the Trust Agreement which sets out the terms and conditions for the issuance and payment of Bonds to be issued by the EDA to finance a portion of the District Project.
- Requests the EDA to issue the Bonds.
- Authorizes the Office of the County Attorney, in conjunction with EDA Counsel and Bond Counsel, to initiate proceedings to validate the Bonds among other items.

Supervisor Hudgins 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.”

37. **ORDERS OF THE DAY** (3:14 p.m.)

Chairman Bulova stated that the Board will proceed with public hearings. However, if time permits between public hearings, Board Matters will be presented. If not, Board Matters will be presented at the end of the meeting.

38. **3 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING FEE SCHEDULE: NEW FEE FOR DEFERRALS OF PUBLIC HEARINGS** (3:14 p.m.)

(O) (NOTE: On March 30, 2009, the Board held a public hearing on this item and deferred decision until June 22, 2009.)

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), that establishes a deferral fee for the deferral of public hearings before the Planning Commission and the Board that are caused by affidavit problems, as recommended by the Planning Commission and outlined in the Board Agenda Item, with an effective date of 12:01 a.m. on July 1, 2009. Supervisor Gross 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.”

Supervisor Frey further moved that the Board direct staff to report to the Planning Commission within a year of implementation with an assessment of the new deferral fee. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Supervisor Smyth raised a question regarding multiple deferrals by a single applicant, and discussion ensued with input from Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning, who clarified that a fee would be assessed to each deferral occurrence caused by affidavit issues.

NV:nv

ADDITIONAL BOARD MATTERS39. **RECOGNITION OF LEE DISTRICT RECREATION CENTER EMPLOYEES** (3:18 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay said that all too often, County employees are taken for granted, assuming that as professionals they will do their jobs and help to keep the County running smoothly and safely. Often, neither the Board nor the residents understand the critical role the employees play in making the County one of the best and safest places to live.

Supervisor McKay stated that a recent incident at the Lee District Recreation Center could have ended badly, had not Recreation Center employees noticed a potential problem, made quick decisions to handle the problem, and called for outside help when it became clear that it was needed. To make a long story short, on June 18, two out-of-County customers were found to be acting inappropriately in the pool area where a number of children participating in camps were present. They were asked to leave and prevented from returning to the building. When one of the individual's behavior worsened in the parking lot, the police were called, and the individuals were prevented from fleeing until the police arrived. During this time, alert staff also discovered a weapon and marijuana belonging to the individuals.

Jointly with Chairman Bulova, Supervisor McKay moved that the Board direct staff to invite David Wyttenback, aquatic supervisor; Kwami Brown, fitness director; Dempsey Wilson, fitness instructor; Dave Fallert, assistant manager; and manager Leon Plenty to a future Board meeting for formal recognition of their professionalism, quick thinking, and service not only to the patrons of the Lee District Recreation Center, but to all the citizens of the County. Chairman Bulova seconded the motion, which carried by unanimous vote.

40. **RECOGNITION OF MS. TRACY RYAN FOR THE CITIZENS POLICE ACADEMY** (3:20 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor McKay announced that the Police Department has been awarded Agency of the Year by the National Citizens Police Academy Association. This award is given to a police department or public safety agency for outstanding efforts in conducting a citizen police academy program and promoting the citizen academy concept.

Supervisor McKay explained that the Citizens Police Academy is a ten-week program hosted by the Police Department to educate citizens about local law enforcement. Tracy Ryan, its director, is a volunteer who joined the Volunteers in Police Services (VIPS) program in 2004. Under Ms. Ryan's leadership and guidance, the Citizens Police Academy program hosted more sessions and

reached more participants this year than during any previous year in its history. More than 150 citizens participated in four academy programs during the award consideration period that ran from April 2008 to March 2009. Each community academy was tailored to the particular community where it was held and involved officers and command staff from the local district station.

Accordingly, Supervisor McKay asked unanimous consent that the Board direct staff to invite Ms. Ryan to appear before the Board for recognition of her dedicated service to the citizens of the County. Without objection, it was so ordered.

41. **RECOGNITION OF FORMER ASSISTANT COUNTY ATTORNEY ROBERT ROSS AND DEPUTY COUNTY ATTORNEY KAREN J. HARWOOD UPON THEIR RETIREMENT** (3:21 p.m.)

Supervisor McKay stated that Robert (“Bob”) Ross served for more than 28 years as an Assistant County Attorney, being the lead counsel representing the County on several federal civil rights cases. During his tenure with the County Attorney’s Office, he served as the liaison to the Police Department. In this role, he played a significant part in the development of Police Department policies, procedures, and training. Mr. Ross’s leadership has not gone unnoticed. In 2004 he was the recipient of the Don Smith Employee Advisory Council Award, and this past April the Criminal Justice Academy renamed its award for the recruit with the highest academic average the Robert Ross/Academy Director’s Award. Mr. Ross has not only been recognized with awards; he has also been a well-recognized presenter on legal issues involved in the representation of police departments and police officers at a range of conferences. Supervisor McKay noted that when he attended the academy some years ago to become a reserve sheriff’s deputy, Mr. Ross’s presentation to the recruits was the most memorable.

With the June 9 retirement of Mr. Ross, Supervisor McKay asked unanimous consent that the Board direct staff to invite former Assistant County Attorney Robert Ross to appear before the Board for recognition of his service and accomplishments serving the County. Without objection, it was so ordered.

Noting the impending retirement of Deputy County Attorney Karen Harwood, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite Ms. Harwood to appear before the Board for recognition also. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

42. **QUARTERLY STATUS REPORT ON OPERATIONS BY THE OFFICE OF FINANCIAL AND PROGRAMS AUDITOR** (3:23 p.m.)

(BACs)

Supervisor Foust reported that the Board received the Quarterly Status Report on Operations as of June 19, 2009, as prepared by the Office of Financial and Programs Auditor. The report presents the Auditor's findings based on his Countywide review of take home vehicles. As noted in the report, the review examined 16 County agencies and found that during Fiscal Year (FY) 2009, about 522 vehicles were taken home daily. The review also found that in FY 2010, eight County agencies will eliminate a combined total of 30 take home vehicles.

Supervisor Foust reminded the Board that the FY 2010 Budget approved by the Board eliminated overtime funding in support of 24-hour emergency call response by the Facilities Management Department (FMD). That resulted in an estimated savings of \$500,000. In addition to that overtime cost savings, the report notes that elimination of the emergency call response will enable FMD to eliminate nine vehicles that are being taken home for emergency repair and maintenance call backs. Other agencies that the Auditor reports will make reductions in the number of take home vehicles include the Police Department (seven) and the Fire and Rescue Department (six). According to the Auditor, reducing the number of take home vehicles by 30 vehicles will satisfy the cost reductions required by the Board in the FY 2010 Budget.

Supervisor Foust said that the Audit Committee has directed the Auditor to continue his review of take home vehicles in the County. The Auditor will examine next the business case for take home vehicles in each agency to enable the Board to evaluate the costs, benefits, and possible alternatives to further reduce the number of take home vehicles in the County.

Supervisor Foust noted that in addition to the take home vehicles issue, the Board's Audit Committee included several other items on the Auditor's work programs, including the following:

- Continuation of his review of County health care costs.
- Review of income verification procedures for County housing programs.
- Review of procedures for handling property forfeited in criminal proceedings and for accounting for revenues generated by the sale of that property.
- An ongoing review of change orders and proposed change orders on the Dulles Rail Project that might have a financial impact on the County.

Supervisor Foust moved that the Board adopt the report. Chairman Bulova seconded the motion.

Following discussion, Supervisor Herrity asked to amend the motion to include a review of the documentation procedures with a look at providing that information, and this was accepted.

Further discussion ensued regarding change orders and costs for the Dulles Rail Project as well as competitive bidding for Phase 2 of the project and the Auditor's work plan.

Chairman Bulova noted that at the just-concluded meeting of the Dulles Rail Phase 1 Tax District Commission earlier in the afternoon, the issue of change orders was discussed.

Following further discussion regarding construction costs, the question was called on the motion, as amended, which carried by unanimous vote.

43. **BOYS' HIGH SCHOOL LACROSSE CHAMPIONSHIP (DRANESVILLE AND SULLY DISTRICTS)** (3:35 p.m.)

Supervisor Foust announced that on June 7, Langley High School and Chantilly High School battled for the State Championship of boys' lacrosse. The spirit, sportsmanship, and talent of the players and coaches from both schools made all County residents proud. He said that these two excellent and evenly matched teams played to a tie in regulation, with Langley winning in overtime.

Accordingly, jointly with Supervisor Frey, Supervisor Foust asked unanimous consent that the Board direct staff to invite the lacrosse team members and coaches from both Langley High School and Chantilly High School to appear before the Board on July 13 to be honored for their outstanding achievements. Without objection, it was so ordered.

44. **SCHEDULING OF PUBLIC HEARING FOR VIRGINIA INTERNATIONAL UNIVERSITY, SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-PR-019 (PROVIDENCE DISTRICT)** (3:36 p.m.)

Supervisor Smyth said that Virginia International University requested help with scheduling a Board public hearing date before the summer recess. The application would amend Special Exception Application SE 2006-PR-019, previously approved for a university use within a 7,478 square foot portion of a 12,482 square foot existing office building located at 3957 Pender Drive. The amendment proposes to expand the university into a 4,012 square foot portion of an adjacent office building located at 3953 Pender Drive. This application is scheduled for Planning Commission public hearing on July 30.

Accordingly, Supervisor Smyth moved that the Board direct staff to schedule Virginia International University's Special Exception Amendment Application SEA 2006-PR-019 for a public hearing to be held before the Board on August 3, 2009. She noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the rezoning application in any way. Supervisor Foust seconded the motion, which carried by unanimous vote.

45. **DEDICATION OF MERRIFIELD PARK (PROVIDENCE DISTRICT)**
(3:38 p.m.)

Supervisor Smyth reported that the new Merrifield Park in the Merrifield Town Center was dedicated on Saturday, June 20. She said that this urban park was paid for and will be maintained by the developer.

46. **GOVERNMENT CONTRACTING DAY** (3:39 p.m.)

Supervisor Herrity noted that government contracting is very important to the County. He referred to his written Board Matter which asserted that according to the US Census Bureau, Fairfax County was first among all US counties in the value of Federal Contracts performed locally.

Supervisor Herrity said that to honor these companies the Seventh Annual Government Contractor Awards will be held on November 4, 2009. This is the region's premier event honoring the best of the government contracting industry and it is presented by the Fairfax County Chamber of Commerce, the Professional Services Council, and *Washington Technology* magazine. All of these government contracting firms are a boon to the County and he is proud that they have chosen to make the community their homes.

Supervisor Herrity asked unanimous consent that the Board:

- Declare November 4, 2009, as "*Government Contracting Day*" in Fairfax County.
- Direct staff to prepare a proclamation to be presented at the awards dinner.
- Direct the Office of Public Affairs to issue a press release regarding "Government Contracting Day."

Without objection, it was so ordered.

47. **FAIRFAX COUNTY TO FEATURE IN COVENTRY COMMONWEALTH GAMES OF VIRGINIA** (3:40 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Herrity noted that the Coventry Commonwealth Games of Virginia is an Olympic-esque event that is based out of Roanoke which brings men, women, girls, and boys together from all corners of the State in the quest to compete in a range of sporting events and activities.

Supervisor Herrity announced that this year the County will play a more active role in the Commonwealth Games with Hooes Road Park playing host to tournaments on August 1 and 2.

Accordingly, jointly with Supervisor McKay, Supervisor Herrity asked unanimous consent that the Board acknowledge the inclusion of County facilities in the Coventry Commonwealth Games of Virginia by proclaiming August 1 and 2 as “*Commonwealth Games of Virginia Day*” in Fairfax County and direct staff to prepare a plaque for presentation at the Games. Without objection, it was so ordered.

48. **HONORING THE WEST SPRINGFIELD HIGH SCHOOL DEBATE AND FORENSIC TEAMS (SPRINGFIELD DISTRICT)** (3:41 p.m.)

Supervisor Herrity announced that students at West Springfield High School recently accomplished a feat that has been done only one other time in Virginia High School League history: winning both the debate and forensics State championships in the same year. The debate team celebrated its first State title in over 40 years, and the forensics team took home its second title this decade.

With a mention of all the team members and coach, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the West Springfield High School debate and forensic teams to appear before the Board at its July 13 meeting to be honored for their outstanding achievements. Without objection, it was so ordered.

49. **COMMONWEALTH COUNCIL ON AGING RECOGNIZES FAIRFAX COUNTY'S INDEPENDENT LIVING PROJECT** (3:42 p.m.)

(NOTE: Earlier in the meeting, the Commonwealth Council on Aging presented an award. See Clerk's Summary Item #3.)

As Chair of the Board's 50+ Committee, Supervisor Herrity announced that the County's *Independent Living Project* has been awarded a Commonwealth Council on Aging's 2009 Best Practices Award. ElderLink, a public-private partnership between the Department of Family Services' Agency on Aging and the Inova Health System, along with faith communities and several County agencies, developed the *Independent Living Project* as a community outreach program to

promote independent living for older adults and adults with disabilities. This is in keeping with the County's 50+ Action Plan.

Workshops are offered in convenient close-to-home locations such as faith-based organizations, senior centers, and community centers. Since its start in 2007, the *Independent Living Project* has been the recipient of two grants from the Virginia Department of Health to provide home safety equipment.

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

- Invite Elderlink and the partners who made this project possible, to appear before the Board at a future meeting to receive the award from a representative of the Commonwealth Council on Aging.
- Prepare a resolution from the Board.

Supervisor Herrity also noted that Board Members will be invited to a reception prior to that meeting to have a chance to speak with these partners individually and celebrate their good work.

Without objection, the request was so ordered.

DAL:dal

AGENDA ITEMS

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-S-036 (RUSSELL G. HALL)**

AND

PH ON LOCAL AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AF 2008-SP-001 (RUSSELL G. HALL) (SPRINGFIELD DISTRICT) (3:44 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 June 4 and June 11, 2009.

The application property is located at 12510 Yates Ford Road, Tax Map 85-2 ((1)) 33 and 38.

Ms. Lisa Chiblow reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Herrity moved approval of:

- Special Exception Amendment Application SEA 83-S-036, subject to the development conditions dated June 3, 2009.
- Agricultural Application AF 2008-SP-001, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, establishing the Hall Local Agricultural and Forestal District, subject to the Ordinance provisions dated May 27, 2009.

Supervisor Foust 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.”

51. **3:30 P.M. – PH ON LOCAL AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AR 91-D-004-02 (DURWARD AND TARRY FARIES) (DRANESVILLE DISTRICT)** (3:49 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 June 4 and June 11, 2009.

The application property is located at 8407, 8501 Georgetown Pike, and 8548 and 8570 Old Dominion Drive, Tax Map 20-1 ((1)) 33Z, 34Z, 35Z, 36Z, 58Z and 77Z.

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

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

Supervisor Foust moved approval of Agricultural Renewal Application AR 91-D-004-02, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Orchard Spring Nursery Local Agricultural and Forestal District, subject to the Ordinance provisions dated May 26, 2009. Chairman Bulova 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.”

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-PR-009 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-15 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-038-04 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT) (3:53 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2008-PR-009, Special Exception Amendment Application SEA 80-P-078-15, and Proffered Condition Amendment Application PCA 87-P-038-04 until **July 13, 2009, at 3 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-059-06 (BSI INCORPORATED T/A BROWNE ACADEMY) (LEE DISTRICT)** (3:54 p.m.)

Supervisor McKay moved to defer the public hearing on Special Exception Amendment Application SEA 85-L-059-06 until **July 13, 2009, at 3 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-HM-024 (TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON) (HUNTER MILL DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC A-502 (TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON) (HUNTER MILL DISTRICT) (3:55 p.m.)

The application property is located at 11506 and 11508 North Shore Drive, Tax Map 17-2 ((1)) 6 and 13.

Mr. Frederick R. Taylor reaffirmed the validity of the affidavit for the record.

Chairman Bulova disclosed that she received a campaign contribution in excess of \$100 from Mr. Frederick R. Taylor.

Supervisor Hudgins disclosed that she receive a campaign contribution in excess of \$100 from Mr. Frederick R. Taylor.

Supervisor Herrity disclosed that he received a campaign contribution in excess of \$100 from Mr. Frederick R. Taylor.

Supervisor Herrity clarified that he received a campaign contribution in excess of \$100 from Burgess and Niple.

Supervisor Frey disclosed that he received a campaign contribution in excess of \$100 from Burgess and Niple. He noted that the contribution was received September 8, 2008, not September 8, 2009, as listed in the affidavit.

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

Mr. Taylor 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.

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

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2008-HM-024, subject to the development conditions dated June 22, 2009.
- Approval of Planned Residential Community Application PRC A-502, subject to the development conditions dated May 14, 2009.
- Modification of the transitional screening requirements along the northern, southern, and eastern property lines to that shown on the SE Plat and the PRC Plan.
- Waiver of the barrier requirements along the northern, southern, and eastern property lines to that shown on the SE Plat and the PRC Plan.

Supervisor Frey and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

55. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-BR-029 (7-ELEVEN, INCORPORATED, A TEXAS CORPORATION, SUCCESSOR TO THE SOUTHLAND CORPORATION) (BRADDOCK DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC A-787 (7-ELEVEN, INCORPORATED, A TEXAS CORPORATION, SUCCESSOR TO THE SOUTHLAND CORPORATION) (BRADDOCK DISTRICT) (4:05 p.m.)

The application property is located at 6221 Rolling Road, Tax Map 79-3 ((8)) 5A3.

Mr. Michael Vanderpool reaffirmed the validity of the affidavit for the record.

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

Mr. Vanderpool 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 Cook submitted an item for the record.

Ms. Strunk presented the staff and Planning Commission recommendations.

Supervisor Cook moved approval of:

- Special Exception Application SE 2008-BR-029, subject to the development conditions dated May 12, 2009.
- Planned Residential Community Application PRC A-787, subject to the development conditions dated June 9, 2009.

Supervisor Hyland seconded the motion.

Supervisor McKay raised the issue of loitering at a 7-Eleven located on Backlick Road in Springfield and asked the 7-Eleven representatives to relay the message to the Southland Corporation that he and staff would like to meet with them to discuss the problem.

Supervisor Smyth suggested to staff that, with future applications, the development conditions be required to be posted on site.

Following discussion regarding the service drive, with input from Ms. Strunk, Supervisor Herrity asked unanimous consent that the Board direct staff to provide accident data. Without objection, it was so ordered.

Supervisor Cook asked unanimous consent that the Board direct staff to review whether there will be a need for a “No U-Turn” sign on Rolling Road south at the intersection with Traftord Lane. Without objection, it was so ordered.

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

56. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-SU-025 (COMMONWEALTH CENTRE INVESTORS, LLC AND COMMONWEALTH CENTRE INVESTORS II, LLC) (SULLY DISTRICT)** (4:19 p.m.)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 2006-SU-025 until **July 13, 2009, at 3 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

57. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SU-040 (NOVA RETAIL HOLDINGS, INCORPORATED) (SULLY DISTRICT)** (4:21 p.m.)

The application property is located at 14631 Lee Highway Tax Map 54-3 ((30)) (B) 101

Mr. Kiran Gunnam reaffirmed the validity of the affidavit for the record.

Chris DeManche, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a brief description of the application and site location.

Discussion ensued with input from Mr. DeManche and Regina Coyle, Director, ZED, DPZ, regarding the length of time it took for this application to be brought before the Board after the applicant received a violation.

Mr. Gunnam 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. DeManche, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2008 SU-040, subject to the development conditions dated May 6, 2009. Supervisor Hyland seconded the motion and it carried by unanimous vote.

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO AMEND THE HUNTINGTON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 1B (LEE DISTRICT)** (4:30 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 June 4 and June 11, 2009.

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

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, removing a portion of Fairhaven Avenue from the Huntington RPPD, District 1B. The removal includes Fairhaven Avenue west side only, from the western boundary of 2807 Fairhaven Avenue to the southern boundary of 2851 Fairhaven Avenue. Supervisor Smyth 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.”

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE HUNTINGTON GARDEN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 1E (LEE DISTRICT)** (4:33 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 June 4 and June 11, 2009.

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

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the Huntington Garden RPPD, District 1E. Chairman Bulova 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 PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW** (4:37 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 June 4 and June 11, 2009.

David J. Ferris, Manager, Policy and Planning, Chief's Office of Research and Support, Police Department, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic). These amendments adopt actions of the 2009 General Assembly into the Code. Supervisor Herrity 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."

61. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 5941 COLCHESTER ROAD (SPRINGFIELD DISTRICT)** (4:39 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 June 4 and June 11, 2009.

Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Ms. Sadar, regarding the blight abatement plan, and whether permits have been issued for the grading plan and the demolition plan.

Supervisor Herrity moved:

- Adoption of the Ordinance declaring 5941 Colchester Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 5941 Colchester Road.

Supervisor Smyth seconded the motion.

Following further discussion, with input from Ms. Sadar regarding the blight abatement plan process, 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 ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 3282 ANNANDALE ROAD (MASON DISTRICT)** (4:51 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 June 4 and June 11, 2009.

Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by four speakers, discussion ensued, with input from Ms. Sadar, Miguel Chanduvi (Speaker One), and Beatriz Chanduvi (Speaker Four) regarding the property and problems the family has been facing with the construction.

Supervisor Gross moved:

- Adoption of the Ordinance declaring 3282 Annandale Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 3282 Annandale Road.

Supervisor Smyth seconded the motion.

Following further discussion, with input from Ms. Sadar, regarding the property, the question was called on 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.

63. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 8620 OX ROAD (SPRINGFIELD DISTRICT)** (5:33 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 June 4 and June 11, 2009.

Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Herrity moved:

- Adoption of the Ordinance declaring 8620 Ox Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 8620 Ox Road.

Supervisor Smyth 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.”

64. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9915 OLD COLCHESTER ROAD (MOUNT VERNON DISTRICT)**
(5:40 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 June 4 and June 11, 2009.

Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved to defer decision on this item until **October 5, 2009, at 4 p.m.** Supervisor Smyth seconded the motion and it carried by unanimous vote.

65. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:46 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 June 4 and June 11, 2009.

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.

The public hearing was held and included testimony by:

- Mr. Michael Beattie regarding home foreclosures.

Chairman Bulova relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to contact Mr. Beattie to set up a meeting to discuss his concerns. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Bulova.

NV:nv

ADDITIONAL BOARD MATTERS

66. **DEPUTY COUNTY ATTORNEY KAREN J. HARWOOD** (5:52 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding the recognition of retiring Deputy County Attorney Karen J. Harwood. See Clerk's Summary Item #41.)

Citing that this was the last Board meeting for Karen J. Harwood as Deputy County Attorney, David Bobzien, County Attorney, relinquished his seat at the dais for her. The Board applauded her service, shared an anecdote regarding the Virginia Association of Counties, and expressed appreciation for her significant contributions to the County especially in working with the General Assembly.

67. **EXPEDITED PROCESSING OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-M-009 AND CONCURRENT PROCESSING OF THE SITE PLAN (MASON DISTRICT)** (5:55 p.m.)

Supervisor Gross stated that Special Exception Amendment Application SEA 95-M-009 is a request to amend an existing special exception, previously approved for a fast food restaurant to permit an increase in land area, a waiver of the open space requirements, and an expansion/addition of fast food uses, which has been filed by Pinecrest (E&A) LLC.

Supervisor Gross said that the property which is the subject of this request is the Pinecrest Plaza Shopping Center, which is located in the northeast quadrant of the intersection of Braddock Road and Little River Turnpike. The existing shopping center consists of an "L" shaped building and a much smaller pad site which previously housed a Starbucks and a hair salon. The hair salon has vacated its portion of the building; Starbucks would like to expand its use into a portion of that space, and another tenant, Tropical Smoothie, would like to locate in the remainder of the space.

Supervisor Gross noted that this would result in 100 percent of the free-standing building being occupied by fast food uses. In the C-S District, if fast food uses consist of more than 35 percent of a building, a special exception must be approved. Due to the extremely minor physical changes necessitated by this request, and the hardship for the small business which cannot relocate to this site until the permit is approved, Supervisor Gross moved that the Board direct staff to expedite the processing of the special exception application and to concurrently process the site plan.

The applicant is aware that the scheduling of this application should not be construed to prejudice the consideration of this application in any way.

Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

68. **COASTAL PRIMARY SAND DUNES AND BEACHES PROTECTION ACT (THE ACT)** (5:58 p.m.)

Supervisor Gross said that during the 2008 session, the General Assembly extended the Act to all Tidewater Virginia localities, including the County. The General Assembly originally adopted the Act in 1980, but only extended authority to eight coastal Virginia localities at that time.

The rationale for expanding the Act in 2008 was based on the findings from a multi-year study performed by the Virginia Institute of Marine Science (VIMS) in the late 1990s. The VIMS study determined that:

- Beaches and dunes perform a broader spectrum of ecosystem services than was originally understood.
- Beaches and dunes provide critical habitat and act as a natural buffer to erosion from wind and wave energy.
- Beaches and dunes are more prevalent within the Virginia coastal zone than was known when the Act was originally adopted.
- Impacts to beaches and dunes in localities outside of the eight jurisdictions were not subject to public review and protection.

The 2008 legislative action allows the County to enact an ordinance to address proposals for disturbance to its beaches similar to the ordinance it already has to address tidal wetlands. If the County adopts a coastal primary sand dune ordinance then tidal shoreline permitting will be comprehensively administered by the Wetlands Board. If the County does not establish such an ordinance, beaches will be regulated by the Virginia Marine Resources Commission, located in Newport News, Virginia, while tidal wetlands will be regulated by the County's Wetlands Board.

Therefore, Supervisor Gross moved that the Board direct staff to draft a stand-alone coastal primary sand dune and beach protection ordinance for the County as provided for in Chapter 14 of Title 28.2., *Code of Virginia* and to formalize the steps toward Board adoption of such ordinance for the County to be administered by the County Wetlands Board. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

69. **RECOGNITION OF JEB STUART HIGH SCHOOL ATHLETES (MASON DISTRICT)** (6 p.m.)

Supervisor Gross said that in 1983 the JEB Stuart girls' basketball team won the State championship. Since then, for 26 years, Stuart athletes have come close many times, but never claimed another championship. She expressed her pleasure in reporting that the championship drought at JEB Stuart is over. This year JEB Stuart athletes claimed *four* Virginia State AAA Championships.

Supervisor Gross announced that rising senior Justin Shane completed an undefeated season to win the State Championship in Boys' Singles Tennis. The JEB Stuart Crew program also performed spectacularly. Tarek AI-Khulaidy won the State Championship in the Men's Single; Abby Voss won the Championship in the Women's Single; and Nathan Bent, Francis Kinney, Alex Trakowski and Jacob Derzon worked together as a solid team to win the State Championship in the Men's Quad.

Therefore, Supervisor Gross moved that the Board direct the Office of Public Affairs to:

- Prepare certificates of recognition for these athletes and their coaching staff from the JEB Stuart tennis and crew teams for their outstanding achievements and commitment to excellence.
- Invite these athletes, their coaches, and their families to appear before the Board to be recognized.

Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Hudgins and Supervisor McKay being out of the room.

PMH:pmh

70. **SPOT BLIGHT ABATEMENT ORDINANCE FOR PROPERTY LOCATED AT 7401 McWHORTER PLACE (BRADDOCK DISTRICT)** (6:03 p.m.)

Supervisor Cook said that on May 18 the Board authorized advertisement for a public hearing on Spot Blight Abatement Ordinance for property located at 7401 McWhorter Place in the Braddock District. As of that date, the structure had

been placarded as unfit for human habitation and was designated as blighted by the Neighborhood Enhancement Task Force.

Supervisor Cook noted that the issue has been resolved. Accordingly, he asked unanimous consent to permanently withdraw the Spot Blight Abatement public hearing scheduled to be held before the Board on McWhorter Place, as the blight condition has been removed. Without objection, it was so ordered.

71. **REQUEST FOR RECOGNITION OF EMS PERSONNEL FOR RESUCITATION AT LANDSDOWNE RECREATION CENTER (MOUNT VERNON DISTRICT)** (6:04 p.m.)

Jointly with Chairman Bulova and Supervisor McKay, Supervisor Hyland explained that on the afternoon of Sunday, May 24, Fire and Rescue personnel were dispatched for the reported drowning of a five year old child at 8000 Morning View Lane, the Landsdowne Recreation Center, in the Mount Vernon District. While enroute, Department of Public Safety Communications staff gave CPR instructions to the lifeguards on duty. When EMS arrived on the scene, they found the young child unconscious and not breathing.

Crew members immediately took care of the patient and continued CPR as they suctioned the water out of his lungs and warmed the small child. Recognizing the seriousness of his condition, crew members requested a helicopter medivac. Just before the helicopter landed, the child regained consciousness and started to cry. The patient was taken to Fairfax Hospital to recover and recuperate.

Therefore, jointly with Chairman Bulova and Supervisor McKay, Supervisor Hyland moved that the Board direct staff to invite public safety staff as well as the individuals at the site to appear before the Board on August 3 to be recognized for their service to save this young boy's life. This motion, the second to which was inaudible, carried by unanimous vote.

72. **SOUTH COUNTY SECONDARY GIRLS' VARSITY SOFTBALL TEAM (MOUNT VERNON DISTRICT)** (6:06 p.m.)

Supervisor Hyland said that the South County Secondary Girls' Varsity Softball team made history last month when they won the Northern Region Championship. The Stallions made their way to the finals with a come from behind victory against McLean High School. The game went into extra innings and the Stallions scored in the bottom of the ninth with a walk off single by All Met pitcher, Chelsey Dunham. This is the first team region title for South County Secondary School. The Stallions finished the season with 23 wins and only 1 loss.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite the South County Secondary Girls' varsity softball team and its coaches to appear before the Board for recognition on July 13, 2009. Without objection, it was so ordered.

73. **WITHDRAWAL OF REZONING APPLICATION RZ 2000-MV-060 (MOUNT VERNON DISTRICT)** (6:06 p.m.)

Supervisor Hyland said that eight years ago he made a motion to incorporate Tax Map Parcels 83-3 ((1)) 56 and 56A, two C-8 zoned parcels along Richmond Highway, into the Commercial Revitalization District in an attempt to influence the planned by-right commercial construction which the adjacent community vehemently opposed. Since then, the zoning application has been indefinitely deferred.

Therefore, Supervisor Hyland moved that the Board withdraw Rezoning Application RZ 2000-MV-060. Chairman Bulova seconded the motion and it carried by unanimous vote.

74. **11 YEARS OF PLATINUM AWARDS** (6:08 p.m.)

Supervisor Hyland announced that the Noman Cole Wastewater Treatment plant has once again attained an award that is the envy of other municipalities across the country. Noman Cole will be awarded the National Association of Clean Waters Agencies Platinum Peak Award for 11 years of 100 percent permit compliance. This means that the Noman Cole Wastewater Treatment plant has met the National Pollution Discharge Elimination System (NPDES) permit for the eleventh year in a row and has been recognized along with only a few selective plants in the country.

As the County continues to grow, so does the need to handle the wastewater processing demand that is produced by new construction and increased existing users. The County continues to make substantial investments, generated by sewer fees, on the wastewater treatment facility at Noman Cole. This investment not only provides necessary service but also actively addresses associated environmental issues in wastewater treatment. According to the Department of Public Works and Environmental Services (DPWES), of the 67 million gallons of wastewater processed each day, the treatment process is extremely effective, removing 99 to 99.5 percent of pollutants.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite DPWES staff to appear before the Board at an appropriate time for recognition of their hard work and dedication to service and the environment. Without objection, it was so ordered.

75. **AMERICAN HORTICULTURAL SOCIETY – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-073-04 (MOUNT VERNON DISTRICT)** (6:09 p.m.)

Supervisor Hyland noted that Special Exception Amendment Application SEA 79-073-04 is scheduled for a public hearing to be held before the Planning Commission (PC) hearing on July 8, 2009. This case is a simple extension of the

current use of River Farm by the American Horticultural Society as previously approved. He added that he is unaware of any citizen opposition to the special exception and staff has recommended PC approval of the special exception amendment request, subject to the conditions.

Therefore, Supervisor Hyland moved that the Board direct staff to schedule a public hearing to be held before the Board on Special Exception Amendment Application SEA 79-073-04 on **August 3, 2009, at 4 p.m.** This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of the land use application in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

76. **REZONING APPLICATION NEAR THE PROPOSED NUGGET JOINT VENTURE LC (NUGGET) (HUNTER MILL DISTRICT)** (6:10 p.m.)

Supervisor Hudgins said that on May 4 the Board authorized Nugget, the owner of an 11.6-acre parcel of land identified as Tax Map Parcel 15-2((1)) parcel 13,10 include a 3-acre parcel of land owned by the Board identified as Tax Map Parcel 15-4((5)) parcel 5B as part of Proffered Condition Amendment Application PCA C-698-2 and Final Development Plan Amendment Application FDPA C-698. Nugget is now in the process of revising the rezoning request to include a new application to rezone Tax Map Parcel 15-2((1)) parcel 13 and Tax Map Parcel 15-4((5)) parcel 5B to the Planned Residential Mixed-Use (PRM) District.

The PRM District is established to provide for mixed-use development consisting of multiple-family residential, secondary office, and/or other commercial development located near Transit Stations and Suburban Centers. The PRM District regulations are designed to promote high standards in design and layout and encourage compatibility among uses within the development and integration with adjacent developments. Nugget would like to develop parcels 5B and 13 with a more urban, transit-oriented development that is promoted in the PRM District.

Supervisor Hudgins referred to her written Board Matter regarding PRM Districts and moved that the Board authorize:

- Nugget Joint Venture LC, the owner of Tax Map Parcel 15-2((1)) parcel 13, to include the 3-acre parcel owned by the Board identified as Tax Map Parcel 15-4((5)) parcel 5B as part of a new application to rezone both parcels to the PRM District.
- The County Executive to execute, on behalf of the Board, all documents in connection with the rezoning applications after such documents have been reviewed and approved by the County Attorney.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by unanimous vote.

77. **DISABILITY AWARENESS AND ACTION NETWORK (DAAN)** (6:13 p.m.)

Supervisor Hudgins said that in an attempt to better cultivate a climate where all employees are valued equally, and to promote the County as a model employer of people with disabilities, the Fairfax Area Disability Services Board (FA-DSB); the Department of Human Resources; and the Department of Human Rights and Equity Programs, Equity Programs Division (EPD), have developed DAAN, an affinity group for employees with disabilities and employees who work with people with disabilities, to provide helpful information on employment and services, as well as provide feedback to the County on disability policies and procedures, while also learning about many County programs designed to help people with disabilities overcome barriers that they face.

Therefore, Supervisor Hudgins moved that:

- The Board direct the County Executive to work with his leadership team to actively distribute DAAN's information to employees.
- Employee participation be deemed consistent with the policies and procedures established for other similar employee groups.

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

78. **VIRGINIA YOUTH SOCCER STATE CHAMPIONS** (6:14 p.m.)

Jointly with the Board, Supervisor Hudgins said that each spring, the Virginia Youth Soccer Association hosts a tournament for youth soccer teams from all over the State. The competition is fierce for the State cup with highly skilled teams battling for the honors.

The 2009 State Champion teams from Fairfax are:

- U1 2 Boys Premier Red from Vienna Youth Soccer
- U13 Boys 95 Snipes from Team America Soccer Club
- U14 Boys Real Junior from Herndon Youth Soccer
- U15 Girls Burn from Chantilly Soccer Club

- U15 Boys FC from Herndon Youth Soccer
- U16 Girls Azul from Braddock Road Youth Club
- U16 Boys MPS Hurricanes from McLean Youth Soccer
- U17 Boys 91 Elite from Great Falls Youth Soccer
- U18 Girls MPS Freedom from McLean Youth Soccer

Therefore, jointly with the Board, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite these State champion teams to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

In addition, on behalf of the Board, Supervisor Hudgins wished them all the best and good luck as they face competition in the US Youth Soccer National Championship Region 1 Tournament, beginning July 2 in West Virginia.

79. **DEFERRAL OF PUBLIC HEARING ON REZONING APPLICATION RZ 2005-HM-028 AND SPECIAL EXCEPTION APPLICATION SE 2007-HM-002 (HUNTER MILL DISTRICT)** (6:15 p.m.)

- (A) Supervisor Hudgins moved to defer the public hearing scheduled to be held before the Board on July 13 on Rezoning Application RZ 2005-HM-028 and Special Exception Application SE 2007-HM-002 to **August 3, 2009, at 3 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

80. **SYA STATE LITTLE LEAGUE TOURNAMENT (SULLY DISTRICT)** (6:15 p.m.)

Supervisor Frey said that in July the local SYA Little League organization, which represents Fairfax, Clifton, and Centreville, has been selected to hold the 2009 State Little League Championship Tournament at LLV ballfields off Braddock Road.

Supervisor Frey said that hundreds of players and their families will be in attendance from all around the State. To accommodate the large expected numbers of attendees, SYA Little League has asked for assistance from the County in obtaining temporary portable bleachers for the event from several local area schools, and then returning them after the event.

Therefore, Supervisor Frey asked unanimous consent that the Board authorize the Department of Public Works and Environmental Services to assist the SYA Little League in relocating additional temporary bleachers from nearby schools to the tournament site for the State SYA Little League Championship, and to return

them after the tournament is over in late July. Without objection, it was so ordered.

81. **CHANTILLY GIRLS' VARSITY SOCCER AND LACROSSE TEAMS EARN STATE TITLES (SULLY DISTRICT)** (6:16 p.m.)

Jointly with Supervisor Herrity, Supervisor Frey announced that for the first time in the school's history the girls' varsity soccer and lacrosse teams from Chantilly High School won the Virginia State Championship. The Chargers beat Richmond-based Mills Godwin, 2-1, to capture its very first State title. The Lacrosse Team captured its first State Championship in a 13-4 victory over Robinson, the team proudly hoisted the gold State Championship trophy.

Therefore, jointly with Supervisor Herrity, Supervisor Frey asked unanimous consent that the Board direct staff to invite the Chantilly team to appear before the Board for recognition of this outstanding achievement on July 13. Without objection, it was so ordered.

82. **BOARD ADJOURNMENT** (6:18 p.m.)

The Board adjourned.

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