



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
August 3, 2009**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, August 3, 2009, at 9:41 a.m., there were present:

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

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

BOARD MATTERS1. **MOMENT OF SILENCE** (9:41 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Robert W. Good, who died last week. He was the husband of Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment.

Supervisor Frey asked everyone to keep in thoughts the family of Mr. Dennis Ray Ross, Jr., who died recently. Mr. Ross was scheduled to report for military basic training.

Supervisor Frey also asked everyone to keep in thoughts the family of Mr. Bryan Vidarte, who died recently. Mr. Ross and Mr. Vidarte were both 2008 high school graduates and 19 years of age.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Rick Edgerton, who died recently. Mr. Edgerton was very involved with the Stratford Landing Civic Association and the Mount Vernon Council of Civic Associations.

2. **ORDERS OF THE DAY** (9:44 a.m.)

Chairman Bulova announced that the Board has a number of things to celebrate today, and things would be a little bit out of sequence.

3. **COUNTY TO HOST WORLD POLICE AND FIRE GAMES 2015**
(9:44 a.m.)

Chairman Bulova said that Supervisor Frey was in Vancouver part of last week with the County's public safety officials. She invited all of the public safety officials to come down to the podium.

Supervisor Frey said he was in Vancouver last week to make the formal presentation to become the host jurisdiction for the 2015 World Police and Fire Games. He noted that the Board endorsed the effort in 2005-2006 to begin the process to host the 2013 games. The federation announced that it was going to Europe in 2013, however it was very supportive and encouraging for the County to stay involved in the process. In 2008 the Board endorsed continued efforts to endorse the 2015 World Games.

Barry Biggar, Director, Visit Fairfax, gave remarks regarding the Vancouver trip and the County hosting the 2015 World Games.

Following a query by Supervisor Hyland, Mr. Biggar said that he will provide the Board with copies of the video of the opening ceremony.

Chairman Bulova announced that Visit Fairfax is funded by hotel/motel taxes and encourages tourism and the promotion of the County as a destination.

AGENDA ITEMS

4. **CERTIFICATES OF RECOGNITION PRESENTED TO FAIRFAX COUNTY POLICE OFFICERS AND THEIR K-9 PARTNERS** (9:56 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to the County police officers and their K-9 partners who participated in an Iron Dog competition, as follows:

- PFC Lori Beach and Police Dog Elvis
- MPO Gary Brown and Police Dog Zeus
- MPO Mark Dale and Police Dog Blitz
- PFC Michael Gubesch and Police Dog Scout
- MPO Jason Herbert and Police Dog Thunder
- Sergeant Shawn Martin and Police Dog Nero
- PFC Robin Wyatt and Police Dog Gallo

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

5. **CERTIFICATES OF RECOGNITION PRESENTED TO PUBLIC SAFETY STAFF, LANDSDOWNE RECREATION CENTER LIFEGUARDS AND LIFEGUARDS, AND SUPERVISOR FREY** (10:09 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to staff from Public Safety and the lifeguards from the Landsdowne Recreation Center for their services to save a young boy's life. Supervisor McKay seconded the motion and it carried by unanimous vote.

Ron Maston, Fire Chief, presented life saving awards to the following lifeguards:

- Mr. Chris Elznic
- Mr. Matt Harburg

Chief Maston said that on June 25, 2009, units from the Third Battalion were dispatched to the bike trail on Bassing Stoke Loop and Green Park Lane. One of the County's distinguished community residents recognized someone who was

acting irrational and had seen this person on the bike path earlier that day. Because of his intervention and summoning EMS to the scene, the person underwent major surgery for a brain injury. Therefore, Chief Maston presented a life saving award to Supervisor Michael Frey for his intervention that day.

6. **PROCLAMATION DESIGNATING AUGUST 4, 2009, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (10:25 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate August 4, 2009, as "*National Night Out*" in Fairfax County and encouraged all residents to participate in this worthy event. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

David Rohrer, Police Chief, said that National Night Out promotes the importance of community-police partnerships, neighborhood safety, and public awareness of crime prevention programs. It is an opportunity for the community to publicly stand together and speak out against crime. He encouraged all residents, on August 4, to turn on their outside lights as a symbol of support. He also encouraged everyone to lock their car doors to prevent items such as Ipods and GPS systems from being stolen.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. KAY TSUI** (10:38 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Ms. Kay Tsui for her accomplishments in cycling. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO THE VIRGINIA YOUTH SOCCER STATE DIVISION CHAMPIONS** (10:45 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to the Virginia Youth Soccer State Champions for their accomplishments. This motion, which was multiply seconded, carried by unanimous vote.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE CHANTILLY HIGH SCHOOL GIRLS' LACROSSE AND SOCCER TEAMS (SULLY DISTRICT)** (10:55 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to members of the Chantilly High School girls' lacrosse team and soccer team for their accomplishments. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

10. **CERTIFICATES OF RECOGNITION PRESENTED TO LANGLEY AND CHANTILLY HIGH SCHOOLS BOYS' LACROSSE TEAMS (DRANESVILLE AND SULLY DISTRICT)** (11:01 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Langley High School boys' lacrosse team for winning the northern region and State championships. Supervisor Frey seconded the motion and it carried by unanimous vote.

Supervisor Frey moved approval of the Certificate of Recognition to members of the Chantilly High School boys' lacrosse team for advancing to the State championship finals. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Supervisor Foust recognized and thanked Langley High Schools' lacrosse coach, Earl Brewer, for the success.

11. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. DAVID WYTTENBACK, MR. KWAME BROWN, MR. DEMPSEY WILSON, MR. DAVE FALLER, MR. LEON PLENTY, AND MS. DAWN STOFFELEN (LEE DISTRICT)** (11:08 a.m.)

Supervisor McKay moved approval of the Certificates of Recognition presented to Mr. David Wyttenback, Mr. Kwame Brown, Mr. Dempsey Wilson, Mr. Dave Faller, Mr. Leon Plenty, and Ms. Dawn Stoffelen for their professionalism, quick thinking, and service to the patrons of the Lee District Park RECenter. Supervisor Foust and Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

ADDITIONAL BOARD MATTER

12. **PRESENTATION OF THE 2008 NATIONAL ASSOCIATION OF COUNTIES (NACo) "BEST IN CATEGORY" AWARD WINNERS** (11:17 a.m.)

Supervisor Gross referred to her written Board Matter, copies of which were circulated around the dais, regarding the NACo awards. Supervisor Gross said that last week she represented the County and the Virginia Association of Counties at the seventy-fourth Annual NACo Conference and Exposition in Nashville. She noted that Supervisor Hyland, the Board's primary delegate, was also in attendance.

Supervisor Gross said that in addition to participating in committee work, moderating a panel on "Going Green," and attending stimulating general sessions with national speakers, it was a pleasure to accept three Best of Category Awards for NACo's 2009 Achievement Awards. Of the 20 awards given nationally, Virginia took home five awards, or 25 percent of the total, as Powhatan and

Augusta Counties also received Best in Category Awards. There were more than 800 nominations received from counties across the States.

Supervisor Gross noted that the following County programs received an achievement award:

- RoadDAWG
- The Herrity Garage Vegetative Roof
- The Excellence Coalition for Education, Literary, and Library Services
- The Integrated Parcel Life Cycle System
- Community Connection

Supervisor Gross presented the following Best in Category Awards:

- The Silver Lining Initiative as the best example of a Community and Economic Development program – Paula Sampson, Director, Department of Housing and Community Development
- Tree Conservation Ordinance as the best in the Environmental and Energy Protection Category – Michael Knapp, Urban Forester, Land Development Services, Department of Public Works and Environmental Services
- Courtroom Technology Management System was the most outstanding program in Information Technology – Wanda Gibson, Director, Department of Information Technology

On behalf of the Board, Chairman Bulova congratulated all of the winners.

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13. **10:00 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:26 a.m.)

(APPTS)
(BACs)

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

The Board deferred the appointment of the Springfield District Representative.

CITIZENS CORPS COUNCIL

Supervisor Foust moved the appointment of Mr. A. James Diehl as the Dranesville District Representative. Supervisor Gross and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Mason District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Mr. Richard Frisch as the Chamber of Commerce Representative

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

CONSUMER PROTECTION

Supervisor Frey moved the appointment of Mr. George Bounacos as the Fairfax County Citizen #7 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Fairfax County Resident #6 Representative.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Providence District Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

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 and the Providence District Representatives.

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS**

CONFIRMATIONS:

Supervisor Gross moved confirmation of the following appointments:

- Ms. Janet Sass as the Northern Virginia Hospitality Council #4 Representative
- Mr. Ben Hiatt as the Northern Virginia Hospitality Council #6 Representative
- Mr. Michael Sternberg as the Northern Virginia Hospitality Council #9 Representative
- Ms. Shelly DiMeglio as the Northern Virginia Hospitality Council #10 Representative
- Mr. Brian Kelleher as the Northern Virginia Hospitality Council #11 Representative

Supervisor Foust seconded the motion which carried by unanimous vote.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Supervisor Frey moved the reappointment of Mr. Robert Carlson as the At-Large #1 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Bulova announced the nomination of Ms. Pamela Barrett as the At-Large Chairman's Representative. The Board will take action on this nomination on September 14, 2009.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #5, Provider #1, Braddock District, and Mason District Representatives.

HUMAN SERVICES COUNCIL

Supervisor McKay moved the reappointment of Mr. Richard Gonzalez as the Lee District Representative. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Donna Fleming as the Providence District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Richard Berger as the Sully District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock and Mason District Representatives.

INDUSTRIAL DEVELOPMENT AUTHORITY

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

LIBRARY BOARD

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Foust moved the appointment of Ms. Amy K. Reif as the Dranesville District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

WATER AUTHORITY

Supervisor Cook moved the appointment of Mr. J. Alan Roberson as the Braddock District Representative. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Providence District Representative.

WETLANDS BOARD

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

ADDITIONAL APPOINTMENT14. **REDEVELOPMENT AND HOUSING AUTHORITY** (11:34 a.m.)

Supervisor Hudgins announced the resignation of Mr. Lee Rau as the Hunter Mill District Representative and moved the appointment of Mr. Richard Kennedy to fill his unexpired term. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Rau to appear before the Board to be recognized for his important service. Without objection, it was so ordered.

15. **ADMINISTRATIVE ITEMS** (11:35 a.m.)

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

Supervisor Foust asked to amend the motion to consider Admin 9 separately, and this was accepted.

Supervisor McKay called the Board's attention to Admin 8 – Approval to Apply for an Allocation of Sponsoring Partnerships and Revitalizing Communities (Sparc) Mortgage Funds from the Virginia Housing Development Authority (VHDA). Discussion ensued, with input from Barbara Silberzahn, Director, Homeownership and Relocation Services Division, Housing and Community Development, regarding the funding, the purchase of foreclosed homes, and the criteria for the program.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 9, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND
SULLY DISTRICTS)**

(R) Approved the request that the streets listed below be added to the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Grovemont Property	Dranesville	Nicholas Run Drive
Besley Farm	Hunter Mill	Irvin Street (Route 831)
Centerside	Providence	Center Street Walled Oak Court Centerside Court
Fairfax Center Parcel B-1 (Wegmans)	Springfield	Government Center Parkway (Route 7436) (Additional ROW Only)
Henry A Long and Dennis McArver Parcel A – Newbrook Drive	Sully	Newbrook Drive (Route 8411) Poplar Tree Road (Route 4831) (Additional ROW Only) Walney Road (Route 657) (Additional ROW Only)

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF CENTER LANE STORMWATER MANAGEMENT DRAINAGE IMPROVEMENTS – PROJECT CA8000 (CA004) (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2009, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project CA8000 (CA004) – Center Lane Stormwater Management Drainage Improvements, Fund 318, Stormwater Management Program.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), IN COMPLIANCE WITH THE ENVIRONMENTAL PROTECTION AGENCY’S (EPA) NEW PRETREATMENT STREAMLINING RULE AND MISCELLANEOUS EPA AND COUNTY HOUSEKEEPING UPDATES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Articles 1–8, to incorporate revisions required by the EPA’s new Streamlining Rule and corresponding changes to the Virginia Pollutant Discharge Elimination System Permit Regulation. Also the ordinance is being amended to incorporate miscellaneous EPA and County housekeeping updates including a modification to the conditions under which the County will pay claims.

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES, AND INSTALLATION OF MULTI-WAY STOP AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE, PROVIDENCE, AND MOUNT VERNON DISTRICTS)

- (R)
- Endorsed a traffic calming plan for Davidson Road consisting of one raised crosswalk and one speed hump on Davidson Road (Dranesville District).
 - Approved a multi-way stop at Marbury Road and Oakton Ridge Court (Providence District).
 - Adopted the Resolution authorizing installation of a “Watch for Children” sign on Fort Hunt Road (Mount Vernon District).

- Directed staff to request the Virginia Department of Transportation (VDOT) to install the approved measures as soon as possible.

ADMIN 5 – APPROVAL OF INSTALLATION OF “NO PARKING” SIGNS ON SCHOOL STREET (LEE DISTRICT)

- (R)
- Adopted the Resolution authorizing installation of “No Parking” signs on the southern portion of School Street from the western boundary of 3009 School Street to the eastern boundary of 3005 School Street.
 - Directed staff to install the signs at the earliest possible date.

ADMIN 6 – APPROVAL OF INSTALLATION OF “NO PARKING” SIGNS ON MORNING VIEW LANE (LEE DISTRICT)

- (R)
- Adopted the Resolution authorizing installation of “No Parking” signs on the west side of Morning View Lane, from the intersection of Tassia Drive and continuing south for approximately 75 feet.
 - Directed staff to install the signs at the earliest possible date.

ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V08-18	T-Mobile Northeast LLC 100-foot monopole (flagpole type) 5614 Old Mill Road (Mount Vernon District)	October 8, 2009
FS-Y09-31	Cricket Communications Antenna colocation on existing transmission tower Lee Highway/White Post Road intersection (Sully District)	October 9, 2009

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-V09-11	T-Mobile Northeast LLC 125-foot monopole/light pole 8501 Silverbrook Road (South County High School) (Mount Vernon District)	October 31, 2009
FS-Y09-34	Clearwire US LLC Antenna colocation on existing monopole 5858 Old Centreville Road (Centreville VFD Station) (Sully District)	November 6, 2009
FS-Y09-36	Clearwire US LLC Antenna colocation on existing monopole Bobann Drive (Sully District)	November 6, 2009
FS-D09-37	Cricket Communications Antenna colocation on existing tower 11000 Leesburg Pike (Dranesville District)	November 7, 2009
FS-V09-35	Clearwire US LLC Antenna colocation on existing monopole 8101 Lorton Road (Mount Vernon District)	November 12, 2009
FSA-P09-4-1	Verizon Wireless Antenna colocation on existing water tank 3300 Gallows Road (Fairfax Hospital) (Providence District)	November 12, 2009
FS-B09-42	Fairfax County Public Schools and Junior Achievement Junior Achievement Building 4101 Pickett Road (Frost Middle School) (Braddock District)	December 7, 2009

ADMIN 8 – APPROVAL TO APPLY FOR AN ALLOCATION OF SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) MORTGAGE FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

(NOTE: Earlier in the meeting, the Board discussed this item. See page 11.)

Authorized the Department of Housing and Community Development, on behalf of the Fairfax County Redevelopment and Housing Authority, to apply for an allocation of up to \$18 million in SPARC mortgage funds from VHDA.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2010 REVISED BUDGET PLAN

(NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page 11.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #16.)

16. **ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2010 REVISED BUDGET PLAN** (11:41 a.m.)

(A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See Clerk's Summary Item #15.)

Discussion ensued, with input from Anthony H. Griffin, County Executive, and Susan Datta, Director, Department of Management and Budget, regarding the \$5 million recommended to be set aside for unanticipated requirements in FY 2010, Carryover, the Rainy Day Fund, and the nine new positions requested by the Health Department.

Further discussion ensued, with input from Edward L. Long, Jr., Deputy County Executive, regarding the employees' rate for health care costs.

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 14, 2009, at 10 a.m.** to consider increasing the FY 2010 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2009 Carryover Reviews*. Supervisor Hudgins seconded the motion.

Supervisor Foust moved to amend the motion that the \$5 million recommended to be set aside for unanticipated requirements in FY 2010 be deleted from what is being advertised and that sum be added to the reserve to offset the projected FY 2011 deficit. This amendment to the motion died due to lack of a second.

Supervisor Foust moved to amend the motion that the Board's authorization for Agency 71, Health Department, to create nine new positions be deleted from the advertisement. This amendment to the motion died due to lack of a second.

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

17. **A-1 – APPROVAL OF MODIFICATION OF COVENANTS OF THE STONEHURST SUBDIVISION (PROVIDENCE DISTRICT)** (12:01 p.m.)

(R) On motion of Supervisor Smyth, seconded by Supervisor Gross, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," the Board concurred in the recommendation of staff and:

- Adopted a Resolution approving certain modifications to the existing covenants of Stonehurst Subdivision, as set forth in Attachment 1 of the Board Agenda Item.
- Authorized the County Executive, or his designee, to execute such additional document(s) evidencing such approval as he deems appropriate.

18. **A-2 – APPROVAL OF CHANGES TO THE PROCESSING OF TRAFFIC IMPACT ANALYSES (TIA) FOR REZONING APPLICATIONS** (12:01 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed changes in the Letter to Industry regarding the processing of TIA for rezoning applications to allow an earlier review of the TIA by the Virginia Department of Transportation.

19. **A-3 – APPROVAL OF AMENDED PARKING REDUCTION FOR HYATT DULLES HOTEL (HUNTER MILL DISTRICT)** (12:01 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 28.4 percent for Hyatt Dulles Hotel, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Paragraph 4(B), Section 11-102, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated August 3, 2009.

20. **A-4 – ENDORSEMENT OF COMMENTS ON PROPOSED AMENDMENTS TO THE VIRGINIA STORMWATER MANAGEMENT REGULATIONS** (12:02 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse the comments on proposed amendments to Parts I, II, II, and XIII of the Virginia Stormwater Management Regulations and submit the comments. Supervisor Smyth seconded the motion.

Supervisor Cook asked to amend the motion to send copies of the comments to the State Delegates and Senators, and this was accepted.

Discussion ensued, with input from James Patteson, Director, Land Development Services, Department of Public Works and Environmental Services, regarding revitalization areas and whether there has been discussion of the flexibility for revitalization areas.

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

21. **A-5 – COMMENTS ON THE PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM (FCIP) – NATIONAL CAPITAL REGION, FISCAL YEARS (FY) 2010 – 2015** (12:10 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize submittal of comments, as outlined in Attachment 1 of the Board Agenda Item, to the National Capital Planning Commission concerning the proposed FCIP FY 2010 – FY 2015. Supervisor Hudgins seconded the motion.

Supervisor Hyland asked to amend the motion to add a paragraph to the letter listing all the offsite improvements that the County felt was necessary to implement the Base Realignment and Closure (BRAC). This was accepted.

Supervisor Hudgins noted the inclusion of a new paragraph at the end of the letter regarding the Pedestrian Bridge Dulles Access and Toll Road project.

Further discussion ensued, with input from David B. Marshall, Chief, Facilities Planning Branch, Department of Planning and Zoning, regarding the contents of the letter.

Supervisor McKay stated for the record his objection to the complete rebuilding of the Commissary and the impact it will have on the private sector businesses around Fort Belvoir.

Supervisor Hudgins asked unanimous consent that the Board direct staff to send a separate letter, referencing the forum held by National Capital Planning and the Council of Governments with the urban initiative to the Department of Defense

regarding the County's Comprehensive Plan. Without objection, it was so ordered.

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

Supervisor McKay clarified that the letter should not object necessarily to the rebuilding of the Commissary, but the growth and expansion of the other outlets happening on the base.

ADDITIONAL BOARD MATTER

22. **INTRODUCTION OF INTERN (HUNTER MILL DISTRICT)** (12:28 p.m.)

Supervisor Hudgins introduced Christopher Sheppard, an intern in her office. He is a rising sophomore and class president at South Lakes High School. On behalf of the Board, Chairman Bulova warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

23. **A-6 – APPROVAL OF THE COMMUNITY SERVICE BOARD'S (CSB) STATE PERFORMANCE CONTRACT FOR FISCAL YEAR (FY) 2010** (12:28 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the FY 2010 State Performance Contract with the Virginia Department of Behavioral Health and Developmental Disabilities, and the associated acceptance of funds.

24. **A-7 – AUTHORIZATION FOR SCHEDULING A VOTE ON A PROPOSED AMENDMENT TO THE RULES OF PROCEDURE REGARDING TIME ALLOCATIONS FOR SPEAKERS AT BOARD PUBLIC HEARINGS** (12:29 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and schedule a vote for September 14, 2009, to amend the Rules of Procedure regarding proposed new time allocations for persons addressing the Board, Supervisor Smyth seconded the motion.

Following discussion, regarding the time allocation for speakers, Supervisor Cook asked to amend the motion to indicate that five minutes will be given to the authorized representative of an organization. This was accepted.

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

Discussion ensued with input from Catherine A. Chianese, Assistant County Executive, and Anthony H. Griffin, County Executive, regarding a draft calendar, changing the Board's meeting days from Mondays to Tuesdays for adoption in January.

Supervisor Hyland volunteered to speak with the chairman of the Board of Zoning Appeals because its schedule will be affected by a Tuesday Board meeting schedule.

25. **A-8 – APPROVAL OF FISCAL YEAR (FY) 2009 YEAR-END PROCESSING** (12:39 p.m.)

(SAR) On motion of Supervisor Gross, seconded by Chairman Bulova, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," the Board concurred in the recommendation of staff and:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2009 for the interim period from July 1 until the Board approves the *FY 2009 Carryover Review*, which is scheduled for action on September 14, 2009.
- Approved Supplemental Appropriation Resolution AS 09161 for the one School Board fund requiring an additional appropriation for FY 2009.

26. **A-9 – APPROVAL OF MASTER LEASE-PURCHASE AGREEMENT FOR FINANCING OF EQUIPMENT AND OTHER ACTIONS ASSOCIATED WITH AWARD OF THE CONTRACT TO PROVIDE LEASE-PURCHASE FINANCING FOR ACQUISITION OF EQUIPMENT** (12:39 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize award and execution of a contract substantially in the form of a Master Lease Agreement with TD Equipment Finance, Incorporated, pursuant to the competitive negotiation procurement, to provide lease-purchase financing for acquisition of eligible equipment. Supervisor McKay seconded the motion.

Discussion ensued with input from David P. Bobzien, County Attorney, regarding the reissue of the master lease agreement.

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

27. **A-10 – APPROVAL OF DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ (CRS) POLICY FOR ALLOCATING COMMUNITY USE TIME TO PARTNER ORGANIZATIONS ON SYNTHETIC TURF FIELDS** (12:40 p.m.)

(P) Supervisor Gross moved that the Board concur in the recommendation of staff and approve CRS’ Field Allocation Policy, which provides guidance on the development of partnerships with community organizations seeking to contribute to the development of a synthetic turf field and the allocation of community use time on synthetic turf fields governed by a Memorandum of Understanding (MOU). The MOU policy must be reviewed by the Board every three years. This motion was multiply seconded and it carried by unanimous vote.

28. **I-1 – A PLATINUM PERFORMANCE AWARD PRESENTED TO THE FAIRFAX COUNTY WASTEWATER MANAGEMENT PROGRAM – NOMAN M. COLE, JR. POLLUTION CONTROL PLANT BY THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES (NACWA)** (12:44 p.m.)

The Board next considered an item contained in the Board Agenda dated August 3, 2009, announcing that the Noman M. Cole Jr. Pollution Control Plant received a platinum performance award from the NACWA in recognition of its complete and consistent compliance with the National Pollutant Discharge Elimination System Permit for 11 consecutive years of 100 percent permit compliance, including calendar year 2008. The award honors outstanding accomplishments of employees in the Wastewater Management Program in protecting and improving environmental quality of water resources in the County as well as in the Chesapeake Bay through effective wastewater treatment at the plant on a 24/7 basis.

29. **I-2 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 2010 FEE SCHEDULE** (12:45 p.m.)

The Board next considered an item contained in the Board Agenda dated August 3, 2009, requesting authorization for CSB to implement its FY 2010 Fee Schedule on October 1, 2009.

The staff was directed administratively to proceed as proposed.

30. **I-3 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS RECESS** (12:45 p.m.)

The Board next considered an item contained in the Board Agenda dated August 3, 2009, requesting authorization for the County Executive, or the appropriate Deputy County Executive, to continue to approve street acceptance items and award contracts during the period between the August meeting and the

first meeting in September. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

31. **THE NYSMITH SCHOOL ODYSSEY OF THE MIND TEAM GOES TO WORLD COMPETITION** (12:45 p.m.)

Chairman Bulova said that Odyssey of the Mind provides creative problem-solving opportunities for students from kindergarten through high school, ranging from building mechanical devices to presenting solutions to the problems of global warming. Students then bring their solutions to competition on the local, state, and world level.

The Nysmith School for the Gifted in Herndon won the title of Virginia State Champion at the NASA-sponsored "Earth Trek" competition. As a part of Division II, which includes students in grades six to eight, the team then competed in the World Finals, held at Iowa State University. Team Nysmith was awarded second place in the "spontaneous" part of the competition, and won tenth place at the overall competition in Division II.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to invite the members of Virginia State Champion Team Nysmith to appear before the Board on October 5 to receive certificates of achievement for their participation in Odyssey of the Mind. Without objection, it was so ordered.

32. **RECOGNIZING COLUMBIA LIGHTHOUSE FOR THE BLIND'S OUTSTANDING VETERAN SERVICE** (12:46 p.m.)

Chairman Bulova said that she recently had the pleasure of meeting with members of Columbia Lighthouse for the Blind to discuss their continued assistance for veterans returning from conflict zones with visual impairments. There are currently more than 165,000 blind or visually impaired veterans living in America.

The program, "Bridge to Work," is specifically designed to help these veterans return to work. Those in the program are able to participate in job preparation training; learn how to convert military skills to a civilian workplace; obtain training on assistive technology and computers; and have access to a specially trained case manager who can assess current skill, training needs, and help with adjustment to daily life. "Bridge to Work" helps to ensure that blind or visually

impaired veterans seeking employment have the skills, resources, and training they need to succeed.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite representative members of the Columbia Lighthouse for the Blind to appear before the Board on September 14 to receive recognition for their outstanding assistance. Without objection, it was so ordered.

33. **NATIONAL CHILD PASSENGER SAFETY WEEK** (12:47 p.m.)

Chairman Bulova said that throughout the week of September 12-18, 2009, the County Police Department is promoting National Child Passenger Safety Week. She said that the Police Department has done an exceptional job promoting Child Passenger Safety. For two years in a row the Police Department has won the first place award for occupant protection by the International Association of Chiefs of Police. In addition, it has received a Regional EMS award for the department's involvement with Child Passenger Safety.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite representative members of the Police Department to appear before the Board on September 14 to receive a Proclamation recognizing and declaring September 12-18 as "*National Child Passenger Safety Week*" in Fairfax County. Without objection, it was so ordered.

34. **FAIRFAX LIBRARY FOUNDATION FIFTEENTH ANNIVERSARY**
(12:49 p.m.)

Chairman Bulova said that the Fairfax Library Foundation will be celebrating its fifteenth year anniversary on September 12, 2009. Throughout its 15 years the foundation has helped to enhance the programs and services of the library.

In 2008 alone the Fairfax Library Foundation provided more than \$500,000 to help local libraries flourish. The Foundation has also played a tremendous role in support of the Perspective Series, BookCast, and the live homework service, www.Tutor.com. These programs and services are of great value to County residents and help to enhance the community.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation recognizing September 12, 2009, as the fifteenth year anniversary of the Fairfax Library Foundation. Without objection, it was so ordered.

Supervisor Smyth noted that the County is also celebrating the seventieth anniversary of the Fairfax County Public Library that day.

35. **SEPTEMBER IS FOOD SAFETY EDUCATION MONTH** (12:51 p.m.)

Chairman Bulova said that although there are many safeguards put into place to support the health of consumers, such as recalls of contaminated food items, there are simple day-to-day procedures that can significantly protect consumers from food borne illnesses. During the month of September, the County Health Department will be promoting good health practices by highlighting these food safety procedures.

There are four basic food-handling safety techniques: clean, separate, cook and chill. Individuals are encouraged to utilize these techniques to protect themselves from many illnesses related to food, and ultimately live healthier lives.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation recognizing the month of September as “*Food Safety Education Month*” in Fairfax County. Without objection, it was so ordered.

36. **TELEWORK DAY IN VIRGINIA** (12:52 p.m.)

Chairman Bulova said that Governor Tim Kaine designated today, August 3, as Telework Day across Virginia. In his press release, the Governor states that “Telework is a family-friendly, business-friendly public policy that promotes workplace efficiency, reduces strain on transportation infrastructure, and provides an opportunity to ‘green’ Virginia.” While Telework Day is oriented primarily towards private employers, today does provide an opportunity to update the Board on the County’s long-standing Telework program and to encourage County employees to consider telework with their supervisor’s approval.

The Board and the County Executive have supported telework as a work option for the County workforce since 1996. In October of 2001, the County launched the Telework Expansion Project and in 2006, the County was the first regional jurisdiction to meet the Council of Governments’ goal of 20 percent of its eligible workforce teleworking. The number of County teleworkers is now 1500, with almost every department participating. The County’s objective is to continue to increase the number of teleworkers with an emphasis on continuity of operations. In addition to the many tangible benefits of telework, the County’s primary focus is to ensure that employees can conduct work away from their primary workplace in the case of an emergency or natural disaster.

Chairman Bulova asked unanimous consent that the Board direct the County Executive to continue efforts to increase the number of County teleworkers and to utilize telework as part of its continuity of operations planning. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

37. **ENERGY EFFICIENCY AND CONSERVATION** (12:54 p.m.)

Chairman Bulova said that now more than ever, energy efficiency and conservation is vital to sustainable growth and redevelopment. Driven by demand, the price of energy continues to increase. Energy use is also a significant contributor to fossil fuel and greenhouse gas emissions.

To address the need for greater efficiency in County government, the County recently formed the Energy Efficiency and Conservation Coordinating Committee (EECCC). This committee is currently drafting an energy policy for Board consideration. This policy will strengthen the linkage between the Board's commitment to reducing energy demand with that of providing services and infrastructure to those who live and work in the County.

Redevelopment areas that the Board has identified, including Tysons Corner, present additional opportunities to promote sustainable development in the County. For example, the Vision for Tysons Corner lays out impressive environmental stewardship guidelines and calls for the flexibility to implement comprehensive energy efficiency best practices as possibilities emerge.

As stated in the Tyson's Vision Document, "The transformed Tysons should be a model of environmental sustainability. To make this goal a reality, strategies for protecting natural resources, managing stormwater, restoring streams, and minimizing greenhouse gas emissions should be updated and refined."

"Strawman" language for the Areawide Comprehensive Plan for the Tysons Corner Urban Center is currently being discussed by the Planning Commission's Tysons Corner Planning Committee. Chairman Bulova asserted that it is important that language is included in the Areawide Plan that encourages and supports mechanisms for the implementation of energy efficiency, per the Vision Document.

Energy efficiency could be achieved through best practices and strategies that would support ideas such as district energy systems, the use of alternative energy sources where possible, and district-scale environmental performance measures.

To ensure that energy efficiency is addressed in the Tysons plan, Chairman Bulova moved that the Board direct the Planning Commission and staff to:

- Make sure that language regarding energy efficiency is included in the plan.
- Develop a plan for energy efficiency in other revitalization areas modeled on the plan created for Tysons. This Countywide plan should come before the Board's Development Process Committee for discussion at a future date.

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

38. **UPDATE ON SMART SAVINGS TASK FORCE** (12:57 p.m.)

Chairman Bulova said that the Smart Savings Task Force is a joint Board of Supervisors-School Board initiative to identify opportunities for short, medium and long term savings and/or improvements to County and School services through streamlining, combining and/or consolidating separate County and School functions. The task force is composed of Chairman Bulova, Vice Chairman Gross, and Supervisor McKay from the Board of Supervisors and Chairman Kathy Smith, Brad Center, and Dan Storck from the School Board.

Chairman Bulova said that a number of areas and opportunities are being explored and she believes both County and Schools staff are working creatively to review and make recommendations that will lead to cost savings and/or service improvement. She summarized the status of some of this work as outlined below. In addition to being impressed by the recommendations for new collaborations, she was equally impressed by the multitude of areas where County and School staff currently work together.

Ongoing Smart Savings Task Force work includes the following:

Building Services: This work includes reviewing the many services required to keep facilities operational including custodial services, landscaping, arboreal services, grounds maintenance, et cetera. Significant savings opportunities have been identified in the area of refuse collection and recycling with a recommendation for the County to take over these responsibilities for the Schools. Savings up to \$1.0 million may be possible on an annual basis. The Fiscal Year (FY) 2010 Carryover Review includes a placeholder adjustment in the refuse collection fund to appropriate funding for County equipment and staffing requirements associated with this proposal. More detailed information about the recommendation will be discussed as part of the September Smart Savings Task Force meeting.

Warehouse Functions: In terms of warehouse functions, there are currently a number of collaborative activities including delivery of voting machines and SACC materials, and emergency planning. Additional collaboration in this area is planned to consolidate the management and enhance the redistribution of excess and surplus property; consolidation of acquisition, staging and delivery of SACC, RECPAC, and FCPS science kit materials; and further shared inventory of commonly used items.

School Security: Much collaboration and cooperation is currently occurring in the areas of training, emergency management, and communication. In addition, as a result of the County's elimination of the School Education Officers as part of the FY 2010 budget, the Schools Security staff will take over responsibility for the school patrol program.

Legal Services: There are economies that can be achieved that will benefit both FCPS and the County in the area of legal services. The County Attorney and the School Division Counsel will be exploring and implementing joint efforts in the areas of delinquent fee/collection cases, elections work, workers compensation, and personal injury cases. In addition, resource sharing will be occurring in training and legal research. To the extent possible, School Division Counsel will be using in-house attorneys rather than outside counsel, relying more on expertise available in the County Attorney's office, and have already implemented changes anticipated to save approximately \$400,000.

Risk Management Savings and service enhancements have been recommended in areas of consolidation procurement of some contract services, sharing of safety inspection and training service, consolidating bidding for insurance coverage, and shared general liability claim processing.

Legacy System Replacement: Staff from the County and the Schools are supporting a multi-year joint initiative that will modernize the portfolio of enterprise systems that support finance, human resources, budget, procurement, and related applications. The project will mitigate risks that the disjointed and outdated systems pose for system failure and flawed data and the partnership between County and Schools will facilitate operational efficiencies for both systems. The Board of Supervisors approved the contract award for the project in July 2009.

Community Dialogues on the Budget: Staff from both the County and Schools are also working cooperatively again this year to host a dozen Community Dialogues this fall to gather input from residents about the County and School budget. She provided a schedule of these dialogues for the Board's information and asked that Board Members join in the efforts to publicize these dialogues in their news letters and other office communications. Brown bag lunch dialogues on the County side will also be hosted once again.

Additional areas for review include after school child care programs, food and vendor services, and social services.

Discussion ensued regarding the community dialogue format and acceptance of comments on revenue, as well as expenditures, and issues related to combined human resources functions, with input from Anthony H. Griffin, County Executive.

Supervisor Herrity raised the issue of the Virginia School Efficiency Review Program and Mr. Griffin reported that he discussed this issue with the School Superintendent. Mr. Griffin stated that he will follow up with the Superintendent regarding this program and a brief discussion ensued regarding putting this item on the agenda for a joint meeting of both Boards.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

39. **ADDRESSING LYME DISEASE IN THE COUNTY** (1:16 p.m.)

Supervisor Herrity reported that on July 22, he and Supervisor Frey held a town hall meeting to raise the level of awareness of Lyme disease. Following a panel of experts, they heard many stories from citizens as to the serious and deadly impact of the disease on citizens' lives. He said that an astounding number of cases were initially misdiagnosed and mistreated. Over the last several weeks, when he mentioned the town hall to people, the vast majority told him they either have been treated or know someone who has been treated for Lyme disease. Most also knew someone who had been significantly impacted by the disease or its misdiagnosis.

Supervisor Herrity said that in Virginia alone, the number of confirmed cases of Lyme disease has doubled in the last two years, and some studies at the national level have estimated that Lyme disease costs the economy \$2 billion a year. The rise of Lyme disease as a national epidemic has been given much more attention at both the local and federal level over the course of the last couple of years. He agreed that it is generally understood that the disease is significantly underreported. He asserted that it is imperative that action be taken to address this disease.

On the federal level, Congressman Frank Wolf has been a leader in addressing Lyme disease and to secure more funding towards Lyme disease reporting, research, and study. His bipartisan bill which was just passed by the House increases the budget of the Center for Disease Control by \$3.66 million, specifically to address Lyme disease.

The County has also been a leader in the effort to combat the disease. The Health Department mailed a very detailed brochure on ticks and Lyme disease to every household in the County and has been active in educating residents at various seminars and events. The County also has held managed hunts to thin the deer herds. Supervisor Herrity stated his belief there is more that can be done to protect citizens from this devastating disease. He presented three recommendations for the Board.

First, Supervisor Herrity asserted that the County must raise the awareness of its doctors and medical professionals of the disease, the difficulty of its diagnosis, its treatment, and its rise in prevalence. His wife had Lyme disease, but was one of the lucky 65 percent who had the bull's eye rash and had it in an area where it could be seen and, therefore, sought prompt treatment. The current blood tests to identify Lyme disease are unreliable. This makes diagnosis very difficult for doctors in many cases. Northern Virginia is currently on the frontier of new Lyme cases and is where the disease has spread most rapidly over the last couple of years. He consulted with the Director of the Health Department, Dr Addo-Ayensu, and he reported that she agreed that the County should increase its outreach to doctors on Lyme disease. New medical guidance on Lyme disease is

expected to be issued shortly and this will provide a great opportunity for this outreach.

Secondly, Supervisor Herrity stated his belief that the County has the opportunity to attack the root of the problem – ticks. The County’s new wildlife biologist, Vicky Monroe, has identified a relatively new, but successfully tested, product developed from the American Lyme Disease Foundation called a “4 poster deer bait station.” (He provided details in an attachment to his written Board Matters.) The station baits the deer, and when they lower their heads to feed, it covers their neck, ears, and head with a ticide killing between 92 percent and 98 percent of ticks on the deer’s body. These stations cost approximately \$450 each and require \$300 per year in supplies (corn and tickicide) to maintain, excluding labor. A bait station can cover 50 acres.

Supervisor Herrity has been working with Ms. Monroe to determine whether the County could start a pilot program for the 4-poster deer bait station in the County, and he referred to Attachment 2 of his written Board Matter and handout. The Park Authority and the Northern Virginia Regional Park Authority are very interested in the pilot program, and the NVRPA has agreed to do the monitoring of the 4-poster deer bait stations in their parks. A pilot program would also require the approval of the Department of Game and Inland Fisheries (DGIF). Staff there has conducted an initial review and is very receptive to the pilot program. He expressed his belief that a letter from the Board would help speed the approval process and show support.

The use of the 4-poster deer bait station has been approved by the Environmental Protection Agency (EPA) and US Department of Agriculture (USDA). It has the ability to significantly, safely and cost-effectively reduce the tick population in areas where deployed. It is not intended to replace managed hunts.

Finally, Supervisor Herrity said that the Board should consider protecting County doctors when they choose long term antibiotic treatment for Lyme disease. There are currently fears in the medical community of being sued over long term treatment for Lyme disease. Currently it is only recommended that 14 to 21 days of antibiotic treatment be given to people with confirmed Lyme disease. Often, in late diagnosis patients, this is simply not enough. Recently several states, including Connecticut (where the disease originated), have passed laws that protect doctors who opt for longer treatment programs. He asserted that this should be considered in Virginia.

Therefore, to address the growing problem of Lyme disease in the County, Supervisor Herrity moved that the Board:

- Direct the Health Department to increase its outreach and communications program to the medical community to raise the awareness of doctors and medical professionals of the disease, the difficulty of its diagnosis, its treatment, and its rise in prevalence.

- Have the Chairman, on behalf of the Board, send the letter (as outlined in Attachment 3 and distributed to the Board) to the Director of DGIF expressing support for a pilot program of the 4-poster deer bait station in the County.
- Direct the County Executive to research the legislation passed in Connecticut to protect doctors treating Lyme disease for discussion at a future Legislative Committee meeting and for possible inclusion in the Board's legislative program.

Supervisor Hyland seconded the motion.

Chairman Bulova expressed appreciation to Supervisor Frey and Supervisor Herrity for holding the town meeting on this subject.

Following discussion regarding information dissemination, disease prevention, and using volunteers for monitoring the bait stations, the question was called on the motion, which carried by unanimous vote.

40.

RECOGNITION OF THE ACCOTINK UNITARIAN UNIVERSALIST CHURCH FOR ITS SUPPORT OF THE BURKE/SPRINGFIELD SENIOR CENTER WITHOUT WALLS PILOT PROGRAM (BRADDOCK AND SPRINGFIELD DISTRICTS) (1:27 p.m.)

In a Board Matter presented jointly with Chairman Bulova and Supervisor Cook, Supervisor Herrity explained that the Burke/Springfield Senior Center Without Walls is a concept that is currently being developed by County staff and citizens in the West Springfield and Burke communities to address the need for exercise and health literacy programs geared toward older adults. This concept was proposed by staff due to the absence of a senior center in the Springfield Supervisor District and that existing senior centers nearby were near or at capacity.

The goal of the Senior Center Without Walls is to develop a network of community-based organizations and individuals committed to sharing and developing resources to provide programming for older adults in the West Springfield and Burke communities without a significant investment on the County's part. The Department of Community and Recreation Services, in collaboration with other human service agencies, is overseeing the development of this network. Eventually, this program will be self-sustaining and will operate without any County funding or staff resources.

A pilot program was initiated to gauge the interest of older adults and community-based organizations in being part of the network in the West Springfield and Burke area. After discussions with several organizations, the Accotink Unitarian

Universalist Church agreed to be the first organization to support the Center Without Walls.

The pilot program began on July 1 and will continue through August 19. It is a two-hour program consisting of a health and wellness presentation followed by an hour of line dancing. Over 50 participants have enrolled in the line dancing class and a waiting list has been created. This fall, staff will continue to work with a core group of community residents that will serve as the leadership of the Center Without Walls and begin the formal formation of the network. One wellness program will be offered while the network leadership develops. Several organizations have either expressed interest or committed to participate in the program.

Supervisor Herrity expressed appreciation to staff and the community volunteers for working to make this concept a success and model for delivering high quality services to citizens cost effectively. He especially thanked the Accotink Unitarian Universalist Church, which immediately recognized the importance of the program for area seniors and became the first participating organization. He applauded their efforts and work to make this program become a reality.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a resolution of recognition to the church for its critical role and important contributions to this program and invite the Reverend Scott Sammler-Michael, his staff, and the leadership of the Accotink Unitarian Universalist Church to appear before this Board at a future date to be recognized for their efforts. Without objection, it was so ordered.

41. **ORDERS OF THE DAY** (1:31 p.m.)

Citing the lateness of the hour and a lengthy agenda for closed session and the afternoon public hearings, Chairman Bulova said that the Board would recess for lunch and closed session following the conclusion of Supervisor Herrity's Board Matters.

42. **PROTECTING THE OCCOQUAN WATERSHED** (1:32 p.m.)

Supervisor Herrity said that in 2003 the Zoning Administrator made a determination that the owners of 12000 Chapel Road could build a new home on their property and convert their existing home into servants' quarters. He referenced a letter and photos, copies of which he distributed around the dais. The property is in the R-C District and is a grandfathered lot of approximately two acres. The new home is about 4,000 square feet, and the existing home is about 2,000 square feet. According to the Zoning Ordinance, this is a permitted use in the R-C District; however, requests for servants' quarters are evaluated on a case-by-case basis and certain provisions apply such as the use being recorded with the deed of the property. This property came to his attention within the past few months because of the construction of the home and resulting ponding and

flooding of Chapel Road, another issue separate from the subject of this Board Matter.

In July Supervisor Herrity held a community meeting at the Clifton Elementary School on the issues surrounding 12000 Chapel Road. The purpose of the meeting was to present information to the neighborhood on what actions the County was taking in regard to the flooding issue and also to answer any questions about the zoning of the property and permitted use of the servants' quarters. Many of the residents of the area, and those living in the Occoquan area, including the Occoquan Watershed Coalition, were concerned that by allowing the servants' quarters on this lot, the County was effectively increasing the density of the area which they have committed to protect. The Board's decision to downzone to one dwelling unit per five acres was made to protect the Occoquan River watershed that supplies the drinking water to more than a million citizens.

Supervisor Herrity stated his belief that by allowing the servants' quarters on this property, the County is effectively increasing the allowed housing density on this two acre lot. He asserted that it is time for a reexamination of the zoning ordinance on servants' quarters and how to limit this practice in the R-C District to reduce the impact on this environmentally sensitive area.

Therefore, Supervisor Herrity moved that potential future restrictions on servants' quarters in the R-C District be considered at the next Development Process Committee meeting for potential inclusion on the Board's priority list of zoning ordinance amendments. Supervisor Smyth seconded the motion, which carried by unanimous vote.

PMH:pmh

43. **RECESS/CLOSED SESSION** (1:34 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. *John Walker-Bey v. Fairfax County Department of Family Services*, Record No. 2850-08-4 (Va. Ct. App.)
 2. *Martin F. Wiesner v. Fairfax County Police Department*, Case No. CL-2009-0006633 (Fx. Co. Cir. Ct.)
 3. *Nahom F. Beyene v. J. W. Andrea*, Case No. 1:08-cv-1321 LMB/JFA (E.D.Va.)
 4. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
 5. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)
 6. *James Carter v. Fairfax County, Virginia, Veolia Transportation Services, Inc., and John/Jane Doe*, Case No. CL-2009-0007723 (Fx. Co. Cir. Ct.)
 7. *In re Grievance of Marshall Thielen*, No. 0925 (Fx. Co. Civil Serv. Comm'n)
 8. *Kevin M. O'Brien, Victoria O'Brien, and WJMJ, LLC v. Board of Supervisors of Fairfax County, Virginia, Braddock Road Project, LLC, and The County of Fairfax, Virginia*, Case No. CL-2009-0006355 (Fx. Co. Cir. Ct.) (Mason District)
 9. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, Frederick L. Shreves, II, Trustee, Vincent J. Keegan, Trustee, Mortgage Electronic Registration Systems, Inc., and Weichart Financial Services*, Case No. CL-2007-0011400 (Fx. Co. Cir. Ct.) (Mount Vernon District)

10. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)
11. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
12. *Marco Mendoza v. Fairfax County, et al.*, Case No. CL-2009-0008980 (Fx. Co. Cir. Ct.) (Hunter Mill District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Herrera and Dinora Herrera*, Case No. CL-2009-0000375 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Backlick, LLC*, Case No. CL-2009-0006208 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto*, Case No. CL-2008-0010799 (Fx. Co. Cir. Ct.) (Providence District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose M. Romero*, Case No. CL-2009-0010130 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derlis A. Arnez, Rosario Arnez, and Carmen R. Arnez*, Case No. CL-2008-0016093 (Fx. Co. Cir. Ct.) (Lee District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Purdy, Jr.*, Case No. CL-2008-0009693 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *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)
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Wayne Oliver*, Case No. CL-2009-0000810 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Gutierrez and Julia B. Gutierrez*, Case No. CL-2009-0002829 (Fx. Co. Cir. Ct.) (Mount Vernon District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nehemias O. Salvador*, Case No. CL-2009-0000811 (Fx. Co. Cir. Ct.) (Mason District)
27. *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)

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald O. Bussard, Jr.*, Case No. CL-2009-0006891 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Castellon*, Case No. CL-2009-0006456 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
30. *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)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto*, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose R. Reyes and Ana Gladis Valdez*, Case No. CL-2009-0006262 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio De Leon, a.k.a. Julio Daniel De Leon-Gramajo, and Filiberta Gonzales De Leon*, Case No. CL-2009-0006009 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gene C. Ballard*, Case No. CL-2009-0009095 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul Ken Hopper*, Case No. CL-2009-0009453 (Fx. Co. Cir. Ct.) (Providence District)

36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edilberto Vasquez, Gertrudis Vasquez, and Maria I. Vasquez*, Case No. CL-2009-0009422 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Monterey and Christian Monterey*, Case No. CL-2009-0009728 (Fx. Co. Cir. Ct.) (Mason District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry A. Novak and Shirley Lee Novak*, Case No. CL-2009-0009727 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wendy Y. Rejas*, Case No. CL-2009-0009790 (Fx. Co. Cir. Ct.) (Mason District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Paucar and Rafael A. Soler*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sunil Arora*, Case No. CL-2009-0010198 (Fx. Co. Cir. Ct.) (Mason District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louise K. Runquist and Jacqueline B. Bossi*, Case No. CL-2009-0010261 (Fx. Co. Cir. Ct.) (Mason District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy Mark*, Case No. CL-2009-0010262 (Fx. Co. Cir. Ct.) (Braddock District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Han Sun Lee and Hyun Jin Lee*, Case No. CL-2009-0010263 (Fx. Co. Cir. Ct.) (Springfield District)

45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Ferrufino and Emma Salazar*, Case Nos. 09-0007962 and 09-0007963 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lester R. Kerfoot, Jr., and Carole Jean Kerfoot*, Case Nos. 09-0010583 and 09-0010584 (Fx. Co. Gen. Dist. Ct.) (Lee District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta L. Gonzalez*, Case Nos. 09-0009483 and 2009-0009484 (Fx. Co. Gen. Dist. Ct.) (Lee District)
48. *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)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androula Demetriou*, Case No. 09-0014890 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maury A. Audet*, Case Nos. 09-0016479 and 09-0016480 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, et al., CL-2008-2729
- Appeal of the Zoning Administrator's Determination for the Reston Library Park Property
- Fairfax County Water Authority, et al. v. City of Falls Church, CL-2008-16114
- Fire Prevention Code of the County of Fairfax, Chapter 62

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

DAL:dal

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

ACTIONS FROM CLOSED SESSION

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

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

45. **SETTLEMENT OF FAIRHILL ON THE BOULEVARD CASE** (3:46 p.m.)

Supervisor Smyth moved that the Board authorize settlement of *Board of Supervisors of Fairfax County, Virginia versus Board of Zoning Appeals of Fairfax County, Virginia, Whitestone Investments, Incorporated, and Whitestone Home Improvement, Incorporated*, Case Number CL-2008-0002729 (Fx. Co. Cir. Ct.), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hudgins and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board took action on another item from closed session. See Clerk's Summary Item #67.)

AGENDA ITEMS

46. **3 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2008-SP-025 (ISLAMIC SAUDI ACADEMY) (SPRINGFIELD DISTRICT)** (3:46 p.m.)

(NOTE: On July 13, 2009, the Board held a public hearing on this item and deferred decision until August 3, 2009.)

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

Supervisor Herrity submitted items for the record.

Following a lengthy statement regarding the application, Supervisor Herrity moved **DENIAL** of Special Exception Application SE 2008-SP-025. Supervisor Cook seconded the motion.

Following a lengthy discussion regarding the motion, the question was called on the motion and it **FAILED** by a recorded vote of six, Supervisor Cook, Supervisor Herrity, Supervisor Smyth, and Chairman Bulova voting “**AYE.**”

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2008-SP-025, subject to the development conditions dated July 31, 2009.
- Modification of the transitional screening requirement to allow the use of existing vegetation.
- Waiver of the barrier requirement.
- Waiver of the Comprehensive Plan trail requirement, as conditioned.
- Waiver of the interparcel access requirement.
- That kitchen facilities and showers shall not be provided on site, unless the determination has been made by the Health Department that adequate septic capacity is provided for such facilities.

Supervisor Foust and Supervisor Gross jointly seconded the motion.

Following a discussion regarding the application, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Cook, Supervisor Herrity, Supervisor Smyth, and Chairman Bulova voting “**NAY.**”

47.

**3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 85-L-059-06 (BSI INCORPORATED T/A BROWNE ACADEMY)
(LEE DISTRICT)** (4:13 p.m.)

(NOTE: On June 22, 2009, the Board deferred the public hearing on this item until July 13, 2009. On July 13, 2009, the Board deferred the public hearing on this item until August 3, 2009.)

Also under consideration will be the applicant’s Chesapeake Bay Resource Protection Area (RPA) Encroachment Exception Request Number 6562-WRPA-002-1 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (Chapter 118) of the Code of the County of Fairfax and a related Water Quality

Impact Assessment. The applicant proposes to construct a playground and parking and vehicular access within a Resource Protection Area.

The application property is located at 5909, 5917 and 5923 Telegraph Road, Tax Map 82-4 ((1)) 31A, 32 and 33.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

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

- Ms. Carol C. Honigberg

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

- Mr. William G. Thomas
- Mr. Thomas W. Greeson

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

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

Discussion ensued, with input from Ms. Goddard-Sobers, regarding the RPA lines, parking spaces, and the playground.

Further discussion ensued, with input from Beth Forbes, Stormwater Engineer, Stormwater and Geotechnical Section, Environmental and Site Review Division, Department of Public Works and Environmental Services, regarding pervious pavers and permeable surface.

Following the public hearing, Ms. Goddard-Sobers presented the staff and Planning Commission recommendations.

Discussion ensued regarding how far the concrete continues downstream.

Supervisor McKay moved:

- Approval of Special Exception Amendment Application SEA 85-L-059-06, subject to the development conditions dated July 29, 2009.

- Approval of RPA Exception Number 6562-WRPA-002-1, subject to the development conditions dated May 11, 2009, and contained in Attachment A of Appendix 11 of the staff report.
- Modification of the transitional screening requirements along all property lines to allow the existing vegetation, as depicted on the SEA Plat.
- Modification of the barrier requirements along all property lines, except the eastern boundary of Lot 33 where the barrier requirement should be waived in favor of the existing vegetation.

Supervisor Hyland seconded the motion.

Following a brief discussion regarding the vegetation, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Smyth abstaining, Supervisor Cook being out of the room.

48. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-HM-028 (PEDRO AND CARMEN M. TOSCANO, JR.) (HUNTER MILL DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2007-HM-023 (PEDRO AND CARMEN M. TOSCANO, JR.) (HUNTER MILL DISTRICT)
(4:34 p.m.)

(NOTE: On July 13, 2009, the Board deferred the public hearing on this item until August 3, 2009.)

The application property is located on the east side of Vale Road approximately 500 feet south of its intersection with Corsica Street at 9946 Vale Road, Tax Map 38-3 ((1)) 4.

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2005-HM-028 and Special Exception Application SE 2007-HM-023 until **September 14, 2009, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Gross being out of the room.

49. **3 P.M. – PH ON REZONING APPLICATION RZ 2008-PR-017 (MERRIFIELD GARDEN CENTER CORPORATION) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2006-PR-018 (MERRIFIELD GARDEN CENTER CORPORATION) (PROVIDENCE DISTRICT) (4:35 p.m.)

- (O) (NOTE: On July 13, 2009, the Board deferred the public hearing on this item until August 3, 2009.)

The application property is located east of Gallows Road and north of Lee Highway at 8112 Lee Highway, Tax Map 49-2 ((1)) 28A.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

- Mr. Whittington W. Clement

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

- William H. Gordon of William H. Gordon Associates, Incorporated on behalf of 4501 Daly LP, which is not associated with this application

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

Mr. McDermott 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, Ms. Strunk 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-017, from the R-3 and HC Districts to the C-8 and HC Districts, subject to the proffers dated June 12, 2009.

- Waiver of the minimum lot size requirement.
- Approval of Special Exception Application SE 2006-PR-018, subject to development conditions dated July 29, 2009.
- Modification of Standard 9 (Parking) of the Additional Standards for Plant Nurseries in favor of that shown on the SE Plat and as conditioned.
- Waiver of the service drive requirement along Lee Highway.
- Modification of frontage improvements along Lee Highway in favor of that shown on the SE Plat in accordance with the Virginia Department of Transportation project 0029-029-119.
- Waiver of Section 2-504 of the Zoning Ordinance to permit outdoor storage and sales in a required yard and of Section 5-505(3) to permit outdoor storage and sales in a front yard.

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

DET:det

50. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-MV-033 (LORTON ARTS FOUNDATION, INCORPORATED) (MOUNT VERNON DISTRICT) (4:43 p.m.)**

The application property is located on the east side of Ox Road south of its intersection with Lorton Road, Tax Map 106-4 ((1)) 58.

Ms. Lori R. Greenlief reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed the following campaign contributions which he had received:

- In excess of \$100 from Mr. Conrad R. Mehan, Lorton Arts Foundation, Incorporated
- An in-kind contribution in excess of \$100 from Mr. Richard W. Hausler, Lorton Arts Foundation, Incorporated

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

- Mr. Richard W. Hausler, Lorton Arts Foundation, Incorporated
- Mr. Conrad R. Mehan. Lorton Arts Foundation, Incorporated

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

- Mr. Conrad R. Mehan, Lorton Arts Foundation, Incorporated

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

- Lorton Arts Foundation, Incorporated

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

- Lorton Arts Foundation, Incorporated

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

- Lorton Arts Foundation, Incorporated

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

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 2003-MV-033, subject to the proffers dated July 29, 2009.
- Modification of the transitional screening and barrier requirements along the northern and western property lines as shown on the CDPA/FDPA.

Supervisor Hudgins and Supervisor McKay jointly seconded the motion.

Supervisor Hyland noted that:

- John Ariail, Executive Director of the Foundation, was in the auditorium.
- Board Members will be invited to the Foundation's September event.

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

(NOTE: On July 15, 2009, the Planning Commission voted to approve Final Development Plan Amendment Application FDPA 2003-MV-033, subject to the development conditions dated July 13, 2009.)

51. **3:30 P.M. – PH ON LOCAL AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AR 84-V-007-03 (EDH ASSOCIATES) (MOUNT VERNON DISTRICT)** (4:46 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 July 16 and July 23, 2009.

The application property is located on the west side of Belmont Boulevard and at the terminus of Gunston Drive, Tax Map 113-4 ((1)) 27Z.

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

Following the public hearing, which included testimony by one speaker, Ms. Zottl presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of Agricultural Renewal Application AR 84-V-007-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Belmont Bay II Local Agricultural and Forestal District, subject to the Ordinance provisions dated July 15, 2009. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey being out of the room.

52. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-002 (SQUARE 1400, LC) (PROVIDENCE DISTRICT)** (5 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2009-PR-002 until **October 19, 2009, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-H-022 (THE ACADEMY OF CHRISTIAN EDUCATION, INCORPORATED) (HUNTER MILL DISTRICT)** (5:01 p.m.)

The application property is located at 1808-A Michael Faraday Court, Tax Map 18-3 ((5)) 6.

Ms. Sheri L. Hoy reaffirmed the validity of the affidavit for the record.

Ms. Hoy 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 Hudgins moved approval of Special Exception Amendment Application SEA 99-H-022, subject to the development conditions dated July 28, 2009. Supervisor Hyland seconded the motion and it carried by unanimous vote.

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2005-SP-033 (WASHINGTON DC SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS) (SPRINGFIELD DISTRICT)** (5:07 p.m.)

Supervisor Herrity moved to defer the public hearing on Special Exception Amendment Application SEA 2005-SP-033 until **September 14, 2009, at 3 p.m.** Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

55. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2005-SU-020 (DOMINION CHRISTIAN SCHOOL AND WHOLE WORLD FELLOWSHIP AND CHURCH AT NORTHERN VIRGINIA) (SULLY DISTRICT)** (5:07 p.m.)

The application property is located at 10922 Vale Road, Tax Map 37-1 ((1)) 17 and 17A.

Ms. Sarah E. Hall reaffirmed the validity of the affidavit for the record.

Ms. Hall 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, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 2005-SU-020, subject to the development conditions dated July 29, 2009.
- Reaffirmation of the modifications to the transitional screening and barrier requirements along all property lines, in favor of the existing vegetation and existing fences as depicted on the SEA Plat.

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

56. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-M-009 [PINECREST (E&A) LLC] (MASON DISTRICT)**
(5:14 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SEA 95-M-009 until **September 14, 2009, at 3 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room. (NOTE: Later in the meeting, Supervisor Gross presented a Board Matter regarding this item. See Clerk's Summary Item #69.)

57. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2006-PR-019 (VIRGINIA INTERNATIONAL UNIVERSITY) (PROVIDENCE DISTRICT)**
(5:15 p.m.)

The application property is located at 3953 and 3957 Pender Drive, Tax Map 57-1 ((1)) 10.

Mr. Michael M. Pavlovich reaffirmed the validity of the affidavit for the record.

Mr. Pavlovich 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, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Special Exception Amendment Application SEA 2006-PR-019, subject to the development conditions dated July 29, 2009. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

58. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-V-073-04 (AMERICAN HORTICULTURAL SOCIETY) (MOUNT VERNON DISTRICT) (5:20 p.m.)**

The application property is located at 7931 East Boulevard Drive, Tax Map 102-2 ((1)) 20.

Ms. Michelle A. Rosati reaffirmed the validity of the affidavit for the record.

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

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

Kris Abrahamson, Branch Chief, Rezoning and Special Exception Branch, Department of Planning and Zoning (DPZ), introduced Brenda Cho, Staff Coordinator, Zoning Evaluation Division, DPZ, who would be presenting the case.

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

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

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 79-V-073-04, subject to the development conditions dated July 28, 2009.
- Modification of the transitional screening requirements along the northern and southern property lines in favor of the existing vegetation as shown on the SEA Plat.

- Waiver of the barrier requirements along the northern and southern property lines in lieu of the existing vegetation shown on the SEA Plat.

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

59. **4 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF SOUTHLAND AVENUE (MASON 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 July 16 and July 23, 2009.

Martha E. Coello, Transportation Planner, Site Analysis Section, Transportation Planning Division, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Ordinance vacating Southland Avenue, and the order to abandon Southland Avenue. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey and Supervisor Hudgins being out of the room.

60. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE LANGLEY OAKS POND NUMBER ONE PROJECT (DRANESVILLE DISTRICT)** (5:30 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 16 and July 23, 2009.

Tasneem Zore, Right-of-Way Agent, Land Acquisition Division, Capital Projects, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 318/FX4000 (TR001) – Langley Oaks Pond Number One, Fund 318, Stormwater Management Program. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey and Supervisor Hudgins being out of the room.

61. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-1FS, LOCATED ON THE NORTHEAST CORNER OF LOISDALE ROAD AND SPRINGFIELD CENTER DRIVE (LEE DISTRICT)** (5:33 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 July 20 and July 27, 2009.

Marianne Gardner, Chief, Policy and Plan Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of the PC's alternative for APR Item 08-IV-1FS for an option for office use up to .50 floor area ratio (FAR) as found in his handout dated August 3, 2009, and consistent with the action of the APR Task Force, the Lee District Land Use Committee, and the PC. Supervisor Foust and Supervisor Smyth jointly seconded the motion.

Following input from Ms. Gardner, the question was called on the motion, and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

62. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-2FS, LOCATED ON SPRINGFIELD CENTER DRIVE, EAST OF THE GSA PARR WAREHOUSE (LEE DISTRICT)** (5:40 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 20 and July 27, 2009.

Marianne Gardner, Chief, Policy and Plan Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of the PC's alternative for APR Item 08-IV-2FS as shown in his handout dated August 3, 2009. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

63. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-4FS, LOCATED ON THE NORTH SIDE OF OLD KEENE MILL ROAD, WEST OF AMHERST AVENUE (LEE 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 July 20 and July 27, 2009.

Meghan D. Van Dam, Planner III, 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, Ms. Van Dam presented the staff and Planning Commission (PC) recommendations.

Supervisor McKay moved approval of the PC's alternative for APR Item 08-IV-4FS, for an option for hotel use up to an intensity of 1.5 floor area ratio (FAR) as shown in his handout dated August 3, 2009. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

64. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-10S, LOCATED WEST OF BEULAH STREET, NORTH OF THE FRANCONIA-SPRINGFIELD PARKWAY AND SOUTH OF WALKER LANE (LEE DISTRICT)** (5:50 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 July 20 and July 27, 2009.

Jennifer C. Lai, 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 four speakers, Ms. Lai presented the staff and Planning Commission (PC) recommendations.

Supervisor McKay moved approval of the PC's alternative for APR Item 08-IV-10S, for an option for office or office and hotel use up to 1.5 floor area ratio (FAR) as shown in his handout dated August 3, 2009. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

65. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-3MV, LOCATED ON THE NORTHWEST CORNER OF HUNTINGTON AVENUE AND METROVIEW DRIVE (MOUNT VERNON DISTRICT)** (6:06 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 July 20 and July 27, 2009.

Marianne Gardner, Chief, Policy and Plan Review Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Discussion ensued concerning Attachment 4, the Planning Commission (PC) recommendation, regarding transportation demand management (TDM), with input from Ms. Gardner concerning boundary adjustments.

Following the public hearing, which included testimony by one speaker, Ms. Gardner presented the staff and PC recommendations.

Supervisor Gross asked unanimous consent that the Board direct staff to make the following corrections to handwritten page 2 of the Board Agenda Item:

- Depiction of Arlington County on the map which extends its boundary to the Beltway and the Woodrow Wilson Bridge.
- Correction of the designation of Fairfax County/Arlington County to the City of Alexandria.

Without objection, it was so ordered.

Supervisor Hyland moved approval of APR Item 08-IV-3MV as shown in Attachment 4 of the Board Agenda Item dated August 3, 2009. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

66. **5 P.M. – PH ON PROPOSED BASE REALIGNMENT AND CLOSURE (BRAC) AREA PLANS REVIEW (APR) ITEM 08-IV-9S, LOCATED SOUTH OF BACKLICK ROAD AND THE FAIRFAX COUNTY PARKWAY, BETWEEN TELEGRAPH ROAD AND CINDER BED ROAD (MOUNT VERNON DISTRICT)** (6:14 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 July 20 and July 27, 2009.

Jennifer C. Lai, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the testimony of Mr. David R. Gill (speaker #1), Supervisor Hyland clarified that when this matter comes back before the Board, the application will have been coordinated with the Newington Civic Association.

Following the public hearing, which included testimony by two speakers, Ms. Lai presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of APR Item 08-IV-9S consistent with the attachment dated August 3, 2009, with the following modification:

Change: Outdoor storage is not permitted unless as an accessory use, and is screened and located to the satisfaction of the surrounding community.

To: **Accessory outdoor storage is not permitted unless screened and located to the satisfaction of the surrounding community, including but not limited to the Newton Community Association.**

Supervisor McKay seconded the motion.

Discussion ensued concerning references to the Newington "Community" Association and the Newington "Civic" Association. Supervisor Hyland clarified his motion and all other references to read the **Newington Civic Association**. The question was called on the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

67. **CONFIRMATION OF THE ELECTORAL BOARD'S APPOINTMENT OF MR. EDGARDO CORTES TO THE POSITION OF GENERAL REGISTRAR** (6:25 p.m.)

Supervisor Gross moved the confirmation of the Electoral Board's appointment of Mr. Edgardo Cortes to the position of General Registrar at a starting salary of \$108,000 effective Monday, August 17, 2009. The salary includes the \$97,147 provided by the State and a County supplement of \$10,853. Chairman Bulova seconded the motion.

Supervisor McKay noted his disappointment with the level of information provided to the Board. Discussion ensued concerning the salaries of the two previous incumbents, with input from Anthony H. Griffin, County Executive.

Supervisor Herrity expressed his surprise that the Board was being asked to act on this in arrears rather than having the supplement approved in advance. Chairman Bulova added her concerns about the lack of information provided to the Board in closed session.

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook and Supervisor Herrity abstaining, Supervisor Hudgins being out of the room.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the County Executive to communicate its concerns to the Electoral Board. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

68. **5:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:28 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 July 16 and July 23, 2009.

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

The public hearing was held and included testimony by:

- Mr. Gerald O'Dell regarding constitutional protections
- Ms. Leticia Willcockson regarding public housing

Following Ms. Willcockson's presentation, discussion ensued concerning the need to address systemic issues with Housing Authority policies and practices.

NV:nv

ADDITIONAL BOARD MATTERS69. **PINECREST PLAZA CONCURRENT BUILDING PERMITS (MASON DISTRICT)** (6:41 p.m.)

(NOTE: Earlier in the meeting, the Board deferred the public hearing on this item. See Clerk's Summary Item CL#56.)

Supervisor Gross said that Special Exception Amendment Application SEA 95-M-009 is a special exception application currently being processed to permit fast food uses in an existing free standing building in the Pinecrest Plaza Shopping Center. A public hearing on that application was to have been held this afternoon, however, due to unforeseen circumstances, the applicant missed its public hearing before the Planning Commission, causing it to be deferred until September. Earlier in the day, on her motion, the Board deferred its public hearing on this matter until September as well.

To allow the applicant to proceed as expeditiously as possible with tenant renovations for the space, Supervisor Gross moved that the Board direct staff to concurrently process the necessary site plans and building permits associated with Special Exception Amendment Application SEA 95-M-009 on Tax Map Parcel 72-1 ((1)) 20D. The applicant is aware that the expediting of 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 unanimous vote.

70. **EVERGREEN LANE (MASON DISTRICT)** (6:42 p.m.)

Supervisor Gross said that one year ago, she brought to the Board's attention a situation which existed along Evergreen Lane, just outside of the Annandale CRD, in the Mason District. Six lots, totaling 2.68 acres had been rezoned to the PDH-S District to permit the construction of 12 single family homes. Through a series of misfortunate events, three of the homes were allowed to begin construction without fulfillment of the proffers and without a subdivision being recorded. Subsequently, the properties went into foreclosure proceedings and five of the six lots were sold at auction to unsuspecting purchasers, who were unaware of and unable to fulfill the proffered commitments. Consequently, the Board initiated a Board's Own Motion to rezone these properties back to a conventional district which would allow the new owners to complete and occupy their new homes. This rezoning was approved for five of the six lots this past November; however, the sixth lot was not as far along in the foreclosure process, and was put on hold until the staff could locate the appropriate owner and explain the situation. The final lot has now completed the foreclosure process and has been sold, and the new owner is in contact with staff and desirous of completing the rezoning and special permit applications for his property, so that he may also complete his new residence and move in.

Therefore, Supervisor Gross moved that the Board direct staff to:

- Re-initiate these applications (Rezoning Application RZ 2009-MA-012 and Special Permit Application SP 2008-MA-079) and schedule the appropriate hearings expeditiously.
- Authorize the County Executive and Kris Abrahamson and Susan Langdon of the Department of Planning and Zoning to act as the agents of the Board in connection with these applications.

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

71. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA SMYTH** (6:45 p.m.)

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

72. **WESTFIELD HIGH SCHOOL BOOSTERS (SULLY DISTRICT)** (6:45 p.m.)

Supervisor Frey announced that the Westfield High School Boosters intend to construct a small addition to the snack bar at the football field. The addition would contain restroom facilities to eliminate the need for portable toilets and to significantly reduce the need for students, parents, and guests to enter into the school during sporting events. The majority of the work will be done by volunteers or at a significantly reduced rate by supporters. The expenditures will be funded entirely by the Booster Club.

To further reduce costs, Supervisor Frey moved that the Board waive all fees associated with the project including site plan and building plan review, permitting fees, and tap fees. Supervisor Hyland seconded the motion.

Following an inquiry to David P. Bobzien, County Attorney, who declared the action permissible, the question was called on the motion, which carried by unanimous vote.

73. **RETIREMENT OF WESTFIELD HIGH SCHOOL GIRLS' SOCCER TEAM COACH (SULLY DISTRICT)** (6:47 p.m.)

Supervisor Frey noted that it had come to his attention that Chris Godart, the head coach of Westfield High School girls' soccer team, is retiring. Coach Godart was the 2006 National Coach of the Year and spent 26 years as a head coach in the Northern Virginia region. After citing some of the coach's other accomplishments, Supervisor Frey asked unanimous consent that the Board direct staff to invite Coach Godart to appear before the Board for his many years of excellence as a coach for Westfield High School. Without objection, it was so ordered.

74. **CENTREVILLE DAY (SULLY DISTRICT)** (6:47 p.m.)

Supervisor Frey stated that the Centreville Community Foundation, a non-profit organization, sponsors Centreville Day, a family event with the purpose of building community spirit in Centreville. This year's event returns to the Centreville Historic District on Saturday, September 26. The festivities include a parade, live entertainment, crafters, local businesses, community groups, and food vendors, children's activities, and tours of the historic district.

In the interests of maximizing the benefits from this event, Supervisor Frey moved that the Board direct staff to waive the fees for the trash disposal and work with AAA Recycling and Trash, which will be providing trash removal for the event, to ensure the fee is waived for whichever date they collect the trash following the event. Chairman Bulova seconded the motion.

Following an inquiry to David P. Bobzien, County Attorney, who declared the action permissible, the question was called on the motion, which carried by unanimous vote.

PMH:pmh

75. **PEDESTRIAN FACILITIES AND UTILITIES** (6:49 p.m.)

Supervisor Hudgins said that on May 18, as a result of a Board Matter presented by Supervisor Gross, staff was directed to review major costs and coordination of construction and master planning for pedestrian facilities. A major cost concern continues to be utilities that are built in planned pedestrian alignments and then have to be relocated when the trail is finally constructed.

Recently, an alert County employee noticed that a gas line was being installed in the alignment of a major trail, currently in design in Reston. The employee called his department and had the plans sent to the utility company. The installation of the gas line would have impacted 200 feet of trail and a culvert.

Supervisor Hudgins said that her office learned of the conflict as a result of a routine call from a constituent who complained that the intersection and road were not returned to original condition after the gas line installation. As an earlier concern raised by Supervisor Gross, there is an urgent need to prevent increased cost to trail construction due to utility relocation.

Therefore, Supervisor Hudgins moved that the Board refer to the Legislative Committee for the Board's 2010 Legislative Program consideration for legislation that would require utility companies, in cooperation with the Virginia Department of Transportation (VDOT), coordinate the installation and/or relocation of utilities with the Comprehensive Plan language and Countywide Trails Program. Chairman Bulova seconded the motion and it carried by unanimous vote.

76. **RESTON TOWN CENTER TWENTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (6:51 p.m.)

Supervisor Hudgins said that in October 2010, the Reston Town Center will celebrate its twentieth anniversary. A year long celebration will begin at the Reston Town Center Thanksgiving Parade on November 26.

In preparation for this momentous occasion, the Reston Town Center is sponsoring a "logo" contest. The theme for the anniversary is: "The Reston Town Center — Defining, Inspiring, 20 Years." The winning design will be the official Reston Town Center Twentieth Anniversary logo and the contest winner will receive a \$500 Reston Town Center gift card. Winners will be contacted via e-mail or phone by October 1. For official Rules and Guidelines visit <http://restontowncenter.com/iframe/documents/RTC20thAnniversaryLogoContestsRules.Pdf>.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the Reston Town Center's Twentieth Anniversary Logo Contest. Without objection, it was so ordered.

77. **SUICIDE PREVENTION WEEK** (6:52 p.m.)

Supervisor Cook said that in the US, one person dies by suicide every 18 minutes, and it is estimated that 5 million people in the United States have lost a loved one to suicide in the past 25 years. Suicide is the eleventh leading cause of all deaths in the US, and mental health problems will strike one in five adults each year regardless of age, gender, race, ethnicity, religion, or economic status. It is the third leading cause of death among youth between the ages of 15 and 25, and the second leading cause of death for college students, with tragic consequences not only for themselves, but others as well.

Suicide is also the most preventable cause of death, and the vast majority of suicidal individuals display warning signs. Organizations such as CrisisLink are dedicated to reducing the frequency of suicide attempts and deaths, and the pain for survivors affected by suicides of loved ones, through educational programs, research projects, intervention services, and bereavement services.

CrisisLink saves lives and prevent tragedies; gives vital support to people facing life crises, trauma and suicide; and provides information, education, and links to resources for County residents. Over the past year, CrisisLink saw a 60 percent increase in the number of callers contemplating suicide, answered 7,742 calls from Fairfax residents in crisis, provided 13 suicide prevention and depression awareness workshops to Fairfax residents, and distributed 180,000 suicide prevention wallet cards to the Fairfax County Public School system.

As suicides traditionally increase in times of economic crisis, the urgency to reach out to those in need is especially heightened.

Therefore, to raise awareness Supervisor Cook moved that the Board:

- Proclaim September 6-12, 2009, as “*Suicide Prevention Week*” in Fairfax County.
- Direct staff to invite a representative from CrisisLink to the September 14 Board meeting to speak about the organization and be recognized for the vital service it provides in the community.

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

78. **CONCURRENT PROCESSING FOR COLLEGE TOWN ASSOCIATES, LP (BRADDOCK DISTRICT)** (6:54 p.m.)

Supervisor Cook said that College Town Associates, LP has filed Rezoning Application RZ-2009-BR-015 concurrent with Proffered Condition Amendment Application PCA-C-83-2 and Special Exception Amendment Application SEA 87-A-086-02 to redevelop up to 210,872 square feet of space on a property currently zoned C-6 and known as University Mall. It is located on Tax Map 68-1 ((1)) on part of Lot 9 and 9A at the corner of Ox Road and Braddock Road.

Because of the complexity of the application, College Town Associates has asked that it be allowed to proceed with a simultaneous review of its proposed site plan.

Therefore, Supervisor Cook moved that the Board direct staff to concurrently process the review of the site plan for this project. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications, and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

79. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (6:56 p.m.)

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

80. **FAIRCHILD PROPERTY (MOUNT VERNON DISTRICT)** (6:56 p.m.)

Supervisor Hyland said that the Fairchild family has owned the property behind the old K-Mart, now advertised as the Kings Crossing site, for many years. The land was once part of the historic Spring Bank estate, listed in the County’s Inventory of Historic Sites as dating back to around 1809. The home unfortunately fell into disrepair and was demolished many years ago. Since the

Fairchilds have owned a part of the old estate, they have been excellent, responsible stewards of their land.

Supervisor Hyland explained that Elizabeth Fairchild and her son Charles have agreed to grant a deed of gift to the Board. This generous gift will allow the Board to help preserve, protect, and restore Quander Brook. He added that in the coming weeks, he will host a celebration in the community to commemorate this transfer to show the Fairchild family Mount Vernon's gratitude for their generosity.

Therefore, Supervisor Hyland moved that the Board, in accordance with Virginia Code Ann § 15.2-1803 (2008), accept a deed of gift from Elizabeth Fairchild, Trustee, of approximately 8.31 acres of land identified as Tax Map Number 83-3-01-0024. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

81. **MOUNT VERNON COUNCIL RESOLUTION ON 527 REVIEW FEES**
(6:59 p.m.)

Supervisor Hyland said that last week, the Mount Vernon Council transmitted a resolution to him and the State Representatives of Mount Vernon requesting changes to the Virginia Department of Transportation's (VDOT) 527 review process and fee schedule. The Council applauds the State for integrating and evaluating land use proposals with associated transportation impacts, however not to the extent that it delays revitalization projects or prevents civic and revitalization organizations from submitting Comprehensive Plan nominations.

During the special BRAC Area Plan Review, the Southeast Fairfax Development Corporation was forced to withdraw some of its nominations because of the extremely expensive cost to meet the submission and technical review requirements of 527. The Council has been forced to withhold submissions for the South County Area Plan Review for the same reasons. The effect of the current 527 regulations has been that it excludes most private residents and non-profit organizations from submitting nominations that may have to undergo a 527 review.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to add the Council's resolution as an agenda item for the Legislative Committee. Without objection, it was so ordered.

82. **MOUNT VERNON COUNCIL RESOLUTION ON LICENSING TREE CUTTERS** (7 p.m.)

Supervisor Hyland said that in Mount Vernon some unlicensed tree trimmers prey on the population. Also known as "woodchucks," they go around unnecessarily creating hazards and destroying trees by topping, flush-cut pruning, or removing trees all together. They often tell homeowners that beautiful living trees are dead

and pose a threat to their home or property. Or, they deceive the homeowner into believing that they are responsible for trimming trees in the utility right of way. This practice runs contrary to the County's tree preservation goal and the spirit of the County's tree preservation ordinance.

Supervisor Hyland asserted that these woodchucks are giving responsible and reputable licensed and bonded tree service companies a bad name. The Council's resolution asks that the County determine whether there is existing enabling legislation to require licensing and/or certification of tree workers. If unavailable, the Council urges the Board to support legislation in the General Assembly effecting these changes.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this resolution to staff for review and response to the Board. Without objection, it was so ordered.

83. **RESOLUTION ON ADOPTING A MEMORANDUM OF UNDERSTANDING (MOU) WITH HARBIN, CHINA** (7:01 p.m.)

Supervisor Hyland said that on March 9 the Board authorized the Chairman of the Board to sign a MOU between the County and the City of Harbin in China. At the meeting, the Board agreed to review a future agreement that would be translated in Chinese.

Therefore, Supervisor Hyland asked unanimous consent that the Board:

- Adopt the MOU between the County and the City of Harbin of the People's Republic of China on Friendly Exchanges and Cooperation.
- Direct staff to send a copy of the agreement to the City of Harbin of the People's Republic of China.

Without objection, it was so ordered.

84. **MS. VIRGINIA SENIOR AMERICA 2009 (MOUNT VERNON DISTRICT)** (7:03 p.m.)

Supervisor Hyland said that on July 24 Mount Vernon's own Maureen Ribble won Ms. Virginia Senior America 2009. He noted that she will now advance to Atlantic City in October to compete for the title of Ms. Senior America.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to:

- Invite Ms. Virginia America 2009 to appear before the Board to be recognized for her outstanding achievement.

- Obtain a copy of the winning performance video.

Without objection, it was so ordered.

85. **INCREASE IN ETHANOL LEVELS IN GASOLINE** (7:04 p.m.)

Supervisor Hyland said that the increased levels of ethanol from 5 percent to 10 percent into gasoline is creating problems for individuals with small motors and he asked unanimous consent that this issue be referred to the appropriate staff for review. Without objection, it was so ordered.

86. **DRAFT LEGISLATIVE COMMITTEE SCHEDULE** (7:06 p.m.)

Supervisor McKay distributed a draft Legislative Committee meeting schedule to Board Members and he noted that Wednesday, December 9 at 4 p.m. will be a work session with the General Assembly delegation in lieu of the Board's typical breakfast with the delegation.

87. **ENVIRONMENTAL QUALITY AND ADVISORY COMMITTEE (EQAC)**
(7:07 p.m.)

(BACs) Jointly with Supervisor Hyland, Supervisor McKay said that on December 1, 2008, at his and Supervisor Hyland's request, EQAC held its yearly public meeting at the two following locations:

- County Government Center
- South County Government Center located on Richmond Highway

Supervisor McKay noted that last year was the first time that a County entity held a public hearing that included a remote location for citizens to watch and participate. He added that more citizens testified at the remote location than did at the main Government Center location.

Supervisor McKay noted that this year's EQAC public hearing is scheduled for Monday, December 1 at 7:30 p.m. in the Board Auditorium of the Government Center. In light of the success of last year's experiment, Supervisor McKay stated that the Board should formalize the remote location option and implement technology resources to make the County government more efficient and responsive to its citizens.

Therefore, Supervisor Hyland and Supervisor McKay asked unanimous consent that the Board direct staff to facilitate EQAC's December 1 public hearing at both the County Government Center and the South County Center and provide full remote capabilities. Without objection, it was so ordered.

88. **REQUEST FOR EXPEDITIOUS PROCESSING OF PROFFERED CONDITION AMENDMENT APPLICATION AND CONCURRENT PROCESSING OF THE APPLICATION AND SITE PLAN (LEE DISTRICT)** (7:09 p.m.)

Supervisor McKay said that the Kingstowne Section 36A conversion from Hotel to Office is an approximately 4.48 acre property at the intersection of South Van Dora Street and King Center Drive, located on Tax Map Parcels 91-2-((1))-26F. The applicant has submitted a Proffered Condition Amendment/Final Development Plan Amendment Applications PCA C-448-32/FDPA C-448-10-03, Rezoning/ Final Development Plan Applications RZ/FDP 2009-LE-008, and Rezoning/ Final Development Plan Applications RZ/FDP 2009-LE-009 to revise the plan approved in the rezoning process, Rezoning/Final Development Plan Applications RZ/FDP 1999-LE-073, which was approved by the Board on June 21, 2000. The current approval is for an 87,760 square foot hotel. The proposed rezoning is for a 114,000 square foot office building, which includes a maximum of 5,000 square feet of retail space. This proposed change is due to expected office space demand from the Base Realignment and Closure and also an oversupply of hotel projects already approved, built, or pending in the area.

The Lee District Land Use Committee voted in support of this project overwhelmingly (16-0-1) at its April 6 meeting.

Therefore, Supervisor McKay moved that the Board direct staff to expedite processing of the above referenced application and concurrently process the application and the site plan. This motion should in no way prejudice the full review of this application and does not preclude the applicant from adherence to all adopted standards in anyway. Supervisor Herrity seconded the motion and it carried by unanimous vote.

89. **BRIDGEWALK IN LEE DISTRICT** (7:11 p.m.)

Supervisor McKay said that on Tuesday, August 25 at 7:30 p.m., members of the Springfield community will march over Veterans Bridge in the heart of the Springfield revitalization district and hold a community celebration at the American Legion end of the bridge. The celebration will feature music and food from local restaurants.

This year's BridgeWalk will have an added feature. In addition to Fort Belvoir's participation, this year's event will feature an Army Community Covenant signing. The covenant is an affirmation of support by state and local communities to active, guard, and reserve service members and their families.

The BridgeWalk is a community building event that began eight years ago to mark the installation of new lighting on the Amherst Avenue Bridge in central Springfield. Veterans Bridge (also known as the Amherst Avenue Bridge) crosses over Old Keene Mill Road and links both sides of Springfield's commercial

revitalization area. The bridge is a gateway to central Springfield. With its acorn lights, wide sidewalks, pedestrian stairway, and attractive facade, it dovetails with the community's vision for a revitalized Springfield and is an attractive gateway to the central business district.

Therefore, Supervisor McKay invited Board Members to join him and he asked unanimous consent that the Board direct the Office of Public Affairs to advertise this event. Without objection, it was so ordered.

90. **BOARD ADJOURNMENT** (7:13 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	3-6
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	6-11
Items Presented by the County Executive	
Administrative Items	12-17
Action Items	17- 21
Information Items	21-22
Board Matters	
Chairman Bulova	2, 22-27, 30-31
Supervisor Cook	30-31, 59-60
Supervisor Foust	n/a
Supervisor Frey	2, 57-58
Supervisor Gross	56
Supervisor Herrity	28-32
Supervisor Hudgins	19, 58-59
Supervisor Hyland	2, 60-63
Supervisor McKay	63-65
Supervisor Smyth	n/a
Actions from Closed Session	39.54
Public Hearings	39-55