



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 8, 2010**

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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 Tuesday, June 8, 2010, at 9:22 a.m., there were present:

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

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

(NOTE: Later in the meeting, Supervisor Hyland explained his late arrival. See Clerk's Summary Item #31.)

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

BOARD MATTERS

1. **ORDERS OF THE DAY** (9:22 a.m.)

Chairman Bulova announced that the Board would begin with a moment of silence and then the meeting would be turned over to Merni Fitzgerald, Director, Office of Public Affairs, for introduction of the Department of the Army's Third Infantry Continental Color Guard and Old Guard Fife and Drum Corps.

2. **MOMENT OF SILENCE** (9:23 a.m.)

(BACs) Supervisor McKay asked everyone to keep in thoughts the family of Ann Gerstenberger, the Lee District representative to the Wetlands Board, who died recently.

Supervisor Foust asked everyone to keep in thoughts the family of Mr. Dewey Bond, the Dranesville District representative to Fairfax Water, who died recently. Supervisor Foust noted that Mr. Bond had a distinguished career in the County which included several terms as the elected representative to the Northern Virginia Soil and Water Conservation District (NVSWCD) and he had served on the Environmental Quality Advisory Council (EQAC).

Supervisor Gross asked everyone to keep in thoughts the family of Thomas Bowman White, Jr., known by most as "Bo" White, who died recently. Supervisor Gross stated that Mr. White was the first Lord Fairfax from Mason District, having been selected by then Mason District Supervisor Tom Davis for the honor in 1984. She added that Mr. White served as the Mason District representative to the County Park Authority under three Supervisors from 1986 until 2002, chairing that body for two terms. Supervisor Gross stated that Mr. White also oversaw the preservation and renovation of the Clark House and many improvements at Green Spring Gardens; he also provided assistance in securing Pine Ridge as a permanent park.

3. **PRIMARY ELECTION DAY** (9:25 a.m.)

Supervisor Cook stated that today is primary election day in Virginia with two Republican primaries in the eighth and eleventh congressional districts of the County and encouraged citizens to exercise their right and privilege to vote.

AGENDA ITEMS

4. **PRESENTATION OF THE COLORS** (9:26 a.m.)

Following an introduction by Merni Fitzgerald, Director, Office of Public Affairs, the Army Continental Color Guard presented the colors and an element of the Old Guard Fife and Drum Corps performed.

5. **PROCLAMATION DESIGNATING JUNE 14-20, 2010, AS "ARMY STRONG WEEK" IN FAIRFAX COUNTY** (9:29 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate June 14-20, 2010, as "Army Strong Week" in Fairfax County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Following remarks by Major General Karl R. Horst, Commander, Joint Force Headquarters/National Capital Region and the United States Army Military District of Washington, Chairman Bulova announced that she would be presenting a surprise resolution.

RESOLUTION CONGRATULATING ARMY COLONEL JERRY L. BLIXT (9:38 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the resolution commending and congratulating Colonel Jerry L. Blixt, Garrison Commander of Fort Belvoir. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland not yet having arrived.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO 2010 LORD AND LADY FAIRFAX HONOREES** (9:44 a.m.)

Chairman Bulova announced the following 2010 Lord and Lady Fairfax honorees:

At Large

- Ms. Luella Brown
- Mr. Verdia Haywood

Braddock District

- Ms. Shirley DiBartolo
- Mr. Sam DiBartolo

Dranesville District

- Ms. Tanveer A. Mizra
- Cantor Michael A. Schochet

Hunter Mill District

- Ms. Carol Ann Bradley
- Mr. Patrick Kane (unable to attend)

Lee District

- Ms. Suzette Kern
- Mr. Harry H. Zimmerman (unable to attend)

Mason District

- Ms. Cindy Waters
- Mr. Mike Magil

Mount Vernon District

- Ms. Glenda Booth (unable to attend)
- Mr. Linwood Gorham

Providence District

- Ms. Sarah M. Lahr
- Mr. Ken A. Quincy

Springfield District

- Ms. Lynne M. Garvey-Hodge
- Mr. Tom Peterson

Sully District

- Ms. Deborah J. Robison
- Mr. Steven T. Ratliff

Chairman Bulova stated the honoring of the Lords and Ladies Fairfax comes as final plans are put in place for this week's celebration, with the festival opening this Friday at 6 p.m. and running through the evening of Sunday, June 13. Produced by Celebrate Fairfax, Incorporated, she said that it is the County's official fair featuring over 300 community and commercial exhibits, outstanding

entertainment, thrilling carnival rides, and fantastic food. Lynne Strobel, Chair, Board of Directors, Celebrate Fairfax, invited everyone to attend and announced that there would be a very special program on Saturday and Sunday for the families of individuals who serve in the military and are based in the County.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved the Certificates of Recognition presented to the 2010 At Large Lord and Lady Fairfax honorees. Supervisor Hyland seconded the motion. Following discussion, Chairman Bulova amended her motion to include all the 2010 honorees. The question was called on the motion, as amended, and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. AUGUST FRATTALI** (10:20 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to August Frattali, principal of Rachel Carson Middle School, for his noteworthy and dedicated years of service to the County. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING JUNE 20–26, 2010, AS "MOSQUITO AWARENESS WEEK" IN FAIRFAX COUNTY** (10:28 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate June 20–26, 2010, as "*Mosquito Awareness Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **ADMINISTRATIVE ITEMS** (10:37 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Appendix A, and the Public Facilities Manual (PFM), Regarding the National Flood Insurance Program. A brief discussion ensued, with input from Craig Carinci, Director, Stormwater Planning Division, Department of Public Works and Environmental Services, concerning letters sent to owners of property near or adjacent to a flood plain and the applicability to buildings and structures.

The question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross,

Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

ADMIN 1 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SULLY DISTRICT)

- Endorsed traffic calming measures consisting of three speed tables on Dower House Drive.
- Directed staff to request the Virginia Department of Transportation to allow the installation of the approved measures as soon as possible.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, MASON, 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>
FS-P09-189	Clearwire US LLC Rooftop antennas 7900 Westpark Drive Providence District	August 8, 2010
2232-V10-8	Verizon Wireless 125-foot monopole 8428 Fort Hunt Road (Sandburg Middle School) Mount Vernon District	August 15, 2010
2232-Y10-9	T-Mobile Northeast LLC 125-foot monopole 13618 McLearen Road (Carson Middle School) Sully District	August 15, 2010
FS-V10-13	New Cingular Wireless PCS LLC / T-Mobile Northeast LLC / Sprint Antenna colocation in existing steeple 2006 Belle View Boulevard Mount Vernon District	August 15, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P09-35	New Cingular Wireless PCS LLC / T-Mobile Northeast LLC 115-foot monopole (tree pole) 2505 Cedar Lane (Thoreau Middle School) Providence District	August 19, 2010
FSA-D09-47-1	New Cingular Wireless PCS LLC Relocation of equipment shelter 1580 Beulah Road Dranesville District	August 16, 2010
FS-H10-10	Clearwire US LLC Antenna colocation on existing monopole/light pole 11400 South Lakes Drive (South Lakes High School) Hunter Mill District	August 20, 2010
FS-D10-11	Clearwire US LLC Antenna colocation on existing monopole/light pole 6520 Georgetown Pike (Langley High School) Dranesville District	August 20, 2010
2232-M07-12	Columbia Crossroads LP East County Human Services Center (PPEA proposal) 5837 Columbia Pike Mason District	December 7, 2010
FS-D09-208	District of Columbia Water and Sewer Authority Odor control building North of River Park Drive Dranesville District	December 7, 2010

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), ARTICLE 1, REGARDING PROPERTY MAINTENANCE PROVISIONS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 13, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), Article 1, regarding property maintenance provisions. The proposed amendment has an effective date of 12:01 a.m. on July 14, 2010.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), APPENDIX A, AND THE PUBLIC FACILITIES MANUAL (PFM), REGARDING THE NATIONAL FLOOD INSURANCE PROGRAM

- (A) (R) (Note: Earlier in the meeting, the Board discussed this item. See page 5.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 30, 2010, and before the Board on **July 27, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Appendix A, and the PFM, regarding the National Flood Insurance Program.

10. **I-1 – CONTRACT AWARD – ATHLETIC FIELD LIGHTING AND RELATED ELECTRICAL WORK AT PINE RIDGE PARK (MASON DISTRICT)** (10:39 a.m.)

The Board next considered an item contained in the Board Agenda dated June 8, 2010, requesting authorization for staff to award a contract to Beckstrom Electric Company, Incorporated, in the amount of \$733,000 for the installation of Athletic Field Lighting and Related Electrical Work at Pine Ridge Park, in Project 475508, Park Development, in Fund 370, Park Authority Bond Construction.

Discussion ensued concerning emails received from users of the fields and the response generated by the Department of Community and Recreation Services.

The staff was directed administratively to proceed as proposed.

11. **I-2 – CONTRACT AWARD – LEE DISTRICT PARK FAMILY RECREATION AREA PHASE 1 (LEE DISTRICT)** (10:41 a.m.)

The Board next considered an item contained in the Board Agenda dated June 8, 2010, requesting authorization for staff to award a contract to ITEK Construction and Consulting, Incorporated in the amount of \$1,628,600 for construction of phase 1 facilities (entrance plaza, restroom and filter buildings,

parking areas, stormwater management facilities, walkways and utilities) for the Family Recreation Area at Lee District Park, funded in Fund 370, Park Authority Bond Construction and in Fund 371, Park Capital Improvement Fund.

The staff was directed administratively to proceed as proposed.

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ADDITIONAL BOARD MATTERS

12. **ORDERS OF THE DAY** (10:41 a.m.)

Noting the early hour, Chairman Bulova announced that the Board would proceed with the presentation of Board Matters prior to the briefing on the Tysons Plan.

13. **RECOGNITION OF ORGANIZATIONS AND INDIVIDUALS** (10:42 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to:

- Invite representatives from Lake Braddock’s Odyssey of the Mind team to appear before the Board on June 22 to accept a certificate honoring their achievement.
- Prepare and send a proclamation to the Health Department declaring November 2010 as “*Premature Birth Awareness Month*” in Fairfax County.
- Prepare and send a proclamation to the Health Department recognizing December 1 as “*World AIDS Day*” in Fairfax County.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(Later in the meeting, Chairman Bulova presented additional Board Matters. See Clerk’s Summary Items #17 and #33.)

14. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA Q. SMYTH** (10:44 a.m.)

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

15. **INTERNET SAFETY TOWN HALL MEETING (BRADDOCK AND SPRINGFIELD DISTRICTS)** (10:44 a.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity announced that Thursday, June 10, at 7:30 p.m. at WT Woodson High School, he and Supervisor Cook would be holding a town hall meeting focused on educating, equipping and empowering parents, grandparents, educators, and other caring adults with the knowledge and resources needed to protect the children under their care from online dangers. The town hall will feature presentations from nationally renowned Internet safety expert and Enough Is Enough (EIE) President Donna Rice Hughes and a County Police Officer from the Child Exploitation Unit.

Supervisor Herrity explained that the evening's program will cover the essential technical and non-technical safety basics parents and other adults in the community need to know to protect children from the online threats of pornography, sexual predators, and cyber-bullies, as well as how to keep kids safe on social networking sites, gaming, and mobile devices. The event will include footage from EIE's award-winning multi-media Internet safety program, Internet Safety 101 including true stories from kids, parents, victims, and even a convicted sex offender, as well as expert advice from clinicians, child safety advocates, and law enforcement and technology insiders.

Supervisor Herrity announced that this event is open to parents, educators, and other concerned adults in the community. Some of the material is not appropriate for young children.

Accordingly, jointly with Supervisor Cook, Supervisor Herrity asked unanimous consent that the Board direct the Office of Public Affairs to publicize this town hall. Without objection, it was so ordered.

16. **RECOGNITION OF COMMUNITY MEMORIAL DAY FUNDRAISER BENEFITING FISHER HOUSE (SPRINGFIELD DISTRICT)** (10:46 a.m.)

Supervisor Herrity reported that this past Memorial Day, Cardinal Plaza Shell, located at the intersection of Old Keene Mill and Rolling Road in Springfield held a very successful fundraising event benefiting Fisher House. Fisher House is a charity that supports America's military in its time of need by donating "comfort homes."

To raise money, Cardinal Plaza Shell held an Oil-Change-A-Thon in which the entire proceeds from each oil change were donated to Fisher House as well as a Pump-A-Penny campaign in which a penny of each gallon of gas sold that day was donated to Fisher House. In total the event raised over \$6,000 for Fisher House. To draw people in, Cardinal Plaza Shell provided free food and a moon bounce for kids. In addition, the Wildcat Band entertained the crowd all day.

Supervisor Herrity noted that this was truly a community effort as there were dozens of volunteers that helped Cardinal Plaza Shell organize and run the event. CarQuest Auto Parts donated all of the oil change supplies as well as some door prizes. Shell employees performed the oil changes without compensation. Boy Scout Troop 1849 also held a car wash where the entire proceeds went to Fisher House.

Supervisor Herrity said that far too often everyone thinks of Memorial Day as just the unofficial start of summer or a day to barbeque with friends. He said that it is events like these that help remind everyone in the community of the true meaning of Memorial Day, a time to formally recognize the ultimate sacrifice made by so many of the nation's sons, daughters, mothers, and fathers which allow everyone to enjoy the freedoms Americans have today.

Accordingly, Supervisor Herrity moved that the Board direct staff to invite those involved in putting on this great event to a future Board meeting to receive a resolution recognizing them for their Memorial Day Fundraiser benefiting Fisher House. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

17. **I-66 HIGH OCCUPANCY VEHICLE (HOV) RAMP AT MONUMENT DRIVE AND STRINGFELLOW ROAD (SPRINGFIELD AND SULLY DISTRICTS)** (10:48 a.m.)

In a joint Board Matter with Supervisor Smyth, Chairman Bulova stated that congestion along I-66 has continued to increase over the last decade without any significant increase in capacity. Congestion outside of peak commuting periods is now a commonplace experience for residents. She said that in light of the significant lack of State funding for improvements in this and many other transportation corridors in the region in the foreseeable future, it is increasingly critical to look for shorter-term, lower cost options and opportunities that might provide a measure of congestion relief.

Chairman Bulova noted that an opportunity for some relief exists on I-66 which has two sets of reversible freeway ramps, at Monument Drive and at Stringfellow Road, that currently serve only HOV traffic during peak hours on weekdays. They are closed to traffic during off-peak hours and weekends. The Virginia Department of Transportation (VDOT) has proposed to open these ramps to all traffic during off-peak hours and weekends to relieve congestion in the corridor. Opening these ramps would also help relieve traffic from heavily traveled adjacent interchanges with US-50, the Fairfax County Parkway, and Route 28, reducing trip lengths, vehicle miles of travel (VMT), and vehicle emissions. She asserted that while opening the ramps will not solve the traffic problems on I-66, it represents a step in the right direction.

Chairman Bulova explained that in terms of where the idea originated, since the HOV ramps opened, the County has received requests from residents to open the

ramps during other hours and for non-HOV. The earliest that the County's Department of Transportation (DOT) can find a written record in the file is from 1999. Mr. Arthur J. Maurer contacted Supervisor Frey with this request, and it was passed from his office to VDOT for consideration. The VDOT review at that time indicated that it was not supportive of the modification. However, four to five years ago, VDOT, as part of a regional operations review, decided to reconsider the idea, as well as a number of other potential operational change ideas in the I-66 corridor to squeeze more capacity out of it. She also noted that in 2006, then-Chairman Connolly requested that DOT pursue the idea with VDOT again. This issue was also discussed at the April 19 I-66 town meeting sponsored by Congressman Wolf and Supervisor Frey and Supervisor Herrity.

Chairman Bulova said that in the summer of 2007, VDOT began conducting outreach meetings to request feedback on possible expanded operation of the ramps. Over the next two years, VDOT representatives met with many community stakeholders and, in 2008, the Board unanimously voted to support the opening of these ramps. Until recently VDOT and the Federal Highway Administration's (FHWA) Virginia division had been debating the need for VDOT to submit an Interchange Justification Report (IJR). She said that it had been called to her attention that recently the FHWA Virginia Division has transmitted VDOT's request to FHWA headquarters with its endorsement that an IJR is not required. As this request was being transmitted, Congressman Connolly sent a letter to Secretary LaHood asking for FHWA to expedite this longstanding request. She shared copies of this letter with the Board and said that FHWA headquarters responded by asking VDOT to submit an Interchange Modification Report (IMR).

Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board direct DOT staff to:

- Draft a letter to Commonwealth Transportation Secretary Connaughton for the Chairman's signature expressing the Board's desire for VDOT to compile the IMR and bring this process to a swift resolution.
- Begin working expeditiously with VDOT to compile the necessary data required for submission of the IMR to FHWA Virginia Division.
- Notify the Board and Congressman Connolly of any issues related to the submission of the IMR so the County can work with its Federal partners to bring about a timely resolution to an extensive and drawn out process.
- Work with VDOT to implement the necessary signal and signage modifications at these ramps so that the County is prepared to

implement the changes promptly upon receiving approval from FHWA.

Supervisor Herrity seconded the motion.

Discussion ensued regarding a radio report on this issue earlier in the morning and current and past Board Members' work on this issue.

Supervisor Frey asked to amend the motion to add Congressman Wolf to the list of those to be kept apprised (second bullet), and this was accepted.

Following further discussion of the common sense of this solution and its ramifications beyond those who live in the immediate vicinity of the ramps, the question was called on the motion, as amended, which carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

18. **COMMENDATION OF MS. DESIREE BALTIMORE** (10:56 a.m.)

Supervisor Hudgins noted that Desiree Baltimore, Director, Tax Relief Division, Department of Tax Administration, is known by the entire Board. Ms. Baltimore provided outstanding service to two constituents who sent a letter of commendation (copies distributed to the Board) noting her outstanding service

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to process a letter of commendation from the Board into Ms. Baltimore's personnel file for her outstanding service and a thank you from the Board for her work. Without objection, it was so ordered.

19. **RECOGNITION OF MR. HENRY "HERK" LATIMER (HUNTER MILL DISTRICT)** (10:57 a.m.)

(BACs) Supervisor Hudgins noted that Henry B. "Herk" Latimer was first appointed and has diligently served on the Human Services Council since in May 1997. She first reappointed him in July 2000. On May 24, Mr. Latimer served as an appointee to the Human Services Council for the last time. He is deciding to step down.

Supervisor Hudgins outlined Mr. Latimer's numerous career and community accomplishments. His true passion is dealing with cognitive and intellectual disabilities on behalf of his daughter, Caroline.

Accordingly, Supervisor Hudgins moved that the Board direct staff to invite Mr. Latimer to appear before the Board to be recognized for his 13 years of service to the Human Services Council and the residents of the County. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Foust being out of the room.

20. **RECOGNITION OF MADISON HIGH SCHOOL CREW TEAMS (HUNTER MILL DISTRICT)** (10:59 a.m.)

Supervisor Hudgins announced that the members of Madison High School's crew team rowed to new heights this spring. Both the men's and women's novice eight boats won the State championship for their division. In addition, the varsity women's lightweight four boat captured the gold in the State championship, with the men's lightweight four bringing home the silver. The very next weekend, the women's junior eight competed in the National Championship at Saratoga Springs, New York, coming in second in the nation.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the members of Madison's crew teams to appear before the Board on June 22 to be recognized for their accomplishments and successful season. Without objection, it was so ordered.

21. **JAMES MADISON HIGH SCHOOL'S LADY WARHAWKS CAPTURE NORTHERN REGIONAL SOFTBALL CROWN (HUNTER MILL DISTRICT)** (10:59 a.m.)

Supervisor Hudgins reported that the James Madison High School girls' softball team captured the Liberty District and the Northern Regional championships with a hard fought victory last week against rivals, the McLean Highlanders. The Warhawks are on a 20-game winning streak and have an overall record of 25-2.

Later today, the Lady Warhawks will face Loudoun Valley in the State quarterfinal matchup. She wished them good luck in continuing their winning way.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the James Madison High School softball team to appear before the Board to be recognized for its noteworthy accomplishments. Without objection, it was so ordered.

22. **RECOGNITION OF SOUTH LAKE HIGH SCHOOL'S BOYS' TRACK TEAM (HUNTER MILL DISTRICT)** (11 a.m.)

Supervisor Hudgins announced that the South Lakes High School boys' track and field team captured the Liberty District and on May 25-27, 2010, first place at the Northern Region Track and Field Championships. This is the second year in the row that the Seahawks have won the Northern title. This past weekend, the Seahawks competed in the Virginia AAA State Track and Field Championships.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Seahawks boys' track and field team to appear before the Board at the June 22 meeting to be recognized for its outstanding accomplishments. Without objection, it was so ordered.

23. **LUTIE LEWIS COATES ELEMENTARY SCHOOL DEDICATION (HUNTER MILL DISTRICT)** (11 a.m.)

Supervisor Hudgins noted that if she were not at today's Board meeting, she would be attending the formal dedication of Lutie Lewis Coates Elementary School. The school's namesake is an African American educator who taught for 32 years in the County and served as principal at the former Floris Colored School. This is only the second school in the County named for an outstanding African American. The school has had a great first year thanks to the work of Principal Karen Siple. On behalf of the Board, she sent her congratulations to the staff, students, and families of Coates Elementary for living up to the legacy of Lutie Lewis Coates and said she looks forward to continued success and future milestones.

24. **CELEBRATING 100 YEARS OF SCOUTING IN AMERICA** (11:02 a.m.)

Jointly with Supervisor Foust, Supervisor Cook referred to his written Board Matter outlining the history of the Boy Scouts of America.

Supervisor Cook asked unanimous consent that the Board direct staff to invite representatives from the National Capital Area Council Boy Scouts of America to appear before the Board at its July 13 meeting to be recognized for their tireless efforts in working with youth and their ceaseless contributions toward a more conscientious, responsible, and productive society. Without objection, it was so ordered.

25. **KOREAN WAR REMEMBRANCE DAY** (11:04 a.m.)

Supervisor Cook noted that on June 25 it will be 60 years since an army of North Koreans crossed the thirty-eighth parallel, touching off the Korean War. Sandwiched between the national unity of World War II and the national discord of the Vietnam War, he said that the Korean War had largely faded from the public consciousness, rendering it the "Forgotten War."

Supervisor Cook asserted that neither the sacrifices made nor the hardships faced by those who served should ever be forgotten. He noted that the County established a sister-jurisdiction relationship with Songpa-gu, Seoul, Korea, and the Economic Development Authority has an office in Seoul. He said that these strong ties with the Republic of Korea reminds everyone every day what the veterans of the Korean War fought for and preserved—a free and democratic people.

To commemorate the actions of the County's Korean War Veterans and to honor their service, Supervisor Cook moved that the Board proclaim June 25 as "*Korean War Remembrance Day*" in Fairfax County. Supervisor Gross seconded the motion.

Supervisor Cook announced that this anniversary was brought to his attention by some Korean War veterans in his community and Supervisor Gross noted that her father served in the Korean War.

Following discussion regarding presenting the award in the Board Auditorium, with input from Merni Fitzgerald, Director, Office of Public Affairs, Supervisor Cook amended his motion to direct staff to invite the appropriate veteran representatives to appear before the Board on June 22 for recognition, and this was accepted.

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

Supervisor Gross asked unanimous consent that the Board direct staff to invite Korean-American Korean War veterans to ensure that a diverse group will be honored.

(NOTE: Later in the meeting, the Board took action on related items. See Clerk’s Summary Items #33 and #35.)

PMH:pmh

26. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:08 a.m.)

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

27. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (11:08 a.m.)

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

28. **DELINQUENT NON-TAX ACCOUNTS** (11:08 a.m.)

Supervisor McKay said that at its May 11 meeting, the Board authorized staff, as allowed by State code, to place delinquent non-tax accounts with a private collection agent and to recover the agent’s collection fee (up to 20 percent over and above the unpaid balance) from the person owing the charge to the County. The Board also directed the County Attorney to provide information on whether the same outside collection service could be used for judgments obtained in zoning violation enforcement cases.

Supervisor McKay said that in a memorandum dated May 25, 2010, the County Attorney opined that it is reasonable to argue that “charges” and “revenues” cited in the enabling state legislation include judgments owed to the County in zoning enforcement cases. He said that it is his understanding that the current practice is

that judgments which remain unpaid are recorded as liens against the property. With this current practice, the County may not collect the judgment owed (in many cases thousands of dollars) until the property is sold or refinanced.

Therefore, Supervisor McKay moved that the Board direct the County Executive to report to the Board by August 3 with analysis and a plan for how this capability could be put into action. Supervisor Foust seconded the motion.

Supervisor Hudgins asked to amend the motion that the Board direct staff to report with information on how many jurisdictions use penalties versus liens, and this was accepted.

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

29. **FLORENCE LANE WALKWAY PROJECT (LEE DISTRICT)** (11:10 a.m.)

Supervisor McKay said that during the Board's May 11 meeting, a motion was approved for staff to review possible sources of available funds to address the \$350,000 required to complete the Florence Lane Walkway Project and report to the Board. This review has been completed and the results have been provided to each Board Member in a memorandum from the County Executive dated May 21.

Supervisor McKay said that staff has identified that due to the receipt of a very favorable construction bid, there is adequate funding remaining in the current approved fiscal appropriation for Project 009520 Health Department Laboratory, Fund 303, County Construction. The Health Department Laboratory project is nearing completion. Therefore, a portion of the available General Fund balance from the Health Department Laboratory project could be used to offset the additional \$350,000 required to complete the Florence Lane Walkway Project.

The implementation of the proposed improvements along Florence Lane between Beech Tree Drive and Candlewood Court are critically needed to resolve a very unsafe situation for both the students and the motorists along this section of Florence Lane. This is a very high priority project for the community, and the County should make every effort to complete the proposed improvements before next winter to avoid continuing to place students in a very unsafe walking condition. This can only be achieved if the additional funds to complete this project are provided.

Therefore, Supervisor McKay moved that the Board approve the inclusion as part of the Fiscal Year 2010 Carryover Budget Review, a reallocation of \$350,000 from Project 009520 Health Department Laboratory, Fund 303, County Construction, to the Florence Lane Walkway Project, to be established in Fund 303, County Construction. Supervisor Foust seconded the motion and it carried by unanimous vote.

30. **ON-SITE SEWAGE DISPOSAL SYSTEMS** (11:12 a.m.)

Supervisor Frey referred to the Board's recent discussion about the State legislation and the new rules regarding septic systems. He said that staff has completed its analysis and believes that as long as they are emergency regulations, the County code will still prevail. Permanent regulations are scheduled to be completed by next year.

Therefore, Supervisor Frey moved that the Board refer this matter to the Legislative Committee and direct staff to evaluate and identify proposed legislative changes that could be presented in the 2011 General Assembly session that would preserve the County's authority to enforce its local codes provisions for alternative onsite sewage systems. Supervisor McKay seconded the motion and it carried by unanimous vote.

31. **LEADERSHIP FAIRFAX CLASS** (11:14 a.m.)

Supervisor Hyland announced that he was late to this morning's Board meeting because he was addressing the latest Leadership Fairfax class.

32. **MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS (MVCCA) TRANSPORTATION RESOLUTION ON THE LEVEL OF SERVICE AT THE NORTH GATEWAY (MOUNT VERNON DISTRICT)** (11:15 a.m.)

Supervisor Hyland said that recently, the MVCCA passed a resolution that seeks to help the Council, Planning Commission, and the Board to make informed planning decisions with regard to the changes in traffic capacity due to the completion of the Woodrow Wilson Bridge Project at the Richmond Highway, Huntington Avenue, Old Richmond Highway, and Fort Hunt Road intersections – collectively known as the North Gateway of the County in the Mount Vernon District. The resolution requests that staff obtain traffic data at the aforementioned intersections to determine the current level of service. This information would then be used to guide the Board in making decisions on several South County Area Plan Review nominations to the Comprehensive Plan.

In addition to the MVCCA request, Supervisor Hyland said that the Board approved his request for a traffic study on Huntington Avenue on September 10, 2007. The information from the traffic study, along with the level of service data, will go a long way to inform the community and decision makers on appropriate densities and transportation demand management goals.

Therefore, Supervisor Hyland moved that the Board direct staff to review the resolution and share information on the current level of service at intersections in the North Gateway as well as perform and share a traffic study on Huntington Avenue. Supervisor McKay seconded the motion.

Supervisor McKay noted that the Telegraph Road interchanges associated with the Woodrow Wilson Bridge are under construction, and Telegraph Road is impassable in the morning and evening. He added that many people are bypassing the area and using Route One as an alternative. Supervisor McKay asked unanimous consent that the Board direct staff to factor in the bypass traffic situation in the analysis. Without objection, it was so ordered.

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

33. **SISTER CITY RELATIONSHIP WITH SONGPA-GU, SEOUL, KOREA**
(11:18 a.m.)

(NOTE: Earlier in the meeting, the Board mentioned its sister city relationship. See Clerk’s Summary Item #25.)

Chairman Bulova announced that the sister city of Songpa-gu, Seoul, Korea had an election on June 2 and that there is a new Mayor who will be inaugurated on July 1.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Chairman, on behalf of the Board, to send congratulatory remarks to the sister mayor. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

EBE:ebe

AGENDA ITEM

34. **11 A.M. – BRIEFING ON THE PLANNING COMMISSION'S (PC) RECOMMENDATIONS ON THE TYSONS CORNER PROPOSED COMPREHENSIVE PLAN AMENDMENT (ST05-CW-1CP) AND THE ZONING ORDINANCE AMENDMENT** (11:19 a.m.)

(BACs) Walter Alcorn, Vice-Chairman, PC, and Chairman of the Tysons Corner Committee, and Jim Zook, Director, Department of Planning and Zoning (DPZ), presented a briefing on the Planning Commission’s recommendation on the proposed comprehensive plan amendment.

Discussion ensued with input from Mr. Alcorn; Mr. Zook; Daniel B. Rathbone, Chief, Transportation Planning Division, Department of Transportation; and Sterling Wheeler, Branch Chief, Policy and Plan Development Branch, DPZ, regarding the following:

- Stormwater management

- Evaluation of the quarter to half mile radius requirement
- Transportation access and accessibility from other communities
- Benefits and costs associated with developing Tysons and whether there is a study available
- Affordable housing
- Impact on surrounding communities and how to ensure infrastructure is in place before implementation
- Guidance on processing land use applications, special exceptions applications, and how to handle interim developments
- Future privatization
- \$45 million cap and the impact and ability on commercial tax base, financial incentives, and competitiveness of the proposed plan

NV:nv

ADDITIONAL BOARD MATTER

35. **KOREAN BELL GARDEN (HUNTER MILL DISTRICT)** (1:09 p.m.)

(NOTE: Earlier in the meeting, the Board announced a commemoration of the sixtieth anniversary of the Korean War. See Clerk's Summary Item #25.)

Supervisor Hudgins stated that on Sunday, June 27, at 2 p.m. a groundbreaking ceremony for the first Korean Bell Garden in North America will take place at the Northern Virginia Regional Park Authority's Meadowlark Botanical Gardens in Vienna. When completed, this garden will include a meandering trail, terraced stones, two ponds with a connecting water channel, and in the center, a traditional Korean pavilion with a large cast iron bell. She noted that her written Board Matter contained further details.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing this event to the residents of the County. Without objection, it was so ordered.

AGENDA ITEM

36. **RECESS/CLOSED SESSION** (1:10 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. *Kaveh Sari v. Detective T. W. Bacigalupi, George Mason University, Officer L. A. Robinson, Fairfax County Police Department, Ayah Wali, and Mariam B. Alwarith, Case No. CL-2009-0016309 (Fx. Co. Cir. Ct.)*
 - 2. *Craig J. Blakeley and Kathleen M. McDermott v. Board of Supervisors of Fairfax County, Virginia, Case No. CL-2010-0005765 (Fx. Co. Cir. Ct.) (Mason District)*
 - 3. *Mark J. Stadskev and Susan M. K. Stadskev v. Board of Zoning Appeals of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator, Case Nos. CL-2009-0015290 and CL-2009-0015289 (Fx. Co. Cir. Ct.) (Dranesville District)*
 - 4. *Richard Lord and Nancy Lord Zearfoss v. Board of Zoning Appeals of Fairfax County, Virginia, et al., Case Nos. CL-2009-0012456 and CL-2010-0000197 (Fx. Co. Cir. Ct.) (Springfield District)*

5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Purdy, Jr.*, Case No. CL-2008-0009693 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and Marva K. Hatcher*, Case No. CL-2008-0003912 (Fx. Co. Cir. Ct.) (Providence District)
7. *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)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Curtis O. Williams and Barbara J. Williams*, Case No. CL-2009-0011792 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No. CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter J. Ferrara*, Case No. CL-2010-0002311 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Novin Ghoudsi-Moghaddam*, Case No. CL-2009-0015190 (Fx. Co. Cir. Ct.) (Lee District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)

14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter L. Johnson, Lloyd K. Johnson, and Virginia M. Johnson*, Case No. CL-2009-0010551 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos*, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Shen*, Case No. CL-2009-0010971 (Fx. Co. Cir. Ct.) (Providence District)
17. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry Baynes and Maria Smith*, Case No. CL-2009-0007425 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcleino De La Via and Julieta De La Via*, Case No. CL-2010-0002567 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fernando Vargas and Graciela Vargas*, Case No. CL-2009-0017350 (Fx. Co. Cir. Ct.) (Sully District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dwark O. Parikh*, Case No. CL-2010-0003839 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tacklin U. Evangelista and Fe*

Peralta Evangelista, Case No. CL-2010-0002793
(Fx. Co. Cir. Ct.) (Mason District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Milton Ortega and Maria A. Lopez*, Case No. CL-2010-0004121 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omer Malik*, Case No. CL-2009-0015575 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. King Homes, Inc.*, Case No. CL-2010-0005839 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Pinto*, Case No. CL-2010-0006269 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyung Kon Kim and Eun Hee Kim*, Case No. CL-2010-0006713 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia Beatriz Medrano*, Case No. CL-2010-0006848 (Fx. Co. Cir. Ct.) (Springfield District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler*, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hae*

Won Lee and Nam Sook Lee, Case No. CL-2010-0007139 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luom Son and Sen Ly*, Case No. CL-2010-0007026 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Malcolm Five, LP*, Case No. CL-2010-0007140 (Fx. Co. Cir. Ct.) (Mason District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ryan Denmark and Amy Denmark*, Case Nos. 09-0031512 and 09-0031513 (Fx. Co. Gen. Dist. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Iglesia De Dios Pentecostal Esmirna, Inc.*, Case Nos. 10-0004099 and 10-0006617 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Narong Chotikul*, Case Nos. 10-0008692 and 10-0008693 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Alvin B. Owens*, Case Nos. 10-0009610 and 10-0009611 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ivy Inocencio*, Case Nos. 10-0008939 and 10-0008940 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
39. *Board of Supervisors of Fairfax County, Virginia v. TWG Ashton Commons, LLC*, Case No. CL-2010-0007201 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- Jennifer Detweiler v. Craig B. Leech, Case Number CL-2009-0013202
- Michael Scanlon, et al. v. County of Fairfax, Virginia, Case Number CL-2010-0007821
- Residential Studios Zoning Ordinance Amendment

Supervisor Foust seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, regarding the one-hour estimate for the session, the question was called on the motion, and it carried by unanimous vote.

DAL:dal

At 3:40 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Herrity, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

37. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:40 p.m.)

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

38. **APPOINTMENT OF MR. MICHAEL LONGHI TO THE POSITION OF AUDITOR OF THE BOARD** (3:41 p.m.)

Supervisor Gross, as Chair of the Board's Personnel Committee, moved the appointment of Mr. Michael Longhi to the position of Auditor of the Board, with an annual salary of \$125,000 effective July 12, 2010. Supervisor Foust seconded the motion.

Chairman Bulova noted that Mr. Longhi was a former employee of Arlington and Prince William Counties and has a very good background in local government.

He will be succeeding John Adair, former Auditor to the Board. She also noted that the position is unique to the County. The Board has an independent voice to provide information, support, and capability to the Board through a Board's Audit Committee, in addition to the County Executive's Internal Audit staff.

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

On behalf of the Board, Chairman Bulova warmly welcomed Mr. Longhi to the Board Auditorium.

39. **AUTHORIZATION TO ACQUIRE PROPERTY LOCATED AT 7007 TELEGRAPH ROAD, ALEXANDRIA, VIRGINIA** (3:44 p.m.)

Supervisor McKay moved that the Board authorize the acquisition of the property located at 7007 Telegraph Road, Alexandria, Virginia, Tax Map 92-1((1)) parcel 6, and that the Board direct the County Executive and the County Attorney to take the necessary steps to acquire this property as outlined in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

AGENDA ITEMS

40. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MV-025 (CEC ENTERTAINMENT, INCORPORATED) (MOUNT VERNON DISTRICT)** (3:44 p.m.)

(NOTE: On May 25, 2010, the Board deferred the public hearing on this item until June 8, 2010.)

The application property is located on the east side of Richmond Highway and south of Shields Avenue, Tax Map 83-3 ((40)) 2pt.

Ms. Elizabeth Baker 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:

- Grant M. Ehat, agent for Kings Crossing Land, LLC

Ms. Baker 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 Special Exception Application SE 2009-MV-025, subject to the development conditions dated May 19, 2010.
- Waiver of the minimum lot width requirement to permit a lot width of 95 feet instead of the required 200 feet.
- Waiver of the minimum rear yard requirement in the special exception area to that shown on the SE Plat.
- Waiver of the open space requirement for the special exception area to that shown on the SE Plat.
- Direction to the director of the Department of Public Works and Environmental Services to permit a deviation from the tree canopy percentage requirements in favor of the conditions depicted on the SE Plat.

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

41. **3:30 P.M. – PH ON PROPOSED PLAN AMENDMENT APPLICATION S10-III-BR1 FOR A REVISION TO THE CENTREVILLE HISTORIC OVERLAY DISTRICT (SULLY DISTRICT)**

AND

PH ON REZONING APPLICATION RZ 2010-SU-001 (BOARD'S OWN MOTION) (SULLY DISTRICT) (3:51 p.m.)

- (O) The application property is located on the west side of Summit Street approximately 1,600 feet north of its intersection with Leland Road, Tax Map 54-4 ((2)) 13.

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, reaffirmed the validity of the affidavit for the record.

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

Following discussion, with input from Ms. Strunk and Beth Teare, Assistant County Attorney, regarding clarification of proposed Board action, Supervisor Frey moved approval of Comprehensive Plan Amendment S10-III-BR1 as shown in the staff report dated May 12, 2010. Chairman Bulova seconded the motion

and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-SU-001, from the R-1 and HD Districts to the R-1 District. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity and Supervisor Hyland being out of the room.

42. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-02 (RAJ DEVELOPMENT, LLC) (HUNTER MILL DISTRICT)**

AND

PH ON CONCEPTUAL PLAN AMENDMENT APPLICATION CPA 86-C-121-12 (RAJ DEVELOPMENT, LLC) (HUNTER MILL DISTRICT) (3:57 p.m.)

The application property is located in the northeast corner of the intersection of New Dominion Parkway and Explorer Street, Tax Map 17-1 ((17)) 3.

Chairman Bulova noted that these applications do not require an affidavit.

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

Mr. Frank Stearns 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, which included testimony by one speaker, Ms. Lin presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Planned Residential Community Application PRC 86-C-121-02, subject to the development conditions dated June 7, 2010.
- Modification of the transitional screening and barrier requirements along the periphery of the site in favor of that shown on the PRC Plan.

- Waiver of any transitional screening or barrier requirements between uses on the site.

Supervisor Smyth seconded the motion.

Following a brief discussion regarding the application, Supervisor Hudgins submitted items for the record.

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

(NOTE: On April 22, 2010, the Planning Commission approved Conceptual Plan Amendment Application CPA 86-C-121-12.)

43. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-LE-024 (KNOWLEDGE LEARNING CORPORATION D/B/A KINDERCARE LEARNING CENTERS) (LEE DISTRICT)** (4:12 p.m.)

The application property is located at 7136 Telegraph Road, Tax Map 91-4 ((1)) 12 and 8A pt.

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

Supervisor McKay moved to waive presentation of the staff report. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

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

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

Supervisor McKay moved:

- Approval of Special Exception Application SE 2009-LE-024, subject to the development conditions dated June 2, 2010.
- Modification of the transitional screening requirements along all property lines and modification of the barrier requirement along the eastern property line to that shown on the SE Plat.

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

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-LE-028 (KNOWLEDGE LEARNING CORPORATION D/B/A KINDERCARE LEARNING CENTERS) (LEE DISTRICT)** (4:15 p.m.)

The application property is located at 6318 May Boulevard, Tax Map 82-3 ((1)) 38; 82-3 ((11)) 45 and 46.

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

Supervisor McKay moved to waive presentation of the staff report. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, and Supervisor Hyland being out of the room.

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

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

Supervisor McKay moved:

- Approval of Special Exception Application SE 2009-LE-028, subject to the development conditions dated May 20, 2010.
- Modification of the transitional screening and barrier requirements in favor of the existing conditions.

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

45. **4 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-005 (ANTHONY CASOLARO) (PROVIDENCE DISTRICT)** (4:18 p.m.)

(O) The application property is located on the north side of Elm Place between Sandburg Street and Arden Street, Tax Map 39-4 ((1)) 116.

Mr. Richard Lam reaffirmed the validity of the affidavit for the record.

Mr. Lam 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, Kellie-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-PR-005, from the R-1 District to the R-2 District, subject to the proffers dated May 17, 2010.
- Waiver of the frontage improvements along Elm Place.

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

46. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-S-103-03 (FLO TV INCORPORATED) (SPRINGFIELD DISTRICT)** (4:22 p.m.)

The application property is located at 6199 Old Arrington Lane, Tax Map 77-3 ((1)) 1A.

Ms. Janice M. Manley reaffirmed the validity of the affidavit for the record.

Ms. Manley 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, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Cook, on behalf of Supervisor Herrity, moved:

- Approval of Special Exception Amendment Application SEA 80-S-103-03, subject to the development conditions dated May 26, 2010.
- Modification of the transitional screening requirements and waiver of the barrier requirements along all property boundaries in favor of that shown on the SEA Plat.

Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Herrity, and Supervisor Hyland being out of the room.

47. **4 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON BARNFIELD ROAD (ROUTE 763) (SULLY DISTRICT)** (4:27 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 May 20 and May 27, 2010.

Michael Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the Ordinance and Order vacating and abandoning Barnsfield Road (Route 763). Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity and Supervisor Hyland being out of the room.

48. **4:30 P.M. – PH FOR THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND/OR LEAF COLLECTION SERVICE (DRANESVILLE, LEE, AND MASON DISTRICTS)** (4:30 p.m.)

(Rs) 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 May 20 and May 27, 2010.

Terry Czarny, Sanitary District Administrator, Solid Waste Collection and Recycling, Department of Public Works and Environment Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the Resolutions approving the proposed petitions within Dranesville, Lee, and Mason Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (Wemberly Way)	Enlarge	Refuse	Approve
Small District 15 Within Dranesville District (Primrose Drive)	Create	Refuse and Leaf	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1A8 Within Small District 1 Within Dranesville District (East Avenue Area)	Enlarge	Refuse	Approve
Local District 1C Within Small District 1 Within Lee District (5903, 5905, and 5907 Brookland Road)	Enlarge	Leaf	Approve
Small District 7 Within Mason District (6918 and 6920 Winter Lane)	Enlarge	Refuse	Approve

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

49. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS), SECTION 30-3-6, RELATING TO THE STORAGE OF FIREARMS AND AMMUNITION IN HOME CHILD CARE FACILITIES** (4:31 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 May 20 and May 27, 2010.

Anne-Marie Twohie, Director, Office for Children, Department of Family Services, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Hudgins moved adoption of the following proposed amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility Standards), Section 30-3-6:

- Relating to the storage of firearms and ammunition in home child care facilities, to become effective upon adoption.
- To add a new Subsection K, relating to the storage of firearms and ammunition in home child care facilities, to become effective July 1, 2010.

Supervisor McKay seconded the motion.

Discussion ensued, with input from Erin Ward, Assistant County Attorney, who clarified that the motion repeals the old Subsection K effective upon adoption, and adopts the new Subsection K to become effective July 1, 2010.

The question was called on the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity and Supervisor Hyland being out of the room.

50. **BOARD ADJOURNMENT** (4:44 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-5
Items Presented by the County Executive	
Administrative Items	5-8
Information Items	8-9
Briefing on the Planning Commission’s Recommendations on the Tysons Corner Comprehensive Plan Amendment	19-20
Board Matters	
Chairman Bulova	9, 11-13, 19
Supervisor Cook	2, 10, 15-16
Supervisor Foust	2, 15
Supervisor Frey	18
Supervisor Gross	2
Supervisor Herrity	10-11
Supervisor Hudgins	13-15, 20
Supervisor Hyland	18-19
Supervisor McKay	2, 16-17
Supervisor Smyth	11-13
Actions from Closed Session	26-27
Public Hearings	27-35