



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
July 13, 2009**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <http://www.fairfaxcounty.gov/bosclerk/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

16-09

EBE:ebe

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, July 13, 2009, at 9:37 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 was absent from the entire meeting.

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of the late Ms. Connie Houston, who died suddenly. She has been a hard worker in many venues, working with the League of Women Voters and serving as a legislative aide for State Senator Janet Howell.

Supervisor Frey asked everyone to keep in thoughts the family of the late Mr. Henry Mackall. He served as a treasurer of the Historical Society and was a member of the Sully Foundation.

2. **WELCOME AND INTRODUCTION OF THE SONGPA-GU, SEOUL, KOREA DELEGATION WITH WHOM A MEMORANDUM OF UNDERSTANDING ON A SISTERHOOD RELATIONSHIP WITH FAIRFAX COUNTY WAS SIGNED** (9:40 a.m.)

Chairman Bulova introduced a delegation from Songpa-Gu, led by Mayor Young Soon Kim, and, on behalf of the Board, warmly welcomed them to the Board Auditorium.

Chairman Bulova thanked Barry Biggar, Director, Visit Fairfax, for putting together an outstanding itinerary for the group.

Chairman Bulova also recognized the presence of Ilryon Moon, School Board Member At-Large, and invited him to join the delegation.

Mayor Young Soon Kim introduced the members of her delegation and thanked the Board for a wonderful visit to Fairfax. She extended an invitation to Chairman Bulova to join them in September to celebrate their cultural heritage.

Chairman Bulova recognized the presence of former Chairman of the Board, Congressman Gerald E. Connolly, in the Board Auditorium and warmly welcomed him.

AGENDA ITEMS3. **CERTIFICATE OF RECOGNITION PRESENTED TO PRINCIPAL BRIAN HULL, COLIN POWELL ELEMENTARY SCHOOL (SULLY DISTRICT)** (9:55 a.m.)

Supervisor Frey moved approval of the Certificate to Recognition presented to Brian Hull, Principal, Colin Powell Elementary School, for his selection as Virginia's National Distinguished Principal. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

4. **PROCLAMATION DESIGNATING SEPTEMBER 2009 AS DIRECT SUPPORT PROFESSIONAL APPRECIATION MONTH IN FAIRFAX COUNTY** (10:01 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate September 2009 as “*Direct Support Professional Appreciation Month*” in Fairfax County. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) FOR ITS FIFTIETH ANNIVERSARY** (10:15 a.m.)

Chairman Bulova moved approval of the Resolution of Recognition presented to CRS for its fiftieth anniversary. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SOUTH COUNTY SECONDARY SCHOOL GIRLS’ SOFTBALL TEAM (MOUNT VERNON DISTRICT)** (10:30 a.m.)

On behalf of Supervisor Hyland, Supervisor Herrity moved approval of the Certificate of Recognition presented to the South County Secondary School girls’ softball team for winning the Northern Virginia Regional Championship. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO THE SOUTH LAKES HIGH SCHOOL BOYS’ TRACK AND FIELD TEAM AND MR. VINCENT BROWN, JR. (HUNTER MILL DISTRICT)** (10:36 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the South Lakes High School boys’ track and field team for winning the Northern Virginia Regional Championship. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Vincent Brown, Jr. for his selection as the Athlete of the Year for the *Washington Post* Spring 2009 Fairfax Extra. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

ADDITIONAL BOARD MATTERS8. **INTRODUCTION OF INTERNS** (10:42 a.m.)

Supervisor Gross introduced William Hoopes, an intern in her office, and warmly welcomed him. She noted that he is a rising senior at J.E.B. Stuart High School and will be working for a month as part of the County's Youth Leadership Program.

Chairman Bulova introduced Tighisti "Titi" Mehari, an intern in the Clerk's office through the Workforce Development Program. She just graduated from Falls Church High School and will be attending Northern Virginia Community College in the fall. On behalf of the Board, Chairman Bulova warmly welcomed Ms. Mehari and wished her a Happy Birthday as well.

AGENDA ITEMS9. **10 A.M. – REPORT BY THE OVERSIGHT COMMITTEE ON DRINKING AND DRIVING** (10:44 a.m.)

(BACs) James C. Fell, Chairman, Oversight Committee on Drinking and Driving presented the report.

Supervisor Gross moved to refer the recommendations of the Committee to the Legislative Committee and the County Executive as appropriate. Supervisor Hudgins seconded the motion.

Supervisor Herrity asked to amend the motion to include publicizing the campaign for enforcing underage drinking laws, and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

Supervisor Herrity referred to his written Board Matter distributed to Members about a device called Secure Continuous Remote Alcohol Monitoring (SCRAM), and updated the Board on the technology. He said SCRAM is a tool that many courts and agencies use to continuously monitor alcohol offenders by using a bracelet to record the level of alcohol in the system and upload the data into SCRAMnet from the bracelet.

Supervisor Herrity expressed his appreciation to the Oversight Committee for its help in vetting the usefulness of this technology in the County. He added that he plans to meet with the Chief Judge to make him aware of this tool and its potential applications in the County.

Further discussion ensued regarding the Sober Ride and its effectiveness, as well as the use of public transportation to help reduce the rate of drinking and driving.

10. **10:10 A.M. – PRESENTATION OF THE TRANSPORTATION ADVISORY COMMISSION (TAC) 2008 TRANSPORTATION ACHIEVEMENT AWARD** (11:08 a.m.)

(BACs) Janyce Hedetniemi, Chair, TAC, presented the 2008 Transportation Achievement Award to Leonard Wolfenstein, Chief, Transportation Planning Section, Department of Transportation.

11. **10:20 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:15 a.m.)

(APPTS)

(BACs)

2010 CENSUS COMPLETE COUNT COMMITTEE

Chairman Bulova distributed a roster for the committee and moved appointment of the following individuals:

- Imam Johari Abdul-Malik
- Imam Mohamed Magid
- Ms. Ambreen Ahmed
- Mr. Mustafa Akpinar
- Father John Basta
- Mr. Samuel Boateng
- Mr. John Coleman
- Ms. Kim Anh Cook
- Mr. Toa Do
- Dr. Jackie Eghrari-Sabet
- Ms. Rosalia Fajardo
- Ms. Maria Franco-Nativi
- Mr. Chris Gao
- Ms. Leni Gonzalez
- Ms. Kelly C. Greenwood
- Father Horace Tuck Grinnell

- Mr. Sant Gupta
- Ms. Egtihag “Gigi” Hammoud
- Ms. Safiya M. Khalid
- Dr. Heisung Lee
- Ms. Nury S. Marquez
- Reverend Martha Real
- Mr. Martin Rios
- Ms. Melinda Rivas
- Ms. Corazon Sandoval Foley
- Ms. Cristina Schoendorf
- Mr. Turnell Sims
- Ms. Barbara Tate
- Ms. Amy Trang
- Mr. Duc Truong
- Mr. Edgar Aranda Yanoc
- Ms. Carol Hawn

Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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 appointment of the Braddock District Representative.

ATHLETIC COUNCIL

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

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

Supervisor Foust moved the appointment of Ms. Buckley Anne Kuhn Fricker as the Dranesville District Representative. Supervisor McKay seconded the vote, which carried by a vote of nine, Supervisor Hyland being absent.

The Board deferred the appointment of the Springfield District Representative.

CITIZENS CORPS COUNCIL

The Board deferred the appointment of the Dranesville District Representative.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Mason District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Smyth moved the appointment of Mr. Roger A. Wilson as the Providence District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

The Board deferred the appointment of the Religious Community Representative.

CONSUMER PROTECTION COMMISSION

Chairman Bulova moved the reappointments of:

- Ms. Jacqueline Rosier as the Fairfax County Resident #1 Representative
- Ms. Felicia Boyd as the Fairfax County Resident #3 Representative

Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Herrity moved the reappointment of Mr. Harold Belkowitz as the Fairfax County Resident #8 Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Chairman Bulova moved the reappointments of:

- Mr. Hung Q. Nguyen as the Fairfax County Resident #9 Representative
- Mr. John T. Fee as the Fairfax County Resident #10 Representative

Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Herrity moved the reappointment of Mr. Scott Hine as the Fairfax County Resident #11 Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Herrity moved the reappointment of Ms. Samiah Bahhur as the Fairfax County Resident #12 Representative. Supervisor Foust and Supervisor Hudgins jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Chairman Bulova moved the reappointment of Mr. Bill Douskalis as the Fairfax County Resident #13 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

The Board deferred the appointments of the Fairfax County Resident #6 and #7 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Providence District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

CONFIRMATION:

Supervisor Gross moved confirmation of the following appointment:

- Mr. Robert Scheller as the Washington Area Council of Engineering Laboratories Representative

Supervisor Foust seconded the motion which carried by a vote of nine, Supervisor Hyland being absent.

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Braddock District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Cook moved the appointment of Ms. Jessica Burmester as the Braddock District Representative. Chairman Bulova and Supervisor Foust jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

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

HEALTH CARE ADVISORY BOARD

Supervisor Foust moved the reappointment of Ms. Rosanne Rodilosso as the Dranesville District Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

HEALTH SYSTEMS AGENCY BOARD

Chairman Bulova moved the appointment of Ms. Sally Patterson as the Consumer #3 Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor McKay moved the reappointment of Mr. Stephen Goldberger as the Provider #3 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Supervisor Herrity moved the appointment of Ms. Melissa Smarr as the Springfield District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

LIBRARY BOARD

Supervisor Cook moved the reappointment of Mr. David Ray as the Braddock District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Foust moved the appointment of Ms. Kristin Cabral as the Dranesville District Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Smyth moved the reappointment of Ms. Margaret Koblitz as the Providence District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #4 Representative.

TRAILS AND SIDEWALKS COMMITTEE

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

TREE COMMISSION

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

WATER AUTHORITY

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

WETLANDS BOARD

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

ADDITIONAL APPOINTMENT**COUNCIL OF GOVERNMENT'S CLIMATE, ENERGY, AND ENVIRONMENT POLICY COMMITTEE**

Supervisor Gross announced the need for a second appointee to the Council of Government's Climate, Energy and Environment Policy Committee in addition to herself. Therefore, Supervisor Gross moved the appointment of Mr. Kambiz Agazi as the Fairfax County #2 Representative. Supervisor Smyth seconded the motion, and it carried by a vote of nine, Supervisor Hyland being absent.

DAL:dal

12. **ADMINISTRATIVE ITEMS** (11:30 a.m.)

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

ADMIN 1 – BOARD APPROVAL OF THE DISTRIBUTION OF A PLAIN ENGLISH INFORMATION STATEMENT FOR THE 2009 SCHOOL BOND REFERENDUM

Authorized the preparation and printing of a plain English statement for the school bond referendum.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, LEE, MASON, PROVIDENCE 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>
McLean Village	Dranesville	Park Avenue Route 1803 Additional ROW Only
		Buena Vista Avenue Route 1802 Additional ROW Only
		Ingleside Avenue Route 1813 Additional ROW Only
Highgrove Estates Section 3	Lee	Deer Ridge Trail
Bailey's Estates	Mason	Brill Court
Linden Tree Estates	Providence	Avon Lane Route 3451
The Dulles Gateway Center	Sully	Park Center Road Route 3865

**ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW
APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE,
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-H09-24	New Cingular Wireless PCS LLC Antenna co-location on existing transmission pole 11975 Lake Newport Road Hunter Mill District	September 11, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-L08-2	T-Mobile Northeast LLC 120-foot (flagpole) monopole 7101 Sheridonna Lane Lee District	September 17, 2009
FS-S09-26	Cricket Communications Antenna co-location on existing light pole 4201 Stringfellow Road (Chantilly High School) Springfield District	September 19, 2007
2232-D09-2	NewPath Networks LLC and New Cingular Wireless PCS LLC Distributed Antenna System (DAS) Georgetown Pike, and Seneca, Beach Mill, River Bend, Walker, Springvale, and Utterback Store Roads Dranesville District	September 27, 2009
FS-B09-29	Verizon Wireless Antenna co-location on existing tower 9801 Braddock Road Braddock District	September 27, 2009

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AND A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

- (R)
- Endorsed traffic calming measures for Birch Road and Mount Zephyr Drive/Mohawk Lane/Quisenberry Drive/Nalls Road consisting of the following:
 - One speed hump and one multi-way stop on Birch Road (Dranesville District)
 - Two speed tables on Mount Zephyr Drive (Mount Vernon District)
 - One speed hump on Mohawk Lane (Mount Vernon District)
 - One speed hump on Quisenberry Drive (Mount Vernon District)

- One speed table on Nalls Road (Mount Vernon District)
- Adopted a Resolution endorsing a “Watch for Children” sign on Arley Drive (Springfield District)
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible

ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10017 FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ACCEPT GRANT FUNDING FROM THE COMMONWEALTH OF VIRGINIA – GOVERNOR’S OPPORTUNITY FUND - FOR THE HILTON HOTELS CORPORATION (PROVIDENCE DISTRICT)

(SAR) Approved SAR AS 10017 for the EDA to accept grant funding in the amount of \$1 million as part of the Governor’s Opportunity Fund for the relocation of the headquarters for the Hilton Hotels Corporation. No local cash match is required.

13. **A-1 – APPROVAL OF A SPECIAL USE PERMIT FOR STORAGE OF EXPLOSIVES (MOUNT VERNON DISTRICT)** (11:30 a.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Hyland being absent, the Board concurred in the recommendation of staff and authorized the issuance of a special use permit pursuant to the Code of the County of Fairfax, Chapter 62 (Fire Protection), Section 3304.1, to allow Covanta of Fairfax, Incorporated, storage of up to 600 pounds of explosive materials (i.e., detonating cord and blasting caps).

14. **A-2 – ENDORSEMENT OF DESIGN PLANS TO WIDEN MULLIGAN ROAD FROM RICHMOND HIGHWAY TO POLE ROAD INCLUDING IMPROVEMENTS AT THE RICHMOND HIGHWAY/MOUNT VERNON MEMORIAL HIGHWAY INTERSECTION, AND TO WIDEN TELEGRAPH ROAD FROM BEULAH STREET TO LEAF ROAD (LEE AND MOUNT VERNON DISTRICTS)** (11:31 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Herrity, and carried by a vote of nine, Supervisor Hyland being absent, the Board concurred in the recommendation of staff and:

- Endorsed the Federal Highway Administration (FHWA) and Virginia Department of Transportation (VDOT) design plans to widen Mulligan Road (Route 619) from Richmond Highway (Route 1) to Pole Road (Route 622), including improvements at the Richmond Highway/Mount Vernon Memorial Highway (Route 235 South) Intersection, and to widen Telegraph Road (Route 611) from Beulah Street (Route 613) to Leaf Road.

- Directed staff to request FHWA and VDOT to take the actions outlined in the Board Agenda item dated July 13, 2009.

15. **A-3 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2010 REVENUE SHARING PROGRAM FUNDS AND MATCHING COUNTY FUNDS (SPRINGFIELD AND SULLY DISTRICTS)** (11:32 a.m.)

- (R) On motion of Supervisor Frey, seconded by Supervisor Herrity, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hyland being absent, the Board concurred in the recommendation of staff and adopted the Resolution designating a maximum of \$1 million in FY 2010 VDOT Revenue Sharing Program funds to partially pay for the widening of Stringfellow Road.

16. **A-4 – APPROVAL OF A RESOLUTION TO REQUEST ISSUANCE OF REDEVELOPMENT AND HOUSING AUTHORITY (RHA) BONDS, SERIES 2009, TO PROVIDE PERMANENT FINANCING FOR WEDGEWOOD APARTMENTS (BRADDOCK DISTRICT)** (11:32 a.m.)

(BONDS)

- (R) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopt a Resolution relating to the issuance of RHA bonds (Affordable Housing Acquisition) Series 2009 per the schedule in Attachment 2 of the Board Agenda Item dated July 13, 2009, to permanently finance the previous bond anticipation notes issued for the benefit of Wedgewood Apartments. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Paula C. Sampson, Director, Department of Housing and Community Development, regarding the revenue from operations.

Supervisor Frey noted that it should be made clear that the commitment from the Penny for Housing Fund is approximately \$2 million and the remaining \$4 million is from revenue. So, all of the revenue from the project is being applied to the debt service and anything above and beyond that comes from the Penny for Housing.

Discussion ensued, with input from Leonard P. Wales, County Debt Manager, regarding the structure of the funding.

Further discussion ensued, with input from Ms. Sampson, regarding:

- The number of vacant units
- The current, point of purchase, and assessed value of the property
- The number of units that will be available for homeless individuals

- The number of units that will be available based on an individual's adjusted median income
- Whether units are available for individuals with disabilities that prevent them from working
- The Relocation Program
- How the US legal status of an individual who is applying for housing is verified
- The affordability of the units

The question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "NAY," Supervisor Hyland being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

17. **A-5 – APPROVAL OF THE CONSOLIDATED COMMUNITY FUNDING ADVISORY COMMITTEE (CCFAC) RECOMMENDATIONS FOR THE FISCAL YEAR (FY) 2011 AND FY 2012 FUNDING PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)**
(11:57 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the FY 2011 and FY 2012 funding priorities for the CCFP, as recommended by the CCFAC. Supervisor McKay seconded the motion.

Supervisor McKay called the Board's attention to the chart on page 37 of the Board Agenda Item and raised a question regarding the funding percentages.

Discussion ensued, with input from William Macmillan, Service Integration Manager, Department of Systems Management for Human Services, regarding the community funding pool's crisis intervention funding percentage and how the County's non-profit partners were/are being advised about the changes in percentage.

Supervisor Gross asked unanimous consent that the Board direct staff, in the future, if these percentages need to be adjusted, to add another column to the chart indicating the current percentages. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being absent.

18. **A-6 – APPROVAL TO REALLOCATE FEDERAL HOME FUNDS WITHIN FUND 145, HOME INVESTMENT PARTNERSHIPS PROGRAM, TO FINANCE A REHABILITATION PROJECT AT HOPKINS GLEN APARTMENTS (PROVIDENCE DISTRICT)**
(12:06 p.m.)

On motion of Supervisor Smyth, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Hyland being absent, the Board concurred in the recommendation of staff and approved the reallocation of \$427,764 in project funds within Fund 145, HOME Investment Partnerships Program, to Project 014191, Rehabilitation of the Redevelopment and Housing Authority properties to finance a rehabilitation project involving major systems at the Hopkins Glen multifamily property.

19. **A-7 – ENDORSEMENT OF REVISED TRANSPORTATION FUNDING ALLOCATIONS FOR COMMERCIAL AND INDUSTRIAL (C&I) TAX REVENUES AND OTHER TRANSPORTATION FUNDING SOURCES**
(12:07 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and:

- Approve the revised transportation project list and funding allocations for anticipated revenues from the County's C&I Real Estate Tax for transportation and planned issuance between Fiscal Year (FY) 2010 and FY 2012 of \$50 million in Economics Development Authority transportation contract revenue bonds to be paid by C&I tax revenues.
- Approve the request to reallocate funds as outlined in Attachment II of the Board Agenda Item dated July 13, 2009.
- Approve reallocation of approximately \$1.9 million in project cost savings from the Centreville Road widening (Metrotech Drive to McLearn Road) project to the Stringfellow Road widening (Fair Lakes Boulevard to Route 50) project at an appropriate quarterly budget review. Both projects are currently funded by general obligation bonds authorized by the County's 2004 and 2007 Transportation Bond Referenda.
- Authorize the use of up to \$1 million from the Fairfax Center Area Fund for the Route 29 widening project freeing up \$1 million in C&I revenues for other transportation projects.

- Direct staff to prepare applications for federal Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funds for FY 2011 and FY 2012 for the projects outlined in the Board Agenda Item and report in September 2010 and September 2011 for specific endorsement of CMAQ and RSTP funding requests.

Supervisor Smyth seconded the motion.

Discussion ensued, with input from Katharine Ichter, Director, Department of Transportation, and Leonard P. Wales, County Debt Manager, regarding the reallocation of funds.

Further discussion ensued, with input from Ms. Ichter regarding:

- The Tysons Dulles Toll Road Connections Operational Study
- The Columbia Pike Transit Project and the financial modeling

Further discussion ensued, with input from Ms. Ichter, regarding whether funds can be set aside to do small spot improvement projects.

Supervisor McKay asked to amend the motion to allocate funds for small spot improvement projects, as outlined by staff. This was accepted.

Supervisor Foust called the Board's attention to the funding allocations and project list, Attachment One, Page One, Roadways Improvements, of the Board Agenda Item and raised a question regarding the \$8 million for Route 7 (Reston Avenue to Reston Parkway).

Discussion ensued, with input from Ms. Ichter, who noted that the limits were listed incorrectly and it should be to Rolling Holly Drive, not Reston Parkway.

Further discussion ensued, with input from Ms. Ichter, regarding the Reston Access Management Projects.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Hyland being absent.

Following input from Ms. Ichter, Chairman Bulova clarified for the record that the Route 7 Roadway limit was to Rolling Holly Drive.

20. **I-1 – CONTRACT AWARD – TRAFFIC SIGNALIZATION DESIGN SERVICES, TASK ORDER CONTRACTS** (12:36 p.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2009, requesting authorization for staff to award contracts to Vanasse Hangen Brustlin, Incorporated, and Kimley-Horn and Associates, Incorporated,

in an amount of \$2.5 million each for traffic signalization design services on various County projects which are being designed by staff and/or when these services are not part of a design contract with an outside firm. The contract will be renewable for two additional years.

The staff was directed administratively to proceed as proposed.

21. **I-2 – QUARTERLY STATUS REPORT ON THE BOARD’S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:37 p.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2009, presenting the quarterly status report on the Board’s second four-year transportation program.

22. **I-3 – WORK PLAN AGREEMENT BETWEEN THE NATURAL RESOURCES CONSERVATION SERVICE, THE NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT (NVSWCD), AND THE COUNTY FOR THE REHABILITATION OF POHICK CREEK DAM SITE NUMBER 2, LAKE BARTON (BRADDOCK DISTRICT)** (12:37 p.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2009, requesting authorization for the County Executive, on behalf of the County, to sign the work plan agreement with the Natural Resources Conservation Service and NVSWCD for the rehabilitation of Pohick Creek Dam Site Number 2.

Chairman Bulova noted that with approval of this item the County is not being precluded from dredging the lake.

Supervisor Gross asked unanimous consent that the Board direct staff to report with identifications of potential stimulus funds through the American Recovery and Reinvestment Act (ARRA) funds that would be available for dredging. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

23. **I-4 – PLANNING COMMISSION ACTION ON APPLICATION 2232-S09-6, CRICKET COMMUNICATIONS AND T-MOBILE NORTHEAST, LLC (SPRINGFIELD DISTRICT)** (12:39 p.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2009, announcing the Planning Commission’s approval of Application 2232-S09-6 regarding the construction of a telecommunications facility on a replacement monopole/light pole at Centreville High School, 6001 Union Mill Road in Clifton. The 120 foot tall structure will replace the existing 65 foot tall light pole, with lights mounted on the new pole at the same height as the current light pole. Tax Map 66-1 ((1)) 12A, 12B.

24. **I-5 – CONTRACT AWARD – EMPLOYEE BENEFITS CONSULTING SERVICES** (12:39 p.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2009, requesting authorization for staff to award a contract to Aon Consulting in an amount of up to \$250,000 for employee benefits consulting services. The contract is a five year contract with five one-year renewal options.

The staff was directed administratively to proceed as proposed.

25. **I-6 – CONTRACT AWARD – ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE** (12:40 p.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2009, requesting authorization for staff to award a contract to SAP Public Services, Incorporated, in the amount of up to \$4,698,150 to modernize the portfolio of enterprise systems referred to by the marketplace as an ERP system.

Chairman Bulova stated that the Board will consider this item after closed session.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #51.)

ADDITIONAL BOARD MATTERS

26. **BOARD RETREAT** (12:41 p.m.)

Chairman Bulova said that as a followup to the Board's recent retreat at Frying Pan Farm Park in Herndon, she thanked her colleagues, as well as staff, for their great work and participation. She said they all benefited from the excellent discussions that were held over the two days.

Chairman Bulova noted that, as a result of the discussions, a number of matters have been referred to Board committees for further discussion and action. The Board's Budget Committee will be meeting early (possibly in September) to hear the most current financial forecast and to provide focus and direction as the County Executive prepares his Advertised Budget for Fiscal Year 2011. The Community Dialogue and outreach process for engaging residents and workforce in addressing fiscal challenges will begin again this fall.

Issues regarding affordable housing, including alternative strategies and criteria for the Penny Fund have been referred to the Housing Committee. In addition, changes to the Area Plan Review (APR) process will be reviewed at the Board's Development Process Committee.

Chairman Bulova noted that further discussion regarding adequate State funding for the maintenance of roads in the County has been referred to the Transportation and/or the Legislative Committee(s).

Chairman Bulova said that a sample schedule showing a change in Board meeting days from Mondays to Tuesdays will be circulated for review and consideration in August. If adopted, the change would begin at the Board's first meeting in January.

She also noted that one of the procedural items that was discussed at the retreat was clarifying what has become a confusing protocol for speakers at public hearings. To make the time allowed to individuals and spokespersons for organizations more consistent, the Board discussed setting the time for individual speakers at three minutes and for spokespersons for organizations at five minutes.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent to implement the new protocols beginning with the first meeting in September. Without objection, it was so ordered.

Discussion ensued, with input from Nancy Vehrs, Clerk to the Board, who noted that the speaker time change for public hearings was being implemented with today's public hearings.

Supervisor Smyth asked unanimous consent that the Board direct staff to ensure that the public is fully aware the Board meeting date may change to Tuesday instead of Monday. Without objection, it was so ordered.

Supervisor Gross clarified that a decision will not be made on this issue until the Board's meeting in September. Supervisor Gross asked unanimous consent that the Board direct the Clerk to research and provide information as to the history behind the Board meeting day. Without objection, it was so ordered.

27. **DRAFT LEGISLATION** (12:49 p.m.)

Chairman Bulova stated that at the last Board meeting, she circulated two pieces of draft legislation under review by the Joint Subcommittee Studying Land Use and Development Tools in Virginia's localities. As discussed at the meeting, one of the draft bills 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 proposal would allow localities to adopt a model one-size-fits-all impact fee ordinance. Chairman Bulova noted that this legislation is patterned somewhat after Senate Bill 768 from the 228 General Assembly Session, a bill the Board strongly opposed.

Chairman Bulova said that, at the last meeting, the Board directed staff to draft a letter to the Subcommittee that explains why it is important that the County retain its current proffer authority, and that the Board opposes any diminution of that authority. The letter was circulated to Board Members via email and was distributed today.

Therefore, Chairman Bulova moved that the Board approve the letter, which will be sent to the Joint Subcommittee and copies to other interested parties as indicated on the letter. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

28. **DOMESTIC VIOLENCE AWARENESS MONTH** (12:51 p.m.)

Chairman Bulova said that throughout the month of October a variety of organizations, including the Office for Women and Domestic Violence Services, will help to raise awareness about the devastating impacts of domestic violence.

Some of this year's efforts include the Commission for Women and Verizon Hopeline Partnership's used cell phone drive to benefit Artemis House, "An Empty Place at the Table" display in the Government Center which is a national project that memorializes women and children murdered in acts of domestic violence, as well as multiple public awareness campaigns and a continued collaboration with the County Libraries to host domestic violence awareness activities and showcase literature.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite representatives and members of the Office for Women and Domestic and Sexual Violence Services to appear before the Board on September 14, 2009, to receive a proclamation recognizing and declaring October 2009 as "*Domestic Violence Awareness Month*" in Fairfax County. Without objection, it was so ordered.

29. **REQUEST FOR RECOGNITION OF MS. KAY TSUI** (12:52 p.m.)

Chairman Bulova said Kay Tsui, a long time resident of the County, began cycling for pleasure in 1999 and decided to challenge herself in 2004 by participating in a local race. Since then she has continued to excel in the cycling arena and has gone on to win several national bike competitions.

Ms. Tsui's fan base includes residents at Greensprings where her mother resides. Her determination and hard work helped her win all three of her races at the Nationals in Louisville, Kentucky this year. She was also named Best All Around Cyclist for the Women's 55-59 age group.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Tsui to appear before the Board on August 3, 2009, to receive acknowledgement for her accomplishments. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

30. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR FOUST** (12:53 p.m.)

Supervisor Foust stated that he had no Board Matters to present today.

NV:nv

31. **NO BOARD MATTERS FOR LEE DISTRICT SUPERVISOR McKAY**
(12:53 p.m.)

Supervisor McKay stated that he had no Board Matters to present today, but that he would be presenting for Supervisor Hyland later in the meeting.

(NOTE: Later in the meeting, Supervisor McKay presented Supervisor Hyland's Board Matters. See Clerk's Summary Items #44 and #45.)

32. **DULLES SUBURBAN CENTER (HUNTER MILL DISTRICT)** (12:54 p.m.)

Supervisor Hudgins said that on May 18, the Board authorized the Reston-Dulles Corridor Special Study. As noted in the memorandum dated June 30 from James P. Zook, Director, Department of Planning and Zoning, the corridor special study will review the Plan recommendations for the three Reston area stations. Most of the north side of the Route 28/CIT station is being reviewed as part of the Area Plan Review process. To accommodate the review of Plan guidance for the other non-residential areas in the proximity to the Route 28/CIT station, she indicated that she would like to expand the current Plan amendment pending on the south side of the Dulles Toll Road to encompass a larger area.

Therefore, Supervisor Hudgins moved that the scope of Plan Amendment S07-III-UP2, authorized for an area of approximately 14.5 acres on the south side of the Dulles Toll Road, be expanded to include all of Land Unit A in the Dulles Suburban Center, as well as nearby parcels with non-residential uses, including the Village Center at Dulles Shopping Center on Centreville Road and parcels along the west side of Elden Street, as shown on the map as distributed to Members of the Board. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being absent.

(NOTE: Later in the meeting, the Board discussed this item. See Clerk's Summary Item #35.)

33. **COMMUNITY DAY AND SOFTBALL GAME (HUNTER MILL DISTRICT)** (12:56 p.m.)

Supervisor Hudgins announced that on July 22 the Hunter Mill District will sponsor a community day for children and families at South Lakes Drive Park in Reston. The day will feature activities and games, including Wacky Relays, provided by the Southgate Community Center and officers from the Police Department's Reston District Station. The event aims to encourage local youth, staff, and police officers to collaborate with one another, fostering relationships based on respect and communication, while also discouraging violence.

Supervisor Hudgins said that the day will culminate with the Third Annual Community Softball Game from 6 p.m. until 8 p.m., South Lakes Drive Park, located at 11951 S Lakes Drive in Reston (not South Lakes High School). As part

of its Wednesday evening community outreach efforts around the Washington, DC Metropolitan region, WPGC 95.5 FM, will once again battle the Road Dawgs from the Reston District Police Station. Many of the on-air personalities will be playing and they will broadcast live from the game and have various prizes. Sierra Mist is sponsoring the game. and Herndon's Red, Hot, and Blue graciously stepped forward to supply evening food.

Supervisor Hudgins encouraged residents to come out to enjoy the day, watch the game, meet radio personalities, and get to know some of the police officers and staff in a friendly environment. She asked unanimous consent that the Board direct staff to work with local media to publicize this community event. Without objection, it was so ordered.

34. **NATIONAL NIGHT OUT** (12:56 p.m.)

Supervisor Hudgins announced that National Night Out is August 4. On this night, County residents are asked to turn on their porch lights and come outside to join with their neighbors and local police in a variety of activities. All over the County will be crime prevention block parties, cookouts, ice cream socials, flashlight walks, safety fairs, and neighborhood meetings.

Supervisor Hudgins explained that National Night Out is designed to:

- Heighten awareness of crime prevention, combating drugs and violence.
- Generate support for, and participation in, local crime-fighting programs.
- Strengthen neighborhood spirit and police-community partnerships.
- Send a message to criminals letting them know that neighborhoods are organized and fighting back.

National Night Out activities not only bring residents together to strengthen their relationship with the local police, but also send a message that County neighborhoods are not "easy pickings." The Police Department has made it easy for groups to participate with a new online registration on the police website. Already, County groups have registered 198 events for this year's program.

Supervisor Hudgins asked unanimous consent that the Board direct:

- Staff to invite representatives from the Police Department to appear before the Board on August 3 to receive a proclamation encouraging all residents to participate in the National Night Out.

- The Office of Public Affairs to work with the Police Department to publicize this event.

Without objection, it was so ordered.

35. **ADDITIONAL DISCUSSION REGARDING DULLES SUBURBAN CENTER (DRANESVILLE AND HUNTER MILL DISTRICTS)**
(12:57 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding Dulles Suburban Center. See Clerk's Summary Item #32.)

Supervisor Foust called the Board's attention to the Dulles Suburban Center item and discussion ensued regarding clarification of the boundaries of the proposed expansion into the Dranesville District.

Supervisor Hudgins indicated that she would discuss this with staff.

36. **RECOGNITION OF THE COUNTY VOLUNTEERS THAT TOOK PART IN THE TWENTY-FIRST ANNUAL POTOMAC WATERSHED CLEAN-UP** (1 p.m.)

Supervisor Gross said that since 1989, the Alice Ferguson Foundation has partnered with over 300 organizations and more than 50,000 volunteers to clear the yearly accumulation of trash from the Potomac Watershed. The cleanup spans several states, all with ties to the Potomac. In 2009, the Twenty-First Annual Potomac Watershed Cleanup took place in Maryland, the District of Columbia, Virginia, Pennsylvania, and West Virginia. With over 500 clean-up sites, more than 290 tons of trash were removed during the 2009 cleanup.

This year's cleanup was especially successful in the County which led all other jurisdictions with over 115 registered cleanup locations. Countywide, 1,890 volunteers removed approximately 80,657 pounds of trash from County parks, rivers, streams, and roadways. County volunteers accounted for nearly 14 percent of the total number of volunteers and trash removed during this year's cleanup.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite County site leaders of the 2009 cleanup to appear before the Board to be recognized for this wonderful achievement. Without objection, it was so ordered.

37. **RANJIT SINGH AND TERA, LLC CONCURRENT REVIEW MOTION (MASON DISTRICT)** (1:01 p.m.)

Supervisor Gross said that Tera, LLC (the "applicant") owns approximately .72 acres zoned to the C-8 District located at 6540 Edsall Road. Special Exception Application SE 2009-MA-004 is a request to permit the expansion of an existing service station. This application will be the subject of a public hearing before the Planning Commission on July 30, 2009. The applicant has responded

to staff's concerns, and the application was approved by the Mason District Land Use Committee. On that basis, the applicant has requested permission to begin concurrently processing the necessary site plan.

Therefore, Supervisor Gross moved that the Board direct:

- Staff to expeditiously review and schedule public hearings for Special Exception Application SE 2009-MA-004.
- The Director of the Department of Public Works and Environmental Services to accept, for concurrent and simultaneous review, a site plan, architectural drawings, and other plans as may be necessary to implement the improvements contemplated by the applicant with the Special Exception Application SE 2009-MA-004.

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

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Hyland being absent.

38. **INTENT TO DEFER A PUBLIC HEARING (PROVIDENCE DISTRICT)**
(1:02 p.m.)

Supervisor Smyth announced her intent to defer, later in the meeting at the appropriate time, the public hearing on Rezoning Application RZ 2008-PR-017 and Special Exception Application SE 2006-PR-018 (Merrifield Garden Center) because of an affidavit issue.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #58.)

PMH:pmh

39. **TOWN HALL MEETING CONCERNING LYME DISEASE IN THE COUNTY** (1:03 p.m.)

In a joint Board Matter with Supervisor Frey, Supervisor Herrity said that in Virginia the number of reported cases of Lyme Disease has doubled over the last few years, and in the last two years alone there were approximately 400 confirmed cases of the disease in the County.

Supervisor Herrity noted that Lyme disease is a serious illness that if left undiagnosed can cause complications such as arthritis, back pain, numbness, and even heart failure.

Supervisor Herrity noted that on July 22 he and Supervisor Frey will be hosting a Town Hall meeting at Centreville High School to raise awareness of the dangers of Lyme disease and the practical steps that can be taken to reduce the risk of contraction by citizens and their families. There will be presentations by Vicki Monroe, the new County wildlife biologist, a medical doctor, Monte Skall the Executive Director of The National Capital Lyme and Tick-Borne Disease Association, as well as representatives from the County Disease Carrying Insects Program. Congressman Wolf's staff will also present what is being done on the national level and there will be a chance to ask questions to all of the presenters. They would like to invite all interested persons to the Town Hall meeting on July 22, at 7 pm, in the cafeteria of the Centreville High School, 6001 Union Mill Road, Clifton, VA 22152.

Therefore, jointly with Supervisor Frey, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to support the meeting, send out a press release, and post information about the meeting on the County's website in an effort to draw as many interested parties as possible to this meeting. Without objection, it was so ordered.

40. **PAKISTANI FESTIVAL** (1:05 p.m.)

Supervisor Herrity said that for the last 23 years Pakistan's Independence Day has been celebrated in the Washington metropolitan area by a large festival that attracts thousands of people from all over the country. The festival celebrates the transition of Pakistan from a country that was under imperial rule, to one that was founded on the principles of self-government and democracy in 1947.

Supervisor Herrity noted that in the past the festival has been held at different locations in Washington, DC, as well as in Maryland; but this year the County will play host to the festival that will see a plethora of Pakistani foods, music, handicrafts, jewelry, and much more to be on display and available for the local community to sample. There is no cost of admission to attend this festival.

Supervisor Herrity pointed out that over the years the festival has grown tremendously, and in fact this year its size is being recognized worldwide with Dish Network broadcasting the festival live to people in over 130 countries.

To recognize the significance of Pakistani Festival USA choosing the County as the place to celebrate Pakistan's Independence Day and to welcome the attendees, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution declaring August 16 as Pakistani Festival USA Day in Fairfax County for presentation by him and fellow Board Members at the festival on August 16 at George Mason University. Without objection, it was so ordered.

41. **CROSS COUNTY TRAIL (CCT) PROJECT (BRADDOCK DISTRICT)**
(1:07 p.m.)

(BACs) Supervisor Cook said that he was contacted by the staff at the Park Authority about an announcement it had received at the end of June from the Virginia Department of Conservation and Recreation. This announcement informed the County of the availability of Virginia Recreational Trails grant funds for which preliminary applications are due on July 31.

Due to this short notice, the Park Authority looked for projects that were already designed and ready to proceed. One such project is the installation of a 40 foot by 6 foot fiberglass bridge on the CCT across a tributary of Accotink Creek. This segment is located on the north end of Wakefield Park near Mockingbird Drive.

Supervisor Cook said that the existing trail segment fords the creek by means of a damaged fair-weather crossing that is difficult to use for most walkers and impossible for those with mobility constraints. More than four miles of the CCT in the Accotink stream valley are already fully accessible. Much of the remainder of this segment can be made accessible with modest improvements such as this one. The ultimate goal of the Park Authority would be to make the entire ten miles of the CCT between Fairfax City and the Fairfax County Parkway fully accessible to persons with disabilities.

Supervisor Cook noted that County Trails and Sidewalks Committee voted to support this proposal and will provide its own letter of endorsement.

Therefore, Supervisor Cook moved that the Board authorize the Chairman, on behalf of the Board, to send the letter contained in the written Board Matter to the Department of Conservation and Recreation endorsing this project. No matching funds are required from the County in support of this application. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

42. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR FREY**
(1:09 p.m.)

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

43. **ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR HYLAND**
(1:10 p.m.)

Chairman Bulova announced that Supervisor Hyland is recovering from a successful surgery and will not be attending today's meeting.

44. **PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA/FDPA 2003-MV-033 – LORTON ARTS FOUNDATION (LAF) (MOUNT VERNON DISTRICT)**
(1:10 p.m.)

- (A) On behalf of Supervisor Hyland, Supervisor McKay said that Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2003-MV-033 is a request to modify the proffers and portions of the plans for the LAF Workhouse project on Route 123 and was the subject of a public hearing before the Planning Commission on June 25 with decision ultimately deferred until July 15. The remaining issues are some revisions to the proffers which should be accomplished by the July 15 decision date. LAF Foundation is anxious to move forward with planning for Phase 2 of the Workhouse renovations.

Therefore, on behalf of Supervisor Hyland, Supervisor McKay moved that the Board authorize the advertisement of a public hearing to be held before the Board on August 3, 2009, for Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2003-MV-033. Approval of this motion shall in no way prejudice or affect any ongoing review and should not be construed as support for this application by the Board. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

45. **VIRGINIA'S TIDAL CREEKS ARE "NO DISCHARGE ZONES"**
(1:11 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that in the 2009 session of the General Assembly, Delegate Albert Pollard of the House 99th District introduced House Resolution HR 1774 that declared Virginia's tidal creeks "No Discharge Zones" for the discharge of sewage and other wastes from boats and vessels. This bill requires boaters to dispose of waste from portable toilets and other containment devices at marina facilities approved by the Department of Health. This will help reduce the fecal coliform load in creeks and the Potomac River and help restore the health of the Chesapeake Bay.

Therefore, on behalf of Supervisor Hyland, Supervisor McKay asked unanimous consent that the Board direct the Office of Public Affairs to publicize this new law. Without objection, it was so ordered.

46. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-059-06 (BSI INCORPORATED T/A BROWNE ACADEMY) (LEE DISTRICT)**
(1:14 p.m.)

Supervisor McKay announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 85-L-059-06. (NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #53.)

47. RECESS/CLOSED SESSION (1:15 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. *Authorization to Petition the General District Court for a Subpoena on Behalf of the Fairfax County Human Rights Commission in Kimberly Evans v. Chesapeake Bay Seafood House d/b/a Chili's Grill and Bar* (Mason District)
 - 2. *Shirley Ann Stewart v. Court Services Division, et al.*, Case No. 09-0255 (Va. Sup. Ct.)
 - 3. *DeCarlo Enterprises, Inc. t/a Fairfax Propane v. Fairfax County, et al.*, Case No. CL-2009-0007414 (Fx. Cir. Ct.) (Hunter Mill District)
 - 4. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Esteban Maldonado*, Case No. CL-2007-0015031 (Fx. Co. Cir. Ct.) (Lee District)
 - 6. *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)

7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Juan C. Justiniano*, Case No. CL-2008-0015614 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
9. *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)
10. *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)
11. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Munoz*, Case No. CL-2009-0003770 (Fx. Co. Cir. Ct.) (Lee District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Judith Rae Evans*, Case No. CL-2007-0012671 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Hermilio Machicao*, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Hermilio Machicao and J.A.M. Homes, Inc.*, Case No. CL-2008-0016138 (Fx. Co. Cir. Ct.) (Lee District)

15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Backlick, LLC*, Case No. CL-2008-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teodoro Rojas, Rosa Amanda Rojas, and Mario T. Rojas*, Case No. CL-2009-0005033 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Weiwen Gu, Lin Qi, Weijiang Gu, and Jimei Xiao*, Case No. CL-2009-0004250 (Fx. Co. Cir. Ct.) (Hunter Mill District) (Strike Team Case)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mouhammad A. Kassar, Amine M. Kassar, and Samy A. Kassar*, Case No. CL-2009-0004611 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. William S. French, III, and Ann R. French*, Case No. CL-2008-0016979 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Janine R. Perky*, Case No. CL-2009-0005395 (Fx. Co. Cir. Ct.) (Providence District)
21. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Matthew Q. Pugsley and Barbara T. Pugsley*, Case No. CL-2009-0005807 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Angel A. Contreras*, Case No. CL-2009-0005034 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tania Soto-Yapura*, Case No. CL-2009-0005284 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
24. *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)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. CL-2009-0008424 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gilbert Rojas, a/k/a Gilberto Rojas*, Case No. CL-2009-0008425 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ronald F. Tropea and Mary Jane Tropea*, Case No. CL-2009-0008545 (Fx. Co. Cir. Ct.) (Sully District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Larry Joe Thompson and Marlene K. Hattermann-Thompson*, Case No. CL-2009-0008544 (Fx. Co. Cir. Ct.) (Providence District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Power Fuel and Transport Real Estate Holding Company, LLC*, Case No. CL-2009-0008478 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Son Tran and Dung H. Tran*, Case No. CL-2009-0008760 (Fx. Co. Cir. Ct.) (Providence District)

32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Boies*, Case No. CL-2009-0008761 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. James C. Benton*, Case No. CL-2009-0008759 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Muhammad Aziz and Shahnaz Aziz*, Case Nos. 09-0012874 and 09-0012875 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jahanza Khan and Shabana Khan*, Case Nos. 09-0015430 and 09-0015431 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kathleen M. Ward Ciccotelli*, Case Nos. 09-0015620 and 09-0015621 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Parkridge Six LLC and WFLP-H LLC v. Fairfax County and Board of Supervisors of Fairfax County and Metropolitan Washington Airports Authority, CL-2009-0002083
- Information Item 6 - Contract Award — Enterprise Resource Planning (ERP) Software
- Sewer Claim Relating to 8648 Wind Song Court
- Comprehensive Agreement between the Board of Supervisors of Fairfax County, Virginia, and JPI Development Services, LP, dated December 31, 2008

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

DET:det

At 3:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

48. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:05 p.m.)

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

49. **HUMAN RIGHTS ORDINANCE** (3:06 p.m.)

Supervisor Gross moved that the Board authorize the County Attorney to petition a judge of the County General District Court to issue a subpoena to Chesapeake Foods, Incorporated, doing business as Chili's Southwest Grill and Bar, and to Bill Simmons, General Manager, and such other individuals and entities as necessary, to appear as a witness and to provide information necessary for the Human Rights Commission to determine if a violation of the Human Rights Ordinance has occurred. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Hyland being absent.

50. **CONSENT TO ASSIGNMENT OF A COMPREHENSIVE AGREEMENT (RESIDENCES AT GOVERNMENT CENTER) (SPRINGFIELD DISTRICT)** (3:06 p.m.)

Supervisor Foust moved that the Board consent to the assignment of a Comprehensive Agreement and Real Estate Agreement Contract to Ground Lease regarding the residences at Government Center from JPI Development Services, LP to Jefferson Apartment Group, LLC. Supervisor Hudgins seconded the motion.

Discussion ensued, with input from John Payne, Deputy Director, Real Estate, Department of Housing and Community Development, concerning Board retreat priorities, private sector competition, budget shortfalls, and subsidization.

Following further discussion regarding tax incentives and adequate housing throughout the County, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting “NAY,” Supervisor Hyland being absent.

AGENDA ITEMS

51. **I-6 – CONTRACT AWARD – ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE** (3:28 p.m.)

(NOTE: Earlier in the meeting, this item was deferred. See Clerk’s Summary Item #25.)

Chairman Bulova announced that the Board was briefed, in closed session, about the request for staff to award a contract to SAP Public Services, Incorporated, in the amount of up to \$4,698,150 to modernize the portfolio of enterprise systems referred to by the marketplace as an ERP system.

The staff was directed administratively to proceed as proposed.

52. **3 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) (3:28 p.m.)

(O) (NOTE: On June 22, 2009, the Board deferred the public hearing on these applications.)

The Rezoning Application RZ 2008-PR-009 property is located in the northwest quadrant of the intersection of Woodburn Road and Gallows Road, Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A pt., 1B, 1C, 1D, and 1E.

The Special Exception Amendment Application SEA 80-P-078-15 property is located at 3300–3312 Gallows Road and 3300–3340 Woodburn Road, Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A pt., 1B, 1C, 1D, and 1E.

The Proffered Condition Amendment Application PCA 87-P-038-04 property is located in the southeast quadrant of the intersection of Arlington Boulevard and Williams Drive, Tax Map 49-3 ((1)) 141.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavit for the record.

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

- Supervisor Penelope A. Gross
- Penny Gross for Supervisor
- Supervisor Gerald W. Hyland
- Hyland for Supervisor
- Ms. Katherine K. Hanley
- Mr. Mark E. Stavish
- Citizens for Jim Scott
- Mr. H. Patrick Walters

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

- Complimentary tickets to the Inova Health System Foundation's Annual Gala

Supervisor Frey disclosed that he:

- Serves as a member of the Board of Trustees of the Inova Health Care Services Board.
- Donated in excess of \$100 to Supervisor Cook and Supervisor Herrity.

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

- Friends of Michael Frey

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

- Friends of Michael Frey
- Dean Morehouse, Gary Nakamoto, John W. Ryan, Wayne Shelton, and Jon Peterson, trustees, Inova Health Care Services Board

- John M. Toups, trustee, Inova Health System Foundation's Board
- Complimentary tickets to the Inova Health System Foundation's Annual Gala.
- Elaine Stottlemeyer, wife of Todd A. Stottlemeyer, trustee, Inova Health System Foundation's Board, and agent for Inova Health Care Services

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

- Supervisor Gerald W. Hyland

Supervisor Gross disclosed that she:

- Serves as a member of the Board of Trustees of the Inova Health Systems Board.
- Received complimentary tickets to the Inova Health System Foundation's Annual Gala whose value was in excess of \$100.
- Contributed in excess of \$100 to Chairman Bulova.
- Contributed, through Penny Gross for Supervisor, in excess of \$100 to Chairman Bulova.

Mr. Sampson 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 Smyth submitted an item for the record.

Kris Abrahamson, Branch Chief, Rezoning and Special Exception Branch, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-PR-009, from the R-1 and R-12 Districts to the C-3 District, subject to the proffers dated July 6, 2009.
- Approval of Special Exception Amendment Application SEA 80-P-078-15, subject to the development conditions dated July 16, 2009.*

- Modification of the transitional screening requirements and waiver of the barrier requirements in favor of that shown on the Generalized Development Plan/Special Exception Amendment (GDP/SEA) Plat.

*Supervisor Smyth clarified the date of the development conditions as **July 6, 2009**.

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 87-P-038-04, subject to the proffers dated July 6, 2009.
- Reaffirmation of the modification of the transitional screening requirement and waiver of the barrier requirement along the south and east property lines in favor of that shown on the GDP.
- Reaffirmation of the waiver of the service drive requirement along Route 50 (Arlington Boulevard).
- Modification of the loading space requirement for office uses to permit a maximum of three loading spaces per building shown on the GDP.

Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

53. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-059-06 (BSI INCORPORATED T/A BROWNE ACADEMY) (LEE DISTRICT) (3:49 p.m.)**

(NOTE: On June 22, 2009, the Board deferred the public hearing on this application.)

Supervisor McKay moved to defer the public hearing on Special Exception Amendment Application SEA 85-L-059-06 until **August 3, 2009, at 3 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

54. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-SU-025 (COMMONWEALTH CENTRE INVESTORS, LLC AND COMMONWEALTH CENTRE INVESTORS II, LLC) (SULLY DISTRICT)** (3:50 p.m.)

(NOTE: On June 22, 2009, the Board deferred the public hearing on this application.)

The application property is located in the north quadrant of the intersection of Sully Road and Westfields Boulevard, Tax Map 44-1 ((1)) 6, 6B, 6C, 6D and 6E.

Ms. Jill S. Parks reaffirmed the validity of the affidavit for the record.

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

- Burgess and Niple Incorporated

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

- Burgess and Niple Incorporated

Ms. Parks 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, Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 2006-SU-025, subject to the proffers dated June 8, 2009.
- Reaffirmation of the waiver of the service drive requirement along Sully Road (Route 28).

Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

(NOTE: On June 11, 2009, the Planning Commission approved Final Development Plan Amendment Application FDPA 2006-SU-025, subject to the development conditions dated May 28, 2009.)

55. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-HM-028 AND SPECIAL EXCEPTION APPLICATION SE 2007-HM-023 (PEDRO AND CARMEN M. TOSCANO, JR.) (HUNTER MILL DISTRICT)** (3:56 p.m.)

(NOTE: On June 22, 2009, the Board deferred the public hearing on these applications.)

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2005-HM-028 and Special Exception Application SE 2007-HM-023 until **August 3, 2009, at 3 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

56. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-DR-025 (MR. MOSTAFA AND DR. LILY NADIMI) (DRANESVILLE DISTRICT)** (3:57 p.m.)

The application property is located at 8325 Old Dominion Drive, Tax Map 20-3 ((2)) 2.

Mr. Matthew T. Marshall reaffirmed the validity of the affidavit for the record.

Mr. Marshall 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 Foust submitted items for the record.

Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Special Exception Application SE 2007-DR-025, subject to the development conditions dated May 28, 2009. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

57. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-S-109-02 [MEDICAL FACILITIES OF AMERICA XXIX (29) LP] (BRADDOCK DISTRICT)** (4:03 p.m.)

The application property is located at 9640 Burke Lake Road, Tax Map 78-3 ((1)) 12A.

Ms. Jill S. Parks reaffirmed the validity of the affidavit for the record.

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

- Mr. William R. Zink, Christopher Consultants

Ms. Parks 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, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Cook moved:

- Approval of Special Exception Amendment Application SEA 85-S-109-02, subject to the development conditions dated June 23, 2009.
- Modification of the requirement in Part 3, Article 9, of the Zoning Ordinance, that no freestanding nursing facility be established except on a parcel of land fronting on and with direct access to an existing or planned collector or arterial street.
- Modification of the 100-foot setback requirement between the medical care facility and adjacent land zoned R-1.
- Modification of the parking of vehicles near R-District lot lines, as required in Section 9-609 of the Zoning Ordinance.
- Waiver of the 600-foot maximum private street length.
- Modification of the transitional screening requirement for the southeastern property line to allow landscaping as shown on the SEA Plat.

Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Gross being out of the room, Supervisor Hyland being absent.

58. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-PR-017 AND SPECIAL EXCEPTION APPLICATION SE 2006-PR-018 (MERRIFIELD GARDEN CENTER CORPORATION) (PROVIDENCE DISTRICT)**
(4:09 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2008-PR-017 and Special Exception Application SE 2006-PR-018 until **August 3, 2009, at 3 p.m.** Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, and Supervisor McKay being out of the room, Supervisor Hyland being absent.

59. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-BR-003 (BOURJ, LIMITED) (BRADDOCK DISTRICT)**
(4:09 p.m.)

The application property is located at 7611 Little River Turnpike, Tax Map 70-2 ((1)) 10.

Stuart Mendelsohn, Esquire, reaffirmed the validity of the affidavit for the record.

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

- Mr. Richard O. Duvall, a partner at Holland and Knight LLP
- Mr. Mark E. Baker, a partner at Holland and Knight LLP
- Mr. John P. Rowley, II, a partner at Holland and Knight LLP

Mr. Mendelsohn 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, Chris DeManche, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Cook moved:

- Approval of Special Exception Application SE 2009-BR-003 subject to the development conditions dated July 9, 2009.
- Modification of the transitional screening requirements.
- Waiver of the barrier requirements in favor of the existing on-site landscaping.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

60. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-H-027-02 (ONE RESTON COMPANY LLC AND TWO RESTON COMPANY LLC) (HUNTER MILL DISTRICT)**
(4:15 p.m.)

The application property is located at 12000 and 12010 Sunrise Valley Drive, Tax Map 17-3 ((8)) 1A1 and 1B.

Mark C. Looney, Esquire, reaffirmed the validity of the affidavit for the record.

Mr. Looney 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 items for the record.

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Special Exception Amendment Application SEA 01-H-027-02, subject to the development conditions dated July 9, 2009. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Cook and Supervisor Frey being out of the room, Supervisor Hyland being absent.

61. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-LE-007 (FRANCONIA TWO LP (LEE DISTRICT)) (4:22 p.m.)**

- (O) The application property is located south of Franconia Road, east of Loisdale Road, west of Frontier Drive, and north of Springfield Mall Road, Tax Map 90-2 ((1)) 81A, 98 and 90-2 ((12)) 1, 2, 3, 4A1, 5A1, and 6.

Mark C. Looney, Esquire, reaffirmed the validity of the affidavit for the record.

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

- Mr. William R. Zink, Christopher Consultants
- Mr. John P. Rowley, II, Holland and Knight LLP
- Mr. Mark E. Baker, Holland and Knight LLP
- Mr. Richard O. Duvall, Holland and Knight LLP

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

- Mr. Mitchell N. Schear, Vornado Realty Trust

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

- Franconia Two, LP

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

Discussion ensued concerning:

- Affordable/workforce housing
- Revitalization versus redevelopment
- Spectrum of housing that is needed relative to jobs and transportation
- County Policy and the Comprehensive Plan

Following the public hearing, with testimony by two speakers, St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-LE-007, from the C-7, C-8, HC, and SC Districts to the PDC, HC, and SC Districts, subject to the proffers dated June 17, 2009, and the Conceptual Development Plan (CDP) development conditions dated May 9, 2009.*
- Modification of the required number of loading spaces, as required by the Zoning Ordinance as shown on the CDP/Final Development Plan (FDP).
- Modification of the minimum eight-foot planting width requirement for trees, as required by the Public Facilities Manual (PFM) to that shown on the CDP/FDP and as referenced in the proffers.
- Waiver of the transitional screening yard and barrier requirements between uses on the site.
- Modification of the peripheral parking lot landscaping requirement to that shown on the CDP/FDP.
- Waiver of the interior parking lot landscaping requirement for all existing parking structures.

- Modification of the trail requirement per the Comprehensive Plan for the perimeter of that site to that shown on the CDP/FDP.
- Waiver of the 600-foot maximum length for private streets.
- Modification of the 50 percent limitation on residential as a secondary use in the PDC District.

*Supervisor McKay clarified that the CDP development conditions were dated **May 8, 2009**.

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

(NOTE: On February 12, 2009, the Planning Commission approved Final Development Plan Application FDP 2007-LE-007 and the conceptual development plan.)

62. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 11307 STUART MILL ROAD (HUNTER MILL DISTRICT)** (5:10 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 25 and July 2, 2009.

Christina 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 two speakers, Supervisor Hudgins moved:

- Adoption of the Ordinance declaring 11307 Stuart Mill Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 11307 Stuart Mill Road.

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

63. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2703 GROVETON STREET (MOUNT VERNON DISTRICT)** (5:28 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 25 and July 2, 2009.

Christina 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 McKay, on behalf of Supervisor Hyland, moved:

- Adoption of the Ordinance declaring 2703 Groveton Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 2703 Groveton Street.

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

64. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9310 GUNSTON COVE ROAD (MOUNT VERNON DISTRICT)** (5:35 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 25 and July 2, 2009.

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

Following the public hearing, Supervisor McKay, on behalf of Supervisor Hyland, moved:

- Adoption of the Ordinance declaring 9310 Gunston Cove Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 9310 Gunston Cove Road.

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

DMS:dms

65. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-II-4V, LOCATED SOUTH OF THE VIENNA TRANSIT STATION AND SAINTSBURY DRIVE, WEST OF HUNTER’S BRANCH CONDOMINIUMS, AND EAST OF THE PLANNED EXTENSION OF VADEN DRIVE (METRO WEST) (PROVIDENCE DISTRICT)** (5:38 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 25 and July 2, 2009.

Meghan Van Dam, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Chairman Bulova clarified that the item was APR Item 08-II-4V, not APR Item 08-II-45, as announced earlier.

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

Supervisor Smyth moved:

- Approval of staff alternative for APR Item 08-II-4V, with PC modifications dated July 13, 2009, that would support the nomination as proposed and add language about the maximum residential units, transportation impact, and location of uses.
- Modification to the PC’s text that would reinforce that the new intensity, resulting from this conversion, would not exceed the intensity of the original.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

66. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-13UP, LOCATED ON GEORGETOWN PIKE, EAST OF LEESBURG PIKE, AND WEST OF DIFFICULT RUN (DRANESVILLE DISTRICT)** (5:45 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 25 and July 2, 2009.

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

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

Supervisor Foust moved approval of the staff alternative for APR Item 08-III-13UP, as recommended by the PC. The alternative proposes to modify the adopted Plan text to add language that acknowledges the determination of Georgetown Pike as eligible for listing on the Virginia Landmarks Register and the National Register of Historic Places. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor McKay and Supervisor Smyth being out of the room, Supervisor Hyland being absent.

67. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-15UP, AREA GENERALLY BOUNDED BY THE POTOMAC RIVER; DIFFICULT RUN; LEESBURG PIKE AND LOUDOUN COUNTY (DRANESVILLE DISTRICT)** (5:49 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 25 and July 2, 2009.

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

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

Supervisor Foust moved approval of the staff recommendation for APR Item 08-III-15UP. The recommendation would encourage utility wire burial, the protection of Heritage Trees and significant treescapes, and improve the safety and quality of life in the community. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor McKay and Supervisor Smyth being out of the room, Supervisor Hyland being absent.

68. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-19UP, FOR THE GREAT FALLS AREA WHICH INCLUDES PLANNING SECTORS UP1, UP2, AND UP3 (DRANESVILLE DISTRICT)** (5:52 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 25 and July 2, 2009.

Clara Quintero Johnson, Planner III, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Foust moved approval of APR Item 08-III-19UP, consistent with staff recommendations that include the proposal to add Plan guidance for the Great Falls area to encourage the use of pervious surfaces for areas that are typically paved such as parking lots and driveways. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

69. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-20UP, AREA GENERALLY BOUNDED BY THE POTOMAC RIVER TO THE NORTH; LEE JACKSON MEMORIAL HIGHWAY TO THE SOUTH; VALE ROAD AND PORTIONS OF DIFFICULT RUN AND TOWLSTON ROAD TO THE EAST; LOUDOUN COUNTY AND ROUTE 28 TO THE WEST (DRANESVILLE DISTRICT) (5:55 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 25 and July 2, 2009.

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

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

Supervisor Foust moved approval of the staff alternative of APR Item 08-III-20UP, with modifications, which propose to update the Environment section of the Overview for the Upper Potomac Planning District and incorporate the description of the area to accurately reflect watersheds within its boundaries as well as reflect more current Environmental Policy. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

70. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-21UP, AREA GENERALLY BOUNDED BY POTOMAC RIVER, TOWLSTON ROAD, DIFFICULT RUN, DULLES TOLL ROAD, HUNTER MILL ROAD, LEESBURG PIKE, AND LOUDOUN COUNTY (DRANESVILLE DISTRICT) (5:58 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 25 and July 2, 2009.

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

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

Supervisor Foust moved approval of APR Item 08-III-21UP, which proposes the addition of Plan text to the Public Facilities section of the Overview of the Upper Potomac Planning District to encourage exploring possible sites for a community center. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Hyland being absent.

71. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-4UP, CONSISTING OF THE RESTON COMMUNITY PLANNING SECTOR (UP5) AND THE RESTON-HERNDON SUBURBAN CENTER'S LAND UNITS C THROUGH I (HUNTER MILL DISTRICT)**
(6:01 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 25 and July 2, 2009.

Faheem Darab, Planner II, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Darab presented the staff and Planning Commission (PC) recommendations.

Discussion ensued, with input from Fred Selden, Director, PD, DPZ, regarding whether the language template for APR Item 08-III-4UP is for that specific location.

Supervisor Gross asked unanimous consent that the Board direct staff to examine whether that language could be used for other locations. Without objection, it was so ordered.

Supervisor Hudgins moved approval of the PC's recommendation for APR Item 08-III-4UP. The proposal plans to incorporate text regarding public art within both Suburban Center and Reston Community Planning Sector portions of the Plan. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

72. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-5UP, CONSISTING OF LAND UNITS A AND B OF THE RESTON HERNDON SUBURBAN CENTER (HUNTER MILL AND DRANESVILLE DISTRICTS)**
(6:12 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 25 and July 2, 2009.

Faheem Darab, Planner II, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, Mr. Darab presented the staff and Planning Commission (PC) recommendations.

Supervisor Hudgins moved approval of the PC's recommendation for APR Item 08-III-5UP, which proposes editorial changes to the Land Units A and B of the Reston-Herndon Suburban Center. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

73. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-14UP, LOCATED NORTHWEST OF THE SUNRISE VALLEY DRIVE AND RESTON PARKWAY INTERSECTION (HUNTER MILL DISTRICT)** (6:15 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 25 and July 2, 2009.

Faheem Darab, Planner II, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, Mr. Darab presented the staff and Planning Commission (PC) recommendations.

Supervisor Hudgins moved approval of the PC's recommendation for APR Item 08-III-14UP, which proposes an editorial change to correct an error that occurred in Plan Amendment 2001-01 in the year 2000. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Smyth being out of the room, Supervisor Hyland being absent.

74. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-2BR, LOCATED SOUTHEAST OF THE CENTREVILLE ROAD AND NEW BRADDOCK ROAD INTERSECTION (SULLY DISTRICT)** (6:17 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 25 and July 2, 2009.

Bernard Suchicital, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Frey moved approval of an alternative for APR Item 08-III-2BR, to add Plan text indicating that the property may be needed as right-of-way for a future interchange. Supervisor Foust seconded the motion and it carried by a vote

of seven, Supervisor Cook and Supervisor Hudgins being out of the room, Supervisor Hyland being absent.

75. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-3DS, LOCATED SOUTH OF HORSE PEN RUN AND NORTH OF McLEAREN ROAD, BETWEEN SULLY ROAD AND CENTREVILLE ROAD (SULLY DISTRICT)** (6:20 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 25 and July 2, 2009.

Bernard Suchicital, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of the PC's recommendations for APR Item 08-III-3DS. The proposal includes updates to the text, which acknowledges the development that has occurred in the land unit and identifies Parcel 24-4 ((1)) 11B for office use with a maximum of 0.50 floor area ratio (FAR). Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Cook and Supervisor Hudgins being out of the room, Supervisor Hyland being absent.

76. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-4DS, LOCATED SOUTHEAST OF THE LEE JACKSON MEMORIAL HIGHWAY AND ELMWOOD STREET INTERSECTION (SULLY DISTRICT)** (6:22 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 25 and July 2, 2009.

Bernard Suchicital, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Frey moved approval of APR Item 08-III-4DS, as recommended by staff. The proposal for this Plan amendment will eliminate conflicting land-use guidance within the Plan. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Hyland being absent.

77. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-5DS, LOCATED NORTHEAST OF THE SULLY ROAD AND WILLARD ROAD INTERSECTION (SULLY DISTRICT)** (6:24 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 25 and July 2, 2009.

Bernard Suchicital, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of the PC's recommendations for APR Item 08-III-5DS. This recommendation supports the nomination's proposed intensity increase to 0.70 floor area ratio (FAR), but adds Plan text addressing site design and traffic impacts. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Hyland being absent.

78. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-7DS, LOCATED EAST OF THE LOUDOUN COUNTY LINE, SOUTH OF DULLES INTERNATIONAL AIRPORT, NORTH OF LEE JACKSON MEMORIAL HIGHWAY AND WEST OF STONECROFT BOULEVARD (SULLY DISTRICT)** (6:30 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 25 and July 2, 2009.

Bernard Suchicital, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of the staff and Task Force alternative for APR Item 08-III-7DS, as recommended by the PC. This alternative adds Plan text that indicates construction-related and heavy industrial uses up to 0.35 floor area ratio (FAR) may be appropriate in the area north of Murdock Street. Supervisor McKay seconded the motion and it carried by a vote of six, Supervisor Herrity, Supervisor Hudgins, and Supervisor Smyth being out of the room, Supervisor Hyland being absent.

79. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 08-III-FC1, LOCATED NORTHWEST OF THE LEE JACKSON MEMORIAL HIGHWAY AND FAIR RIDGE DRIVE INTERSECTION (SULLY DISTRICT)** (6:36 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 25 and July 2, 2009.

Bernard Suchicital, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Supervisor Frey moved approval of the PC's recommendations for APR Item 08-III-FC1 with modifications as outlined in the Board Agenda item dated July 13. This recommendation provides an option for 100 units of elderly housing at the overlay level. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Smyth being out of the room, Supervisor Hyland being absent.

80. **5 P.M. – PH ON A PROPOSAL TO VACATE LAUREL ROAD (MOUNT VERNON DISTRICT)** (6:39 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 25 and July 2, 2009.

Donald Stephens, Transportation Planner, Site Analyst Section, Department of Transportation, presented the staff report.

The public hearing was held and it included testimony from one speaker. On behalf of Supervisor Hyland, Supervisor McKay moved adoption of the Ordinance to vacate Laurel Road. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Smyth being out of the room, Supervisor Hyland being absent.

81. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE NEWGATE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (6:42 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 25 and July 2, 2009.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Newgate CPD. The proposed expansion encompasses Awbrey Patent Drive from Stone Road to Rocky Run Drive. Supervisor Herrity and Supervisor Foust jointly seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, and Chairman Bulova voting “AYE,” Supervisor McKay and Supervisor Smyth being out of the room, Supervisor Hyland being absent.

82. **6 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2008-SP-025 (ISLAMIC SAUDI ACADEMY) (SPRINGFIELD DISTRICT)** (6:44 p.m.)

The application property is located at 11506 and 11101, 11115, 11121, 11123 Popes Head Road, Tax Map 68-3 ((1)) 61, 62, 63, and 64.

Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed that he received a campaign contribution in excess of \$100 from ECS Corporate Services LLC, which is not affiliated with this application, but is affiliated with ECS Mid-Atlantic, LLC, which happens to be an agent for the applicant.

Ms. Strobel 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.

Supervisor Herrity said that the decision on this application would be based solely on land-use issues, the Comprehensive Plan, the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), and the relevant testimony from citizens.

Supervisor Herrity announced his intent to defer, later in the meeting at the appropriate time, the decision on Special Exception Application SE 2008-SP-025 until August 3 and keep the record open to permit persons wishing to testify on this matter to provide such testimony.

Following the testimony of Mr. John Ziu (Speaker 8), Supervisor Herrity clarified that transportation, septic, and public sewage are land-use issues and will be taken into consideration.

Following the testimony of Ms. Hazel Rathburn (Speaker 10), discussion ensued, with input from Chuck Almquist, Transportation Planner, Site Analysis Section, Transportation Planning and Operations Division, Department of Transportation, regarding the ranking of the most dangerous roads in the County and whether Popes Head Road was on the list.

Discussion ensued, with input from Ms. Strobel and Robin Antonucci, Principal, Wells and Associates, regarding the speed limit on Popes Head Road.

Following the public hearing, which included testimony by 52 speakers, Tracy Strunk, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Herrity moved to:

- Defer decision on Special Exception Application SE 2008-SP-025 until August 3, 2009.
- Keep the record open to permit persons wishing to testify on this matter to provide such testimony.

Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

ADDITIONAL BOARD MATTER

83. **DEDICATION TO METRO AND DULLES RAIL** (10:19 p.m.)

Supervisor Hudgins announced that the House Appropriations Committee's transportation, housing, and urban development subcommittee has dedicated \$150 million for the Metro and \$85 million for the Dulles Rail.

84. **BOARD ADJOURNMENT** (10:19 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-3
Report by the Oversight Committee on Drinking and Driving	4
Presentation of the Transportation Advisory Commission 2008 Transportation Achievement Award	5
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	5-11
Items Presented by the County Executive	
Administrative Items	11-14
Action Items	14-18
Information Items	18-20, 36
Board Matters	
Chairman Bulova	20-22
Supervisor Cook	28
Supervisor Foust	n/a
Supervisor Frey	2, 26-27
Supervisor Gross	4, 25-26
Supervisor Herrity	26-27
Supervisor Hudgins	2, 23-25, 57
Supervisor Hyland	29
Supervisor McKay	n/a
Supervisor Smyth	26
Actions from Closed Session	35
Public Hearings	36-57