



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
July 13, 2010**

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**DET:det**

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, July 13, 2010, at 9:34 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville 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 Gerald W. Hyland, Mount Vernon District, arrived at 9:35 a.m.

Supervisor Michael Frey, Sully District, arrived at 9:36 a.m.

Supervisor Linda Q. Smyth, Providence District, was absent from the entire meeting.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; 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 MATTER**1. **MOMENT OF SILENCE** (9:34 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts Ms. Joanne Brownsword, who died recently. She was a long-time resident and activist of the Reston Community who served as President of the Reston Citizens Association. Supervisor Hudgins noted that Ms. Brownsword was also a County employee who served in Human Services and the Area Agency on Aging, retiring in 2005 after 25 years of service to the County.

Supervisor Hudgins asked everyone to keep in thoughts the families of:

- Ms. Vanessa Pham, who tragically lost her life. She was a graduate of James Madison High School and a gifted student of design at Savannah College of the Arts and Design.
- Mr. José Villatoro, who lost his life on July 1 in a pedestrian crash. He was a student at South Lakes High School.

Supervisor Herrity asked everyone to keep in thoughts the family of Private First Class (PFC) Benjamin Park of Fairfax Station who died last month when his dismounted patrol encountered an improvised explosive device (IED) in Kandahar, Afghanistan. Supervisor Herrity added that PFC Park was an infantryman assigned to Company B, First Battalion, out of Fort Campbell, Kentucky, and that during his service he earned many commendations including the National Defense and Global War on Terrorism service medals.

Chairman Bulova asked everyone to keep in thoughts the family of Ms. Jackie Mullins, a former Executive Director of the Annandale Chamber of Commerce and long-time activist in the Annandale area, who died recently.

**AGENDA ITEMS**2. **CERTIFICATES OF RECOGNITION PRESENTED TO THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY STUDENTS** (9:38 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of Certificates of Recognition presented to students from Thomas Jefferson High School for Science and Technology for their selection as finalists in computer, chemistry, and/or mathematics for the US Olympiad competitions. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

Chairman Bulova moved approval of Certificates of Recognition presented to students from Thomas Jefferson High School for Science and Technology for their selection as finalists in computer, mathematics, computational linguistics, physics, and/or biology for the US Olympiad competitions. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING SEPTEMBER 2010 AS "DIRECT SUPPORT PROFESSIONALS APPRECIATION MONTH" IN FAIRFAX COUNTY** (9:48 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate September 2010 as "*Direct Support Professionals Appreciation Month*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **RESOLUTION OF CONGRATULATIONS PRESENTED TO THE NATIONAL CAPITAL AREA COUNCIL OF THE BOY SCOUTS OF AMERICA** (10:04 a.m.)

Supervisor Cook moved approval of the Resolution to:

- Congratulate the Boy Scouts of America on its one hundredth anniversary.
- Recognize the National Capital Area Council of the Boy Scouts of America for its tireless work with youth and its ceaseless contributions toward building a conscientious, responsible, and productive society.

This motion was multiply seconded and it carried by a vote of nine, Supervisor Smyth being absent.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE McLEAN HIGH SCHOOL GIRLS' SOFTBALL TEAM (DRANESVILLE DISTRICT)** (10:14 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the McLean High School Girls' Softball Team for dedication to its goal, outstanding teamwork, and exemplary sportsmanship, resulting in winning its first ever Virginia State AAA Championship. Supervisor Hyland seconded the

motion and it carried by a vote of eight, Supervisor Cook being out of the room, Supervisor Smyth being absent.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MR. BEN PECK (HUNTER MILL DISTRICT)** (10:23 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Ben Peck, a member of the Frying Pan Farm Park Founders, Benefactors, Supervisors, and Friends Board, for more than 50 years of outstanding and dedicated community service in the County. Supervisor Frey and Supervisor McKay jointly seconded the motion.

Supervisor Hudgins recognized the presence of employees and volunteers of the Park and warmly welcomed them to the Board Auditorium.

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

7. **RESOLUTION OF RECOGNITION PRESENTED TO MR. HOWARD GUBA** ( 10:38 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Mr. Howard Guba for 25 years of noteworthy and dedicated service to the County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

**DAL:dal**

**ADDITIONAL BOARD MATTERS**

8. **INTRODUCTION OF INTERNS (LEE, MASON, AND SPRINGFIELD DISTRICTS)** (10:46 a.m.)

Supervisor Gross introduced Sandra Abilmona, rising senior at Annandale High School, who is an intern in her office this summer through the Student Leadership Fairfax Program. On behalf of the Board, she warmly welcomed her to the Board Auditorium.

Supervisor McKay introduced Adrianna Monteagudo, an uprising sophomore at James Madison University, and Susie Scott, an uprising senior at Thomas Edison High School, who are interns in his office this summer. On behalf of the Board, he warmly welcomed them to the Board Auditorium.

Supervisor Herrity introduced Deanna Lamberson, an upcoming freshman at Virginia Commonwealth University, who is an intern in his office this summer. On behalf of the Board, he warmly welcomed her to the Board Auditorium.

## AGENDA ITEMS

### 9. ADMINISTRATIVE ITEMS (10:47 a.m.)

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

#### ADDITIONAL BOARD MATTER

##### Absence of Providence District Supervisor Linda Smyth

Chairman Bulova announced that Supervisor Linda Smyth was absent from today's meeting because she is celebrating a special anniversary and had a very long trip planned.

Supervisor Gross called the Board's attention to Admin 1 – Admin 8, the authorizations to advertise spot blight abatements, and noted that they did not include ownership information. Discussion ensued, with input from Anthony H. Griffin, County Executive, who noted that the information will be provided at the public hearings.

Supervisor McKay called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-4-10, Maximum Speed Limits and thanked staff for presenting this item to the Board in a timely manner.

Supervisor Foust called the Board's attention to Admin 12 – Authorization for the Department of Family Services (DFS) to Apply for and Accept Grant Funding from the US Department of Health and Human Services (DHHS) for the Second Year of the Early Head Start Expansion and raised a question regarding the cost per child of the program, with input from Anne-Marie Twohie, Director, Office for Children, Department of Family Services.

Supervisor Foust asked unanimous consent that the Board direct staff to provide a more detailed report of the program and funding allocation. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide the outcomes of the program. Without objection, it was so ordered.

Further discussion ensued regarding the program.

Chairman Bulova called the Board's attention to Admin 15 – Authorization for the Department of Transportation (DOT) to Apply for and Accept Funding for the National Infrastructure Investment Program (TIGER II) Funds; and Support for the Regional TIGER II Application and noted that these funds will be matched with County dollars.

The question was called on the motion to approve the Administrative Items and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Smyth being absent.

**ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7717 BEULAH STREET (LEE DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4:30 p.m.** regarding a proposed spot blight abatement ordinance for 7717 Beulah Street, Alexandria, Tax Map Number 099-2-((01))-0045.

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 12224 BRADDOCK ROAD (SPRINGFIELD DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4 p.m.** regarding a proposed spot blight abatement ordinance for 12224 Braddock Road, Fairfax, Tax Map Number 067-1-((01))-0005.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6206 COLCHESTER ROAD (SPRINGFIELD DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4:30 p.m.** regarding a proposed spot blight abatement ordinance for 6206 Colchester Road, Fairfax, Tax Map Number 076-1-((01))-0003.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 5901 COLUMBIA PIKE (MASON DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4:30 p.m.** regarding a proposed spot blight abatement ordinance for 5901 Columbia Pike, Falls Church, Tax Map Number 061- 2-((01))-0117.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 12612 HARPER DRIVE (SPRINGFIELD DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4 p.m.** regarding a proposed spot blight abatement ordinance for 12612 Harper Drive, Fairfax, Tax Map Number 066-4-((04))-0040.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6133 MARSHALL DRIVE (MASON DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4:30 p.m.** regarding a proposed spot blight abatement ordinance for 6133 Marshall Drive, Falls Church, Tax Map Number 061-4-((01))-0163.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 3236 PEACE VALLEY LANE (MASON DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4 p.m.** regarding a proposed spot blight abatement ordinance for 3236 Peace Valley Lane, Falls Church, Tax Map Number 061-1-((01))-0007.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6418 POTOMAC AVENUE (MOUNT VERNON DISTRICT)**

- (A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4 p.m.** regarding a proposed spot blight abatement ordinance for 6418 Potomac Avenue, Alexandria, Tax Map Number 093-2-((08))-(27)-0021, 0022.

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 27, 2010, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to permanently move the polling place for the Marlan precinct.

**ADMIN 10 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, LEE, AND MASON 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-B10-17	Clearwire US, LLC Antenna colocation on existing monopole 7920 Woodruff Court Braddock District	September 12, 2010
FSA-D01-58-1	T-Mobile Northeast, LLC Additional antennas on existing transmission pole 7305M Idylwood Road Dranesville District	September 13, 2010

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-L10-4	T-Mobile Northeast, LLC 160-foot monopole 5419 Oakwood Road Lee District	September 17, 2010
FSA-M00-106-4	Clearwire US, LLC Additional antennas on rooftop 3401 Washington Drive Mason District	September 17, 2010
2232A-D09-2-1	NewPath Networks, LLC Additional antenna nodes for Distributed Antenna System Seneca, Utterback Store, and Arnon Chapel Roads Dranesville District	September 18, 2010
FSA-D09-116-1	Clearwire US, LLC Additional antenna on existing monopole Georgetown Pike at I-495 interchange Dranesville District	September 24, 2010
FS-L10-29	Department of Public Works and Environmental Services Public commuter parking facility 7039 Old Keene Mill Road Lee District	December 7, 2010

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-4-10, MAXIMUM SPEED LIMITS**

(A) (NOTE: Earlier in the meeting, this item was discussed. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **September 14, 2010, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to amend and readopt Section 82-4-10 with updated language dealing with maximum speed limits in posted zones.

**ADMIN 12 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR THE SECOND YEAR OF THE EARLY HEAD START EXPANSION**

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 5.)

Authorized DFS to apply for and accept funding, if received, from DHHS in the amount of \$712,532, including \$50,000 in local cash match, for a second year of the Early Head Start expansion.

**ADMIN 13 – APPROVAL OF INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SPRINGFIELD DISTRICT)**

- (R) Adopted a Resolution endorsing the installation of “\$200 Additional Fine for Speeding” signs, on Random Hills Road between Waples Mill Road and Post Forest Drive, as part of RTAP.

**ADMIN 14 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL DISTRICT)**

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
TST Woodland LLC Monroe Street	Hunter Mill	Monroe Street – Route 666 (Additional Right-of-Way Only)

**ADMIN 15 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT FUNDING FOR THE NATIONAL INFRASTRUCTURE INVESTMENT PROGRAM (TIGER II) FUNDS; AND SUPPORT FOR THE REGIONAL TIGER II APPLICATION**

(NOTE: Earlier in the meeting, this item was discussed. See page 6.)

Authorized DOT to apply for \$78.0 million in TIGER II program grant funds, and support the regional bike sharing and bike access application. A 20 percent local cash match is required.

10. **A-1 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2011 REVENUE SHARING PROGRAM FUNDS AND MATCHING COUNTY FUNDS (SPRINGFIELD AND SULLY DISTRICTS)** (11:01 a.m.)

(R) Supervisor Frey moved that the Board concur in the recommendation of staff and adopt the Resolution designating a maximum of \$1 million in FY 2011 VDOT Revenue Sharing Program funds to partially pay for the widening of Stringfellow Road. Supervisor Herrity seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, regarding the funding.

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

11. **A-2 – APPROVAL OF BOND UNDERWRITER POOL** (11:04 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Smyth being absent, the Board concurred in the recommendation of staff and approved the list of 13 firms recommended by the Selection Advisory Committee to serve as potential underwriters for future negotiated bond sales.

12. **A-3 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (11:05 a.m.)

(R) On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth being absent, the Board concurred in the recommendation of staff and approved the changes, as outlined in the Board Agenda Item, to the Fairfax County Purchasing Resolution, to become effective on July 13, 2010. These proposed changes incorporate modifications resulting from legislation enacted during the 2010 session of the Virginia General Assembly and other administrative changes recommended by staff.

13. **I-1 – PROJECT AGREEMENT BETWEEN THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS), THE NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT (NVSWCD), AND THE COUNTY FOR THE REHABILITATION OF POHICK CREEK DAMSITE NUMBER 2, LAKE BARTON (BRADDOCK DISTRICT)** (11:05 a.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2010, requesting authorization for the County Executive, on behalf of the County, to execute the Project Agreement and other supporting documents with NRCS and the NVSWCD Commission for the rehabilitation of Pohick Damsite Number 2, Lake Barton.

14. **I-2 – CONTRACT AWARD – FAIRFAX COUNTY PARKWAY/WEST OX ROAD INTERSECTION IMPROVEMENT (SULLY AND HUNTER MILL DISTRICTS)** (11:05 a.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2010, requesting authorization for staff to award a contract to Arthur Construction Company, Incorporated, in the amount of \$547,166.25 for construction of Fairfax County Parkway/West Ox Road Intersection Improvement, Project 064276, in Fund 304, Transportation Improvements. This project provides for construction of a dual left-turn lane northbound to West Ox Road and an extension of the existing southbound right-turn lane to West Ox Road.

The staff was directed administratively to proceed as proposed.

15. **I-3 – CONTRACT AWARD – WEST OX ANIMAL SHELTER RENOVATION AND EXPANSION (SPRINGFIELD DISTRICT)** (11:06 a.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2010, requesting authorization for staff to award a contract to Keller Brothers, Incorporated, in the amount of \$7,329,000 for the construction of the West Ox Animal Shelter Renovation and Expansion, Project 009228, in Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

16. **I-4 – CONTRACT AWARD – PHARMACY SERVICES AND PHARMACEUTICALS** (11:06 a.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2010, requesting authorization for staff to award a contract to QoL Meds. This contract will begin on date of award and terminate on June 30, 2012. The contract is a five year contract with three one-year renewal options. The total estimated amount of this contract is \$10 million for the provision of pharmacy services and pharmaceuticals (prescription medications) for clients of the CSB.

Noting that there are programs available, including one by the National Association of Counties (NACo), that provide prescription drug reductions for citizens, Supervisor Hyland asked unanimous consent that the Board direct staff to review the options available and report to the Board with its findings. Without objection, it was so ordered.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the process.

The staff was directed administratively to proceed as proposed.

17. **I-5 – CONTRACT AWARD – TERTIARY CLARIFIER REHABILITATION AT NOMAN M. COLE, JR., POLLUTION CONTROL PLANT (MOUNT VERNON DISTRICT)** (11:08 a.m.)

The Board next considered an item contained in the Board Agenda dated July 13, 2010, requesting authorization for staff to award a contract to American Contracting and Environmental Services, Incorporated, in the amount of \$9,595,000 for the construction of Tertiary Clarifier Rehabilitation, Noman M. Cole, Jr., Pollution Control Plant Renovations, Project X00911, Fund 408, Sewer Bond Construction.

The staff was directed administratively to proceed as proposed.

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**ADDITIONAL BOARD MATTERS**

18. **RECOGNITION OF ORGANIZATIONS AND INDIVIDUALS** (11:09 a.m.)

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

- Invite representatives from the Department of Human Rights and Equity Programs to appear before the Board on September 14 to accept a proclamation declaring September 15 - October 15 as “*Hispanic Heritage Month*” in Fairfax County.
- Invite representatives from the Department of Human Rights and Equity Programs to appear before the Board on September 28 to accept a proclamation declaring October as “*Disability Employment Awareness Month*” in Fairfax County.
- Invite representatives from the Department of Human Rights and Equity Programs to appear before the Board on October 19 to accept a proclamation declaring November as “*American Indian Heritage Month*” in Fairfax County.

- Prepare and send a proclamation to CrisisLink recognizing September 5-12, as “*National Suicide Prevention Week*” in Fairfax County.
- Prepare and send a proclamation to the National Center on Addiction and Substance Abuse (CASA) recognizing September 27 as “*Family Day*” in Fairfax County.

Vice-Chairman Gross clarified that the proclamations involving the Department of Human Rights and Equity Programs would also include representatives from the applicable communities.

Without objection, the request, as clarified, was so ordered.

19. **POTENTIAL FEDERAL OFFICE OF ECONOMIC ADJUSTMENT (OEA) GRANT FUNDING FOR FORT BELVOIR COMMUNITY HOSPITAL ACCESS IMPROVEMENTS (LEE AND MOUNT VERNON DISTRICTS)**  
(11:11 a.m.)

In a joint Board Matter with Supervisor Hyland and Supervisor McKay, Chairman Bulova said that in December 2009, Congressman Moran included \$300 million in the Fiscal Year (FY) 2010 Defense Appropriations Bill, to be divided among transportation projects providing access to the new Fort Belvoir Community Hospital and the new Walter Reed National Medical Center in Bethesda. For Fort Belvoir, it is anticipated that approximately \$150 million will be available for improvements to ease traffic congestion along the Richmond Highway (Route 1) corridor which provides the primary access to Fort Belvoir and the new community hospital. The House of Representatives recently passed legislation through the FY 2010 War Supplement that allows these funds to remain available beyond FY 2010 for expenditure through the Office of Economic Adjustment (OEA) program within the Department of Defense. In anticipation of Senate approval of the FY 2010 War Supplement with the approved House language, staff is requesting Board authorization to apply for the OEA funding immediately after the federal legislation is passed. She asserted that it is critical that staff be able to move quickly to secure the funding specifically for the Fort Belvoir Community Hospital's Richmond Highway access and to expedite the Richmond Highway improvements for the hospital (which will be opening next year) in the event the legislation is approved.

Tentatively, depending upon final OEA grant requirements for use of the monies, Chairman Bulova said that staff anticipates requesting approximately \$142.5 million for the design, land acquisition, and construction of Route 1 between Route 235 South and the Fairfax County Parkway, \$2 million for transit studies to identify future transit needs in the Richmond Highway corridor, as well

as along the existing railroad right-of-way from the Franconia-Springfield Metrorail Station to Fort Belvoir, and the balance of the \$150 million (about \$5.5 million) for design and advance right-of-way for Richmond Highway widening between the Fairfax County Parkway and Telegraph Road.

Chairman Bulova noted that a ten percent match *may* be required for these federal OEA grant funds. If a match is required, it is staff's intent to use Commercial and Industrial (C&I) funding previously approved by the Board for the Mulligan Road and Telegraph Road construction projects and the Richmond Highway design and environmental work as the match for the federal funds, if allowable under grant requirements. Staff will need to return to the Board for formal approval of an agreement and any required matching funds when the grant funds are secured.

Therefore, jointly with Supervisor Hyland and Supervisor McKay, Chairman Bulova moved that the Board authorize staff to apply for a grant for transportation projects associated with improving the access to Fort Belvoir and the new community hospital. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Following discussion regarding critical transportation needs and lack of funding for the County, the question was called on the motion, which carried by a vote of nine, Supervisor Smyth being absent.

20. **EMERGENCY PREPAREDNESS MONTH** (11:22 a.m.)

Chairman Bulova asked unanimous consent that the Board direct staff to invite representatives from the Office of Emergency Management and the Citizen Corps Council to appear before the Board on July 27 to accept a proclamation declaring September as "*Emergency Preparedness Month*" in Fairfax County. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

21. **GREATER MASON DISTRICT AREA CERTIFIED AS COMMUNITY BACKYARD HABITAT (BRADDOCK, LEE, MASON, AND PROVIDENCE DISTRICTS)** (11:22 a.m.)

Supervisor Gross announced that the Greater Mason District Area has been certified as a Community Backyard Habitat by the National Wildlife Federation (NWF). She distributed copies of an email she had received from Kevin Holland of the Friends of Hidden Oaks Nature Center which provided details. She noted that the 250,000 residents of this area makes it the fourth largest NWF community habitat in the country and second largest area certified, by a community-based team, in the nation.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct staff to invite the organizers to appear before the Board in September for presentation of this certification by NWF. Without objection, it was so ordered.

Supervisor Gross noted that her own yard is certified as a backyard habitat.

22. **LEGAL ASSISTANCE TO THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)** (11:25 a.m.)

Supervisor Hudgins stated that currently the Arlington County Attorney provides legal assistance to the NVTC. She said that from time to time, there are situations where it may be more appropriate for NVTC to use the assistance of the Fairfax County Attorney's Office.

Therefore, Supervisor Hudgins moved that the Board authorize the Office of the County Attorney to provide legal assistance to the NVTC when requested by NVTC. Chairman Bulova seconded the motion.

In response to a query, David P. Bobzien, County Attorney, stated that his office could absorb this workload because it is an uncommon occurrence, and further discussion ensued.

Following clarification that the County Attorney would request further direction from the Board if the request is beyond the original scope and resources, the question was called on the motion, as clarified, and it carried by a vote of nine, Supervisor Smyth being absent.

23. **JOINT MEETING WITH THE TOWN OF VIENNA (HUNTER MILL AND PROVIDENCE DISTRICTS)** (11:29 a.m.)

Supervisor Hudgins noted that citizens of the Town of Vienna are represented by both the Vienna Town Council and the Board. There have been many opportunities for the two bodies to work together on behalf of the citizens of the Town of Vienna and the County, including a Council member represented on the Hunter Mill District Land Use Committee, the sharing of County funds for projects that benefit both Town and adjacent County residents, and the County renovation of the Vienna Fire Station.

Recently, members of the Town Council have requested the possibility of a joint Fairfax County-Vienna Town Council Committee meeting. The Town Council and the Board share many common areas of interest, and the opportunity to jointly meet to discuss those issues can only benefit the citizens represented.

Therefore, Supervisor Hudgins moved that the Board direct staff to work with Mayor Jane Seeman of the Town of Vienna to find an opportunity for a joint meeting of the Vienna Town Council and the Board in the near future. Supervisor Hudgins clarified that the meeting would include those members who represent

residents of Vienna. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Smyth being absent.

24. **NATIONAL NIGHT OUT** (11:30 a.m.)

Supervisor Hudgins noted that National Night Out is scheduled for August 3. On this night, County residents are asked to turn on their porch lights and come outside to join with their neighbors and local police in a variety of activities. Crime prevention block parties, cookouts, ice cream socials, flashlight walks, safety fairs, and neighborhood meetings will be held all over the County.

National Night Out is designed to:

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

National Night Out activities not only bring residents together to strengthen their relationships with the local police, but also send a message that County neighborhoods are not “easy pickings.”

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff of the Office of Public Affairs to:

- Invite representatives from the Police Department to appear before the Board at the July 27 meeting to receive a proclamation encouraging all Fairfax to participate in the National Night Out.
- Work with the Police Department to publicize this event.

Without objection, it was so ordered.

25. **COMMUNITY SOFTBALL GAME (HUNTER MILL DISTRICT)**  
(11:32 a.m.)

Supervisor Hudgins said that as part of its community outreach efforts, CBS Radio, the owner of WPGC, sponsors events throughout the Washington, DC Metropolitan Region. These events aim to encourage local youth, governmental

agencies, and other service providers to collaborate with one another, foster relationships based on respect and communication, while also discouraging violence.

Supervisor Hudgins announced that on August 18 the Hunter Mill District will sponsor a community softball game from 6 p.m. until 8 p.m. at the South Lakes High School baseball field in Reston. The game will feature radio station WPGC, 95.5, against the Police Department's Road Dawgs. Soft drinks and food from the grill will be provided. Residents are encouraged to come out to enjoy the game, meet radio personalities, and get to know some of the police officers and County staff.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to work with local media to publicize this community event. Without objection, it was so ordered.

26.

**RECOGNITION OF THE WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS FOR ITS RECEIPT OF THE INAUGURAL VENUE OF EXCELLENCE AWARD (DRANESVILLE AND HUNTER MILL DISTRICTS)** (11:33 a.m.)

Jointly with Supervisor Hudgins, Supervisor Foust said that one of the highlights of every summer is the opportunity to pack a picnic dinner, sit under the stars and enjoy a wide variety of performing acts at Wolf Trap. A typical season at Wolf Trap includes something for everyone with performances ranging from pop, country, folk, and blues to orchestra, dance, theater, and opera, as well as innovative performance art and multimedia presentations.

Jointly with Supervisor Hudgins, Supervisor Foust congratulated the Wolf Trap Foundation for the Performing Arts for receiving the inaugural Venue of Excellence award by the International Association of Assembly Managers (IAAM). IAAM is the world's largest professional association, dedicated to issues relevant to the management of public assembly.

These prestigious awards recognize venues that demonstrate excellence in the management and operation of public assembly venues. Wolf Trap was selected in the performing arts category based on four criteria: service to community, team building/professional development, safety and security, and operational excellence. Wolf Trap was one of five Venue of Excellence award winners. The awards will be presented in Houston, Texas on July 26 during IAAM's annual convention.

Supervisor Foust noted that the Wolf Trap Foundation for the Performing Arts is a non-profit organization founded by Catherine Filene Shouse. Wolf Trap is home to three performance venues: the Filene Center, the Barnes, and the Children's Theatre-in-the-Woods. The Foundation also provides educational

opportunities through the nationally acclaimed Wolf Trap Institute for Early Learning Through the Arts, scholarships, internships, and master classes.

Therefore, jointly with Supervisor Hudgins, Supervisor Foust asked unanimous consent that the Board direct staff to invite representatives from the Wolf Trap Foundation for the Performing Arts to appear before the Board on September 14 to be recognized for their outstanding achievement. Without objection, it was so ordered.

**PMH:pmh**

27. **REQUEST TO RECOGNIZE KAILASH GUPTA, DIRECTOR, WASTEWATER TREATMENT DIVISION AT THE NOMAN COLE PLANT, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) (MOUNT VERNON DISTRICT)** (11:36 a.m.)

Supervisor Hyland said that September 1 will be a sad day for the County. After working 23 years for the County, Kailash Gupta announced his retirement. His last day will be August 31. Mr. Gupta is an extremely dedicated County employee.

Supervisor Hyland referred to his written Board Matter which outlined Mr. Gupta's many accomplishments and asked unanimous consent that the Board direct the Office of Public Affairs to invite Mr. Gupta and representatives of DPWES to appear before the Board at its July 27 meeting to be recognized for his incredible accomplishments. Without objection, it was so ordered.

28. **BEEHIVES** (11:37 a.m.)

Supervisor Hyland asked unanimous consent that the Board direct staff to survey locations in the County as a possible opportunity for a teaching experience with apiary. Without objection, it was so ordered.

A brief discussion ensued regarding beehives.

29. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (11:42 a.m.)

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

30. **GOVERNOR'S COMMISSION ON GOVERNMENT REFORM AND RESTRUCTURING** (11:42 a.m.)

Supervisor McKay said that the Governor's Commission on Government Reform and Restructuring is holding regional town hall meetings this summer to solicit public comment on the Commission's work. The first of these town hall meetings was held last Thursday, July 8, in Tysons Corner. As Legislative Chair,

Supervisor McKay presented testimony on behalf of the Board that was based on the outline of ideas the Board approved at its last meeting.

Supervisor McKay briefly stated that the testimony discusses the Board's partnership with the State and suggests some ways to improve it. A critical area for improvement is the State's underfunding of its responsibilities, most notably K-12 and transportation. He added that his testimony also suggested that the Commission consider providing more flexibility to localities to administer local affairs. He expressed the opinion that since a number of the bills the County introduced over the last 20 years have dealt with issues common to urban and urbanizing localities, these jurisdictions, such as the County, should be allowed to exercise broader authority to deal with specific community issues. Finally, the testimony asks that the State refrain from additional incursions on the local authority, especially in the key areas of land use and taxation.

Supervisor McKay further stated that this testimony included several attachments which contain the staff research and more detailed background information on these suggestions. Also included are some specific examples of areas under discussion with the State, including the list of transportation-related items the Department of Transportation previously provided to the Commission at the request of Secretary Connaughton, and information on a joint effort between the County and the School System in regards to the school bus maintenance schedule.

Therefore, Supervisor McKay moved that the Board:

- Approve the joint draft letter, which transmits the testimony and attachments, to Chairman Malek, with copies to Mayor Paul Fraim, the Chair of the Intergovernmental Relations Committee (which is examining the state-local relationship), and the three other committee chairs.
- Direct staff to provide copies to Senator Whipple, as a member of the local delegation and a member of the Commission, and the Virginia Association of Counties.

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

31. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ROAD MAINTENANCE** (11:45 a.m.)

Supervisor McKay said he and his staff receive complaints at meetings, by phone calls, and in emails, about potholes, tall grass, traffic, unpainted lane markings and pedestrian crossings, and roadside trash. He added that they funnel these complaints to VDOT.

Supervisor McKay said that for some time, the General Assembly has dealt with Virginia's fiscal issues by steadily cutting funding to VDOT. Despite local State leaders' efforts to fund transportation, the Statewide General Assembly has cut road construction funds to almost nothing, and maintenance funding is now at a crisis point.

Supervisor McKay referred to his written Board Matter which outlined issues with VDOT regarding road maintenance.

Therefore, Supervisor McKay moved that the Board direct staff to prepare two letters as follows:

- The first to the Northern Virginia delegation outlining the Board's concerns over basic road maintenance.
- The second to VDOT's Northern Virginia Maintenance Division requesting a simpler and streamlined set of guidelines for citizen participation in mowing.

Supervisor Gross seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to circulate the discussion, study, and correspondence regarding signage removal through the Commonwealth Transportation Board agreements. Without objection, it was so ordered.

Following discussion of the motion, Supervisor McKay clarified his motion to emphasize in the letter to the maintenance division that particular attention be given to the crosswalks in and around the schools. He added that the highest priority should be given to schools and transit centers especially before school goes back into session following Labor Day.

Discussion continued regarding the onerous procedure for community mowing permits.

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

32. **PROPOSED DEDICATION BY FOX VALE SECTION EIGHT (SULLY DISTRICT)** (12:02 p.m.)

Supervisor Frey said that Fox Vale Section Eight Community Council, Incorporated, is the owner of 4.7375 acres of common open space, known as Tax Map Parcel 46-1((20)) Parcel A, and desires to dedicate this property to the Park Authority, which owns adjoining park land. Pursuant to Section 2-702(4) of the Zoning Ordinance, before a homeowners association can dispose of common open space, it must first offer to dedicate the property to the County or other

appropriate governmental agency. Fox Vale Section Eight Community Council, Incorporated, has offered to dedicate Parcel A to the Board.

Therefore, Supervisor Frey moved that the Board decline the offer of dedication of Parcel A, Fox Vale, Section Eight, to the Board so that this property can be dedicated to the Park Authority. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

33. **2015 WORLD POLICE AND FIRE GAMES** (12:03 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Frey noted that a year ago the County was awarded the honor of hosting the 2015 World Police and Fire Games.

Therefore, Supervisor Frey moved that the Board direct the County Executive to:

- Coordinate with the public safety agencies, as well as the other organizations involved, such as the Fairfax Convention and Visitors Corporation (Visit Fairfax), and provide the Board with a status report of the organizing efforts underway. This report should provide a review of the activities since the award was made (including the latest estimates of the fiscal benefits to the 2009 host city), as well as a description of the things that need to be done such as timelines, a scope of work, and potential administrative/organizational and resource requirements.
- Report with the review by early fall so that planning can be appropriately addressed.

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

34. **FAIRFAX STARS (SULLY DISTRICT)** (12:04 p.m.)

Supervisor Frey announced that the Fairfax Stars under 12 girls' team won its third consecutive national championship.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the team to appear before the Board on September 28 to be congratulated on an outstanding accomplishment. Without objection, it was so ordered.

35. **CENTREVILLE – MONEY MAGAZINE'S HIGHEST RANKED COMMUNITY IN VIRGINIA (SULLY DISTRICT)** (12:05 p.m.)

Supervisor Frey announced that *Money* magazine's ranking of top 100 communities was just published and the highest ranked community in Virginia is Centreville at number 30.

36. **COUNTY RADIOFREQUENCY (RF) EMISSIONS TESTING** (12:06 p.m.)

Jointly with Supervisor Hyland, Supervisor Herrity said that on many proposals the County receives for new telecommunication sites, citizens ask the County to verify that the RF emissions coming from such facilities are within the Federal Communications Commission (FCC) exposure guidelines.

Supervisor Herrity said that when following up on a recent constituent request, he learned that between approximately 1996 and 2007, the Department of Information and Technology's (DIT) Radio Systems Technologist performed RF emission reviews for 2232 applications to confirm that the proposals met these guidelines. DIT, however, eliminated this position for budgetary reasons after the technologist retired in 2007. Since then, no separate County RF review has been conducted for telecommunication applications. Planning staff also stated that although the decisions made by the Planning Commission with regard to telecommunications are based on the recommendations of the Area Plans and Policy Plan of the Comprehensive Plan, the emissions review was helpful and provided some integrity to the overall process for citizens who had concerns about the health effects of RF emissions.

Supervisor Herrity noted that he currently has three pending applications for various monopoles in his district and additional filings are in the pipeline. As the need for telecommunication facilities grows to meet the demands of the marketplace and reliance on cell phones and other devices, he expects similar requests from more constituents on this same topic. Notwithstanding the fact that the Telecommunications Act prohibits denying an application on health issues, but given the heightened awareness of citizens of the expanding use of RF technology and concern for the health implications imposed by RF emissions, he moved that the Board direct the County Executive and staff to provide a response to the Board determining the value of reinstating the DIT position so that it can verify the RF emission levels coming from these proposed facilities. Supervisor Hyland seconded the motion.

Following discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Smyth being absent.

37. **NORTHERN VIRGINIA VOLLEYBALL ASSOCIATION (NVVA)** (12:09 p.m.)

Supervisor Herrity called the Board's attention to the accomplishments of the NVVA which recently competed in the USA Volleyball Girls' Junior National Championships tournament held in Reno, Nevada.

Supervisor Herrity referred to his written Board Matter outlining the team's accomplishments.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the NVVA team to appear before the Board to be recognized for its accomplishment. Without objection, it was so ordered.

38. **NORTHROP GRUMMAN MOVING ITS HEADQUARTERS TO THE COUNTY (PROVIDENCE DISTRICT)** (12:11 p.m.)

Chairman Bulova announced that Northrop Grumman is moving its corporate office to 2980 Fairview Park Drive, Falls Church, which is in the County.

39. **RECESS/CLOSED SESSION** (12:12 p.m.)

Supervisor Herrity 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. *Jennifer Detweiler v. Craig B. Leech*, Case No. CL-2009-0013202 (Fx. Co. Cir. Ct.)
  2. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
  3. *Board of Supervisors of Fairfax County, Virginia v. Harold D. Spain and Wells Fargo Bank, NA*, Case No. CL-1998-0173805 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  4. *Adonis Wright v. Fairfax County, G. S. Tuggle, and Officer Shifflett, and Other Unnamed Officers, John Does*, Case No. 1:09CV949 (E.D. Va.)

5. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)
6. *In re Grievance of Michael Guston*, Case No. 1014 (Fx. Co. Civil Serv. Comm'n)
7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elaine Ayers Schumacher, a/k/a Ellen Elaine Schumacher*, Case No. CL-2010-0001667 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth N. Hodge and Linda J. Hodge*, Case No. CL-2010-0003046 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David L. Marra, Sr., and Pamela L. Marra*, Case No. CL-2009-0015974 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria T. Rivera*, Case No. CL-2010-0002570 (Fx. Co. Cir. Ct.) (Springfield District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Board of Trustees of Shalom Presbyterian Church, a/k/a The Trustees of Shalom Presbyterian Church of Washington*, Case No. CL-2010-0003305 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 1519 & 6460 Linway Terrace, LLC*, Case No. CL-2009-

0017505 (Fx. Co. Cir. Ct.) (Dranesville District)  
(Strike Team/BNV Case)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde*, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones*, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)
17. *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)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph J. Dunn*, Case No. CL-2010-0002477 (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. Karla Soriagalvarro*, Case No. CL-2008-0004726 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Shen*, Case No. CL-2009-0010971 (Fx. Co. Cir. Ct.) (Providence District)
24. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shaikh M. Shahid and Sadaf S. Shahid*, Case No. CL-2010-0004728 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Penn Daw Properties, L.L.P.*, Case No. CL- 2010-0006498 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos E. Romero*, Case No. CL-2010-0004274 (Fx. Co. Cir. Ct.) (Providence District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manzer Alam, a/k/a Alam Manzer*, Case No. CL-

- 2010-0003304 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richer Cadima*, Case No. CL-2010-0008213 (Fx. Co. Cir. Ct.) (Mason District)
  32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Great World Plaza, LLC*, Case No. CL-2010-0008213 (Fx. Co. Cir. Ct.) (Mason District)
  33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lans A. Fofana*, Case No. CL-2010-0008229 (Fx. Co. Cir. Ct.) (Mason District)
  34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Think V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
  35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edna B. Jones*, Case No. CL-2010-0009039 (Fx. Co. Cir. Ct.) (Dranesville District)
  36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ala Motlagh and Denise C. Motlagh*, Case Nos. 10-0014401 and 10-0014402 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
  37. *Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Laura E. Taylor*, Case Nos. 10-0015229 and 10-0015230 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- Status of Audit under Title II, Americans with Disabilities Act
- Scanlon v. County of Fairfax

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

EBE:ebe

At 4:02 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Smyth, and with Chairman Bulova presiding.

**ACTIONS FROM CLOSED SESSION**40. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:02 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 a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Smyth being absent.

41. **APPOINTMENT OF CHRIS LEONARD TO THE POSITION OF DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES** (4:03 p.m.)

Supervisor Gross moved the appointment of Mr. Chris Leonard to the position of Director of the Department of Neighborhood and Community Services, Grade E-12, at a starting salary of \$130,000 effective July 19, 2010. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

42. **AUTHORIZATION TO DENY CLAIMS OF MR. SCOTT BATES, MR. FORREST HIGGENBOTHAM, AND J. E. PITTMAN** (4:04 p.m.)

Supervisor Gross moved that the Board deny the claims of Mr. Scott Bates, Mr. Forrest Higgenbotham, and J. E. Pittman, as set forth in the letter of their agent, Edward J. Nuttall, Esq., dated June 30, 2010. Supervisor Hyland seconded the motion, and it carried by a vote of nine, Supervisor Smyth being absent.

43. **AUTHORIZATION TO DENY REQUESTS OF MR. MICHAEL SCANLON** (4:05 p.m.)

Supervisor Gross moved that the Board deny the requests of the plaintiffs, by their counsel, in the case styled *Michael Scanlon, et al. v. County of Fairfax, Virginia*, CL-2010-0007821, pending in the Fairfax County Circuit Court, that the Board consent to the institution of that law suit against the County. Supervisor Foust

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

44. **AUTHORIZATION OF SETTLEMENT IN JENNIFER DETWEILER V. CRAIG B. LEECH** (4:05 p.m.)

Supervisor Gross moved that the Board authorize the settlement in *Jennifer Detweiler v. Craig B. Leech*, CL-2009-0013202, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

**AGENDA ITEMS**

45. **3:30 P.M. – BOARD DECISION ON PROPOSED AREA PLANS REVIEW ITEMS 08-III-7UP, 08-III-11UP, AND 08-III-12UP LOCATED NORTH OF THE DULLES TOLL ROAD AND EAST OF THE FAIRFAX COUNTY AND LOUDOUN COUNTY BOUNDARY (DRANESVILLE DISTRICT)** (4:06 p.m.)

Supervisor Foust moved to defer decision on APR Items 08-III-7UP, 08-III-11UP, and 08-III-12UP until **July 27, 2010, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

46. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-SU-024 (SULLY EAST LC) (SULLY DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-SU-035 (SULLY EAST LC) (SULLY DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2003-SU-023 (SULLY EAST LC) (SULLY DISTRICT)** (4:08 p.m.)

- (O) (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Barnsfield Road to proceed under Sections 33.1-151 and 15.2-2270(2) of the *Code of Virginia*.)

The Rezoning Application RZ 2009-SU-024 property is located in the southeast quadrant of the Sully Road and Air and Space Museum Parkway interchange, west of Centreville Road and south of Historic Sully Way Tax Map 34-2 ((1)) 2 pt., 3A, 7, 8, 10A, 27 pt. and 35 pt. and a portion of Barnsfield Road right-of-way to be vacated and/or abandoned.

The Proffered Condition Amendment Application PCA 2003-SU-035 property is located in the southeast quadrant of the intersection of Sully Road and Air and Space Museum Parkway and west side of Centreville Road, Tax Map 34-2 ((1)) 2 pt., 3A pt. 10A pt., 27 pt. and 35 pt. and a portion of Barnsfield Road right-of-way to be vacated and/or abandoned.

The Special Exception Amendment Application SEA 2003-SU-023 property is located at 13800, 13850, 13900, and 13950 Barnsfield Road and 3318 Centreville Road.

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

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

- Mr. Milton V. Peterson
- Mr. Steven B. Peterson
- Mr. Jon M. Peterson
- Ms. Lauren Peterson Fellows
- Mr. James W. Todd
- Mr. Francis A. McDermott

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

Supervisor Frey submitted items for the record.

Supervisor Frey moved approval of Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2003-SU-035. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-SU-024, from the PDC, I-5, PDH-16, HD, and WS Districts to the PDC,

HD, and WS Districts, and approval of the associated Conceptual Development Plan, subject to the proffers dated June 11, 2010.

- Modification of Section 10-104(3)B and C of the Zoning Ordinance to permit an increase in fence height to a maximum fence height of nine feet around the perimeter of the property to provide security for the proposed tenant.
- Modification of Section 13-303 of the Zoning Ordinance to permit the transitional screening as shown on the CDP/FDP to satisfy the requirements along the eastern boundary and a portion of the southern boundary.
- Modification of Section 13-304 of the Zoning Ordinance to permit the barriers as shown on the CDP/FDP to satisfy the requirements along the southern property line and a portion of the eastern and western property lines.
- Waiver of the Countywide Trails Plan recommendation for a major paved trail along the south side of the to-be-vacated Barnsfield Road.

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

Supervisor Frey moved approval of Special Exception Amendment Application SEA 2003-SU-023, subject to the development conditions dated June 9, 2010. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

(NOTE: On June 30, 2010, the Planning Commission approved Final Development Plan Application FDP 2009-SU-024, subject to the proposed Final Development Plan Conditions dated June 29, 2010.)

47. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-V-013 (FAIRFAX COUNTY PARK AUTHORITY) MOUNT VERNON DISTRICT** (4:24 p.m.)

The application property is located west of Accotink Road and south of its intersection with Fisher Woods Drive, Tax Map 99-4 ((9)) A.

Andrew Galusha, Planner II, Planning and Development Division, Park Authority, reaffirmed the validity of the affidavit for the record.

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

Supervisor Hyland moved approval of Proffered Condition Amendment Application PCA 95-V-013 and the associated Conceptual Development Plan Amendment, subject to the proffers dated May 27, 2010. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

(NOTE: On May 27, 2010, the Planning Commission approved Final Development Plan Amendment Application FDPA 95-V-013.)

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-023 (CVS 2003 VA, LLC) (MASON DISTRICT)** (4:30 p.m.)

The application property is located at 8630 and 8700 Little River Turnpike, Tax Map 59-3 ((7)) 11 and 11B.

Ms. Michelle 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 from:

- Mr. Richard O. Duvall
- Mr. Mark E. Baker
- Mr. John P. Rowley

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.

Discussion ensued, with input from Ms. Rosati, regarding the frequency of trash pick-ups at the site and the possibility of preventing left turns into and out of the site from both Woodburn Road and Prosperity Avenue.

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2009-MA-023, subject to the development conditions dated June 29, 2010.

- Modification of the trail requirement along Route 236 in favor of that shown on the SE Plat.
- Modification of the transitional screening requirement along the northern, eastern and southern property lines in favor of that shown on the SE Plat.
- Modification of the peripheral parking lot landscaping requirement along the western property line in favor of that shown on the SE Plat.
- Modification of the barrier requirements along the eastern and southern property lines in favor of that shown on the SE Plat.
- To direct the Director of the Department of Public Works and Environmental Services to permit deviation from the tree preservation target percentage, in favor of the proposed landscaping shown on the SE Plat.

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Smyth being absent.

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), ARTICLE 1, REGARDING PROPERTY MAINTENANCE PROVISIONS**  
(4:42 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2010.

Michael Congleton, Code Compliance Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), revising the administration of the Virginia Uniform Statewide Building Code, Part III, Maintenance (Virginia Maintenance Code). Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Hyland being out of the room, Supervisor Smyth being absent.

50. **4 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT ST10-CW-2CP, ANNANDALE COMMUNITY BUSINESS CENTER (MASON AND BRADDOCK DISTRICTS)** (4:44 p.m.)

Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2010.

The application property is located along Little River Turnpike and Columbia Pike between Heritage Drive and Hummer Road to the west and Evergreen Lane to the east.

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

Supervisor Gross submitted items for the record.

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

Following a statement on the background of this application, Supervisor Gross moved approval of the Planning Commission recommendation for proposed Plan Amendment ST10-CW-2CP included in the staff report dated June 9, 2010.

Following a brief inquiry to David P. Bobzien, County Attorney, regarding adding additional language, Supervisor Gross moved that the Board approve the addition of the following language to the Bicycle Facilities section on page 81 of Pan Amendment ST10-CW-2CP:

- A Bicycle Master Plan for the County has been initiated. Once completed, bicycle routes in, around, and through the revitalization area will be specified, and the general guidance provided here will be updated with these specifics. Bicycle Parking Standards for the County are also currently being developed. In the interim, until finalization and adoption of these standards, assistance with the calculation and placement of bicycle parking provisions is available from staff of the Department of Transportation Bicycle Program during the development process.”

Supervisor Cook seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Smyth being absent.

51. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT ST10-CW-3CP, BAILEYS CROSSROADS COMMUNITY BUSINESS CENTER (MASON DISTRICT)** (5:05 p.m.)

Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2010.

The application property consists of approximately 530 acres of land surrounding the interchange of Leesburg Pike (Route 7) and Columbia Pike (Route 244).

Laxmi Nagaraj, Planner V, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of the Planning Commission recommendation for proposed Plan Amendment ST10-CW-3CP with modifications to Map 3 on Page 20 and Map 4 on Page 26 of the Comprehensive Plan text to reflect the location of the commuter parking lot on the west side of South Jefferson Street. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Smyth being absent.

52. **4 P.M. – PH TO CONTINUE TO LEASE COUNTY-OWNED PROPERTY AT THE LEWINSVILLE FACILITY TO THE McNAIR CHILD DEVELOPMENT CENTER, INCORPORATED, D/B/A FUN AND FRIENDS CHILD DEVELOPMENT CENTER (DRANESVILLE DISTRICT)** (5:28 p.m.)

Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2010.

The property is located at 1609 Great Falls Street, Tax Map 30-3 ((1)) parcel 42.

Marguerite Verville Guarino, Assistant Director, Real Estate Division, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Foust moved that the Board authorize staff to execute a lease agreement, to continue leasing County-owned property at 1609 Great Falls Street, McLean, to Fun and Friends Development Center. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Smyth being absent.

53. **4 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY TO CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS (LEE DISTRICT)**  
(5:31 p.m.)

Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2010.

The property is located at 8350 Richmond Highway, Tax Map Number 101-3 ((1)) 16A.

Marguerite Verville Guarino, Assistant Director, Real Estate Division, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor McKay moved that the Board authorize staff to execute a lease agreement, leasing County-Owned property at 8350 Richmond Highway to Cellco Partnership d/b/a Verizon Wireless. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room Supervisor Smyth being absent.

54. **BOARD ADJOURNMENT** (5:35 p.m.)

The Board adjourned.

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