



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 14, 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, September 14, 2010, at 9:09 a.m., there were present:

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

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:11 a.m.)

(BACs) Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Stephen Carr, a Springfield District resident who was shot in his home on Sunday night. He was an active community resident who was always willing to work for the good and betterment of his community.

Supervisor McKay asked everyone to keep in thoughts the family of Miss Rebecca Johns, a nine year old who was struck and killed while riding her bicycle recently. Miss Johns and her family were involved with the Mount Vernon Soccer Club and the Lee District.

Supervisor Cook asked everyone to keep in thoughts the family of Mr. John R. Clark, Jr., an engaged and involved member of the Braddock District family who died on August 23 at the age of 85. He was a long time member of the Health Care Advisory Board, serving from March 1991 until his death.

Supervisor Cook also commended Mr. Dick Sargent, Mr. Clark's neighbor and friend, for his loyalty and for the care he offered during Mr. Clark's last months.

Supervisor Frey asked everyone to keep in thoughts the family of Mr. Joseph Lee Harsh who died recently. He was a professor of History at George Mason University and columnist who wrote the "Ask Abe" column in the Centreville Newspaper, where he played the role of President Abraham Lincoln. People would ask questions about the Civil War and he would answer from the perspective of the president.

Supervisor Frey asked everyone to keep in thoughts the family of Ms. Rita Koch, who died recently. She was a longtime resident of Centreville and was co-founder and president of the Historic Centreville Society.

Supervisor Frey also asked everyone to keep in thoughts the family of Mr. Dalton Gulsby, a Westfield High School student who died recently. He was the 16-year-old son of former Police Major, Bill Gulsby, who was the first Captain and Commander at the Sully Station.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Elizabeth "Betty" Little who died on August 12, 2010. Ms. Little served faithfully on the Hunter Mill Land Use Committee for over six years. She was dedicated, thorough, and committed to ensuring the best for the residents of the District.

Supervisor Gross asked everyone to keep in thoughts the family of Marine Corps Sargent Ronald A. Rodriguez, of Falls Church who died on August 23, 2010,

from a roadside bomb in Afghanistan. He was a graduate of J.E.B. Stuart High School and a member of the cannon and field artillery unit.

Chairman Bulova asked everyone to keep in thoughts all men and women who are serving the Country and who are putting themselves in harm's way to keep the country safe.

AGENDA ITEMS

2. **RESOLUTION AND REMEMBRANCE OF SEPTEMBER 11, 2001** (9:18 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of a Resolution on behalf of the Board urging all residents to keep in their memories those who died and those who have been affected by the terrorist attacks of September 11, 2001, and the heroic deeds of those who defend freedom and way of life. Supervisor Herrity seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **INTRODUCTION AND PRESENTATION BY THE NATIONAL WILDLIFE FEDERATION (NWF) (MASON DISTRICT)** (9:34 a.m.)

Chairman Bulova introduced Ms. Roxanne Paul who, on behalf of the NWF, presented a Certificate to the Greater Mason District designating it as the forty-fourth certified Community Wildlife Habitat in the nation. It is the sixth community in Virginia to receive this honor.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO RESIDENTS AND BUSINESSES** (9:42 a.m.)

Supervisor Hyland moved approval of the Certificate to Recognition presented to residents and businesses that have made properties for training available to County public safety workers. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

5. **RECOGNITION OF FORMER SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (9:44 a.m.)

Chairman Bulova recognized the presence of former Springfield District Supervisor Elaine McConnell and, on behalf of the Board, warmly welcomed her to the Board Auditorium.

AGENDA ITEMS**6. CERTIFICATES OF RECOGNITION PRESENTED TO WEST SPRINGFIELD HIGH SCHOOL 2010 HIGH ACHIEVERS (9:56 a.m.)**

Supervisor Herrity moved approval of the Certificate to Recognition presented to the West Springfield High School 2010 Girls 4 x 800 Relay Team for winning the 2010 AAA Girls 4 x 800 Relay Championship. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Herrity moved approval of the Certificate of Recognition presented to the West Springfield High School 2010 Dance Team for winning the 2010 Hip Hop Division Championship and an award for outstanding showmanship at the National Dance Alliance National Championship competition on March 7, 2010, in Orlando, Florida. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Herrity moved approval of the Certificate of Recognition presented to Mr. Erik Bakke for advancement to third place in the National Forensic League Congressional Debate on June 17, 2010, in Kansas City, Missouri, and receiving the designation of an Academic All-American for his outstanding performance in academic and forensics. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Herrity moved approval of the Certificate of Recognition presented to the West Springfield High School Baseball Team for winning the 2010 AAA State Baseball Championship. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Herrity moved approval of the Certificate of Recognition presented to Mr. Adam Podell for his selection by the United States-Japan Foundation to receive its 2010 Elgin Heinz Outstanding Teacher Award. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Herrity moved approval of the Certificate of Recognition presented to Mr. James A. Percoco for being selected to receive the 2010 Preserve America Virginia History Teacher of the Year award co-sponsored by the Gilder Lehrman Institute of American History; Preserve America and the History Channel. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

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

7. CERTIFICATE OF RECOGNITION PRESENTED TO STAFF (10:10 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate to Recognition presented to staff who have made

significant contributions to the Tysons Corner Urban Center Plan Amendments. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2010, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY**
(10:36 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate September 15 – October 15, 2010, as "*Hispanic Heritage Month*" in Fairfax County. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **RESOLUTION OF RECOGNITION PRESENTED TO MR. MICHAEL HORWATT** (10:50 a.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Mr. Michael Horwatt for his years of service to the County as a member of the Economic Development Authority. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **RESOLUTION OF RECOGNITION PRESENTED TO THE WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS** (11:16 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the Wolf Trap Foundation for the Performing Arts for receiving an inaugural Venue of Excellence award from the International Association of Assembly Managers. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

NV:nv

11. **10 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2010 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2011 REVISED BUDGET PLAN**
(11:28 a.m.)

(FPR)

(SAR)

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 issue of September 2, 2010.

Chairman Bulova briefly outlined the *FY 2010 Carryover Review* package.

Following the public hearing, which included testimony by six speakers, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 11025 and Amendment to the Fiscal Planning Resolution (FPR) AS 11900, including the *FY 2010 Carryover Review* package as presented on July 27, 2010, which resulted in an available balance of \$59.2 million. Of this balance, \$41 million is necessary for adjustments including \$15 million to be set aside for anticipated FY 2012 increases in employer contributions to the retirement systems, \$10 million to fund costs associated with the legacy computer system replacement which will replace finance, budget, purchasing, and human resources computer systems for both the County and the Schools, \$7.2 million for workers compensation and self-insurance requirements, and \$6.5 million in other administrative and managed reserve adjustments. In addition, the adjustments include \$2.2 million to provide two premium holidays for active County employees and \$0.1 million to fund a comprehensive study of the County's retirement systems. The remaining balance after these adjustments is \$18.2 million.

Chairman Bulova stated that also included in the *FY 2010 Carryover Review* is a \$1.3 million appropriation to the Fairfax County Public Schools for the Priority Schools Initiative. She reminded the Board that this was approved during the July 27, 2010, Board meeting to give the Schools the time to implement transition programs with the opening of the new school year. This funding was available from the \$7 million reserve established as part of the *FY 2011 Adopted Budget Plan* in anticipation of additional reductions in State revenue. With the remaining balance in the Reserve for State Cuts, and the \$18.2 million balance discussed above, the net balance included in the Carryover package is \$23.95 million. **This entire balance is set aside in reserve for critical FY 2011 requirements or to address the projected budget shortfall in FY 2012.**

Supervisor Hyland seconded the motion and discussion ensued, with input from Susan W. Datta, Director, Department of Management and Budget (DMB), and Anthony H. Griffin, County Executive, regarding:

- Priority Schools Initiative and outcomes.
- The creation of new positions for Tysons Corner planning and for the Fairfax-Falls Church Community Services Board.
- State and Federal Funding.

Supervisor McKay asked unanimous consent that the Board direct staff to:

- Provide a report to either the Board's Budget or Legislative Committees on how changes at both the State and Federal level affect County funding.

- Invite School staff to brief the Board on changes subsequent to budget adoption.

Without objection, it was so ordered.

Chairman Bulova noted that the Board holds regular joint meetings with the School Board to discuss key issues. She stated that at the next scheduled joint meeting, jobs funding and the dropout rate will be discussed.

Following further discussion regarding the Priority Schools Initiative, transparency, and accountability issues with the Schools, Supervisor Herrity asked unanimous consent that the Board direct staff to include on the agenda for the next joint meeting with the School Board the impact of the Virginia Grade Level Alternative (VGLA) on test scores. Without objection, it was so ordered.

Supervisor Herrity asked to amend the motion to exclude the \$1,255,755 transfer for the Priority School Initiative from the supplemental appropriation and return it to Reserves. Supervisor Cook seconded the motion.

Following input from David P. Bobzien, County Attorney, the amendment to the motion was deemed out of order because the Board took action on this issue at its last meeting. The action could be changed only if a Board Member on the prevailing side made a motion to reconsider and that motion were to carry.

Further discussion ensued regarding School accountability and transparency, the national recognition of Graham Road Elementary School, and County computer funding.

The question was called on the motion, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova, and Vice-Chairman Gross voting, "AYE."

Chairman Bulova moved that the Board direct the County Executive to implement two premium "holidays" for active County employees eligible for and enrolled in County health insurance plan, whereby the County will pay the employee share of health insurance premiums. These holidays are scheduled for pay dates December 3, 2010, and December 17, 2010.

Vice Chairman Gross seconded the motion.

Chairman Bulova clarified that these "holidays" are a mitigation tool because County employee salaries have been frozen while health insurance rates have risen. She expressed the hope that the School Board could find an equitable way to assist its employees from its budget. She noted that this could be discussed at the next joint meeting.

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

Chairman Bulova expressed appreciation to Ms. Datta; Joe Mondoro, Deputy Director, DMB; Edward L. Long, Jr., Deputy County Executive, and everyone who participated in the budget process, for their efforts.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

DAL:dal

12. **ADMINISTRATIVE ITEMS** (12:51 p.m.)

Supervisor Gross moved approval of the Administrative Items. The second to this motion was inaudible.

Supervisor Gross called the Board's attention to Admin 12 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance), and the Public Facilities Manual (PFM), Regarding Conservation of Trees During the Land Development Process and noted that the Planning Commission hearing will be October 20, instead of October 13. A brief discussion ensued regarding the date change.

Supervisor Foust called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing for the Creation of Small Sanitary Districts for Refuse Collection Service (Springfield District) and raised a question regarding whether this item will be considered. Supervisor Herrity noted that this item is being deferred.

Supervisor Foust called the Board's attention to Admin 12 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance), and the Public Facilities Manual (PFM), Regarding Conservation of Trees During the Land Development Process. He raised a question regarding whether the Tree Commission and/or the Environmental Quality Advisory Council had commented or provided input on the proposed revisions, and, if so, whether it had been communicated to the Board. Discussion ensued with input from Michael Knapp, County Urban Forester, Urban Forest Management Division, Department of Public Works and Environmental Services (DPWES). Discussion continued regarding the authority granted to localities under the Virginia Code.

Following a discussion regarding the fiscal impact, Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding:

- The cost to the County of the original Tree Ordinance, and what the reduction in cost will be to the County if these changes are adopted.

- The cost of the regulations on industry.

Without objection, it was so ordered.

Supervisor Smyth raised a question regarding land development and the construction of additions on existing residential structures and reconstruction of residential structures on existing foundations and discussion ensued with input from James W. Patteson, Director, DPWES.

Supervisor Cook called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing to Continue to Lease County-Owned Property to the Royal Embassy of Saudi Arabia d/b/a The Islamic Saudi Academy (Mount Vernon District) and asked unanimous consent that the Board direct:

- Staff to consult with the County Public School System, and report with information, prior to the public hearing, regarding whether it would benefit from having the building returned to it or whether it would have an interest in the building.
- The County Executive to provide an analysis regarding what prospects the County would have for selling the property either in the current year or at the end of the lease extension, the value of the property, and whether that is a viable option for the County to consider.

Following discussion regarding the request, without objection, it was so ordered.

Supervisor Herrity called the Board's attention to Admin 13 – Authorization for the Department of Transportation (DOT) to Apply for Fiscal Year (FY) 2012 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program Funds and raised a question regarding the proposed use of the funds and discussion ensued, with input from Chris Wells, Pedestrian Program Manager, Department of Transportation (DOT).

Following further discussion regarding usage of the trails, Supervisor Herrity noted that he will present a Board Matter later in the meeting regarding extended use of the I-66 shoulder lanes.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, and Tom Biesiadny, Chief, Coordination and Funding Division, DOT, regarding the cost benefit ratio and whether a special tax district has been considered for Columbia Pike.

Further discussion ensued regarding bridges and High Occupancy Toll (HOT) lanes, with input from Mr. Wells.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 4, 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."

(NOTE: Later in the meeting, Supervisor Herrity presented a Board Matter regarding extended use of the I-66 shoulder lanes. See Clerk's Summary Item #39.)

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 12115 EDDYSPARK DRIVE (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2010, at 4:30 p.m.** regarding a spot blight abatement ordinance for 12115 Eddyspark Drive, Herndon, Virginia, Tax Map Number 011-1-((04))-0249.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6450 EIGHTH STREET (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2010, at 4:30 p.m.** regarding a spot blight abatement ordinance for 6450 Eighth Street, Alexandria, Virginia, Tax Map Number 072-3-((11))-0140.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 2211 FAROUGI COURT (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2010, at 4:30 p.m.** regarding a spot blight abatement ordinance for 2211 Farougi Court, Herndon, Virginia, Tax Map Number 016-1-((08))-0344.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION OF SMALL SANITARY DISTRICTS FOR REFUSE COLLECTION SERVICE (SPRINGFIELD DISTRICT)

(NOTE: Earlier in the meeting, this item was discussed. See page 8.)

The Board deferred action on this item.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF POPLAR TREE ROAD IMPROVEMENTS (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2010, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Poplar Tree Road Improvements.

ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, PROVIDENCE, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fairfax County Redevelopment and Housing Authority Little River Glen II	Braddock	Olley Lane (Route 787) [Additional Right-of-Way (ROW) Only]
Providence Presbyterian Church	Braddock	Little River Turnpike Service Drive (Route 2232) (Additional ROW Only)
Beach Mill Downs Section 2	Dranesville	Patowmack Drive (Route 8270) Nichols Run Court
Francois R. and Marie A. Haeringer	Dranesville	Springvale Road (Route 674) (Additional ROW Only) Beach Mill Road (Route 603) (Additional ROW Only)
Dulles Center LLC	Hunter Mill	Coppermine Road (Route 665) (Additional ROW Only) Centreville Road (Route 657) (Additional ROW Only)
Wilfredo O. Cifuentes	Lee	Cinder Bed Road (Route 637) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Public Storage Incorporated and McDonald's Corporation	Providence	Gallows Road (Route 650) (Additional ROW Only)
Faircrest South Phase Two	Sully	Plumbago Drive Shreve Street (Route 1020) Lavatera Court Dianthus Court Lamium Lane Leland Road (Route 7773) (Additional ROW Only)
Faircrest South Phase Three	Sully	Lavatera Court (Route 10442)
Old Mill Road Property	Sully	Old Mill Road (Route 8591) Old Mill Road (Route 8591) (Additional ROW Only) Mount Olive Road (Route 859) (Prescriptive ROW Dedication)

**ADMIN 7 – APPROVAL OF SUPPLEMENTAL APPROPRIATION
RESOLUTION (SAR) AS 11034 FOR THE HEALTH DEPARTMENT TO
ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN
AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARD FROM
THE GOVERNMENT OF THE DISTRICT OF COLUMBIA (DC)
HOMELAND SECURITY AND EMERGENCY MANAGEMENT (HSEM)
AGENCY**

(SAR) Approved SAR AS 11034 in the amount of \$114,500 for the Health Department to accept a DHS Fiscal Year 2009 UASI subgrant award from the DC HSEM Agency. These funds will be used to support public health emergency preparedness planning, training, and exercise activities.

ADMIN 8 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MOUNT VERNON AND SULLY DISTRICTS)

- (R)
- Adopted the Resolution authorizing “Watch for Children” signs on the following streets:
 - Newington Road (Mount Vernon District)
 - Galesbury Lane (Sully District)
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 44 (SMOKING), TO PROHIBIT SMOKING IN COUNTY-OWNED BUS SHELTERS

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 44 (Smoking), to prohibit smoking in County-owned bus shelters along with other minor adjustments to the chapter to reflect current State law.

ADMIN 10 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE AND PROVIDENCE 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-P10-42	T-Mobile Northeast, LLC Rooftop antennas 8150 Leesburg Pike Providence District	November 25, 2010
2232-D10-12	Dominion Virginia Power Electric substation West Falls Church Metro Station rail yard Dranesville District	July 1, 2011

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONTINUE TO LEASE COUNTY-OWNED PROPERTY TO THE ROYAL EMBASSY OF SAUDI ARABIA D/B/A THE ISLAMIC SAUDI ACADEMY (MOUNT VERNON DISTRICT)

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 9.)

Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2010, at 5 p.m.** to consider continuing to lease County-owned property at 8333 Richmond Highway, Alexandria, Virginia, to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy for the purpose of operating a private school.

ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 122 (TREE CONSERVATION ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM), REGARDING CONSERVATION OF TREES DURING THE LAND DEVELOPMENT PROCESS

- (A) (NOTE: Earlier in the meeting, it was noted that the public hearing date for the Planning Commission has changed. See pages 8–9.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on **October 20, 2010**, and before the Board on **November 16, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance), and the PFM, regarding conservation of trees during the land development process. If adopted, the amendments shall become effective at 12:01 a.m. on November 17, 2010.

ADMIN 13 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2012 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS

- (NOTE: Earlier in the meeting, this item was discussed. See page 9.)

Authorized DOT to apply for FY 2012 RSTP and CMAQ program funds. These funds will be used to advance the projects outlined in Attachment I of the Board Agenda Item dated September 14, 2010. No local cash match is required.

13. **A-1 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2009 [FISCAL YEAR (FY) 2010], AUTHORIZATION TO RETAIN PRIVATE ATTORNEYS AND/OR COLLECTION AGENCIES TO COLLECT DELINQUENT TAXES AND OTHER CHARGES, AND AUTHORIZATION TO IMPOSE ADMINISTRATIVE COSTS AND FEES ON SUCH COLLECTIONS** (1:15 p.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized:

- Staff to continue to pursue the collection of delinquent taxes as found in Attachment A of the Board Agenda Item.
- Staff to remove certain small uncollectable overdue accounts as listed in Attachments B and C of the Board Agenda Item pursuant to *Virginia Code* Section 58.1-3921.
- The County Attorney to retain private attorneys and staff to retain collection agencies to represent the County in the collection of delinquent taxes and other charges.
- Such agents to collect the maximum administrative costs and fees associated with such collections in accordance with *Virginia Code* Section 58.1-3958.

14. **A-2 – APPROVAL AND AUTHORIZATION OF THE DISTRIBUTION OF PLAIN ENGLISH EXPLANATORY STATEMENT FOR THE 2010 TRANSPORTATION BOND REFERENDUM** (1:16 p.m.)

(BONDS) Supervisor Hyland moved that the Board concur in the recommendation of staff to approve and authorize the distribution of the plain English statement for the bond referendum. Supervisor McKay seconded the motion.

Supervisor Foust noted that a revised version of the language had been distributed around the dais and discussion ensued with input from Erin Ward, Assistant County Attorney.

A lengthy discussion ensued, regarding usage of the funds, the language explanation, and the ballot, with input from David P. Bobzien, County Attorney; Katharine D. Ichter, Director, Department of Transportation; Len Wales, County Debt Manager; and Ms. Ward. Mr. Bobzien noted that staff will work with the bond counsel on future items to ensure that primacy is given to the actual facility being funded.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Herrity abstaining, Supervisor Frey voting “NAY.”

15. **A-3 – ADOPTION OF AN AMENDMENT TO THE COUNTY'S STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL FOR FUNDING OF SEWER EXTENSION AND IMPROVEMENT (E&I) PROJECTS** (1:32 p.m.)

Chairman Bulova announced that the Board is deferring action on this item to allow staff to respond to questions provided by Supervisor Foust.

Supervisor Gross raised a question regarding when the item will return to the Board and Chairman Bulova noted that staff will bring this item back to the Board at the next meeting scheduled for September 28.

Supervisor Herrity raised a question regarding whether the item is time sensitive and discussion ensued with input from James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES), who noted that there is no critical date, however there are cost implications.

Supervisor Herrity moved to defer action and hold a public hearing on this item. This motion died for lack of a second.

Chairman Bulova suggested that this item be added to the agenda for the Board's next Environmental Committee meeting.

Discussion ensued regarding whether the proposed amendment has been communicated to residents with septic systems, with input from Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES.

Supervisor Gross noted that this item was discussed at Environmental Committee meetings on March 16 and June 29. She noted that it might be helpful to recirculate the information which was discussed at those two meetings as part of the response to Supervisor Foust's questions.

Anthony H. Griffin, County Executive, stated his understanding of the item as follows:

- Defer the item to allow staff to respond to the questions.
- Bring it back to the next Environmental Committee meeting.
- Work specifically with the three District Supervisors where this is the greatest issue in terms of public discussion.

- Once all of this has been done, he will work with the Chairman to schedule when this item actually comes back to the Board for formal consideration.

Chairman Bulova affirmed his understanding and noted that the Board will receive a copy of Supervisor Foust's questions.

16. **A-4 – APPROVAL OF COUNTY COMMENTS ON TRANSPORTATION-RELATED ADMINISTRATIVE INITIATIVES THAT MAY BE CONSIDERED BY THE COMMISSION ON GOVERNMENT REFORM AND RESTRUCTURING** (1:47 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the list of comments on transportation-related administrative initiatives that might be considered by the Government Reform Commission, as outlined in the Board Agenda Item dated September 14, 2010. Supervisor Smyth seconded the motion.

Following discussion regarding consolidating and restructuring of organizations, the question was called on the motion and it carried by unanimous vote.

17. **A-5 – APPROVAL OF CONDITIONS NECESSARY FOR THE COUNTY TO APPLY FOR AND ACCEPT A FEDERAL TRANSIT ADMINISTRATION (FTA) GRANT FOR THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (RHPTI) (LEE AND MOUNT VERNON DISTRICTS)** (1:54 p.m.)

(BONDS) On motion of Supervisor McKay, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved an amendment to the County's agreement with the Economic Development Authority (EDA), specifically related to labor protection requirements associated with FTA grants (also known as the 1990 Fairfax County/Fairfax EDA, Park-and-Ride Lots Arrangements) for the projects to be funded by grant number VA-04-0031-01; and directed staff to request the EDA to approve the amendment at its next meeting.
- Authorized the Department of Transportation to apply for, execute grant agreements for, and accept funding, if received, from the FTA for the RHPTI. The total funding of \$3,065,200 for the RHPTI consists of \$2,452,160 in FTA funding and a required 20 percent local cash match of \$613,040. The local cash match requirement will be met using \$200,000 in general obligation bonds approved by the voters for transportation purposes and \$413,040 in funds available in Fund 124, County and Regional Transportation Projects.

- Authorized staff to take all necessary measures to ensure County compliance with the conditions of the FTA grant, as authorized by Virginia law.

18. **A-6 – APPROVAL OF A DRAFT BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2011** (1:55 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the draft meeting schedule for January through December, 2011. Supervisor Herrity seconded the motion.

Supervisor Cook raised an issue regarding the meeting calendar and suggested that two of the meeting dates be removed from the proposed schedule and converted to committee meeting dates and discussion ensued with input from Anthony H. Griffin, County Executive.

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

19. **I-1 – PLANNING COMMISSION ACTION ON APPLICATION 2232-H10-1, FAIRFAX COUNTY PARK AUTHORITY (HUNTER MILL DISTRICT)** (2:01 p.m.)

The Board next considered an item contained in the Board Agenda dated September 14, 2010, announcing the Planning Commission's approval of Public Facilities Application 2232-H10-1 for the Stratton Woods Park modifications. The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. The application sought approval to modify park facilities at Stratton Woods Park, located at 2431 Fox Mill Road, Reston. The modifications include the addition of lights to the 90 foot diamond field, tennis courts and parking area, relocation of the sand volleyball court and picnic shelter, and the addition of a lighted racquet court complex. [Tax Map 25-2 ((1)) 4, 5, 6, 7, 8, 9, and 10].

Supervisor Hudgins noted, for the record, that by providing the lighting for the fields it removes some of the concern that the community had. She also noted that her office and the Park Authority will continue working with the community to ensure that this works for them.

20. **I-2 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2011** (2:02 p.m.)

The Board next considered an item contained in the Board Agenda dated September 14, 2010, requesting approval of the County holiday schedule for calendar year 2011.

Supervisor Cook raised a question regarding the George Washington's Day holiday in February and asked why it is not called President's Day and discussion ensued with input from Anthony H. Griffin, County Executive.

Supervisor Gross said that the holiday schedule included a ½ day holiday listed on Friday, December 23, 2011, and noted that the Board will consider, as the date gets closer, making it a full day holiday.

The staff was directed administratively to proceed as proposed.

21. **I-3 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD FISCAL YEAR (FY) 2011 FEE SCHEDULE** (2:05 p.m.)

The Board next considered an item contained in the Board Agenda dated September 14, 2010, requesting authorization for staff to proceed with the implementation of the FY 2011 Fee Schedule on October 4, 2010. New fees are scheduled to become effective October 4, 2010.

The staff was directed administratively to proceed as proposed.

22. **ORDERS OF THE DAY** (2:05 p.m.)

Chairman Bulova announced that Board Matters will be presented later in the meeting.

(NOTE: Later in the meeting, the Board Matters were presented. See Clerk's Summary Items #34 – #76.)

23. **RECESS/CLOSED SESSION** (2:05 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. Notice of Claim of Ian Smith and His Family (Hunter Mill District)
2. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (U.S. Ct. of App. for the Fourth Cir.)
3. *Eugenia B. White v. Fairfax County Government*, Case No. 09-8700 (United States Supreme Court) (White I)
4. *Eugenia B. White v. Fairfax County Government*, Case No. 09A1091 (United States Supreme Court) (White III)
5. *Keisha Carr v. Fairfax County Department of Family Services*, Record No. 0351-10-4 (Va. Ct. App.); *Linda Saifi v. Fairfax County Department of Family Services*, Record No. 0736-10-4 (Va. Ct. App.)
6. *Kathryn T. Hollis, et al. v. Schaefer Pyrotechnics, Inc., et al.*, Case No. CL-2009-0002346 (Fx. Co. Cir. Ct.)
7. *In re Grievance of Eric P. Leeds*, Case No. 1012 (Fx. Co. Civil Serv. Comm'n)
8. *Dr. Rose C. Merchant v. Fairfax County, Virginia, Sharon Bulova, Officer Robert M. Bauer, Officer Jonathan Nytes, Lieutenant Gervais Reed and John Doe 1 Through John Doe 20*, Case No. 1:10-cv-00376-TSE-TRJ (E.D. Va.)
9. *Linda A. Eberhardt v. Fairfax County Employees' Retirement System Board of Trustees*, Court No. 2010-7441 (Fx. Co. Cir. Ct.) (Eberhardt I)
10. *Linda A. Eberhardt v. Fairfax County Employees' Retirement System Board of Trustees*, Case No. 1:10-cv-771 (E.D. Va.) (Eberhardt II)
11. Claim of Khadija Ahmed (Providence District)
12. *Dulles Suites, LLC, v. Virginia Department of Taxation, et al.*, Case No. CL-2010-0009815 (Fx. Co. Cir. Ct.) (Dranesville District)

13. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
14. *Board of Supervisors of Fairfax County, Virginia v. Satish Abrol, Kiran Abrol, Varinder Abrol, Suman Abrol, and Guaranty Residential Lending, Inc.*, Case No. CL-2000-0189010 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Kenneth R. Andersen v. Zoning Administrator of Fairfax County*, Case No. CL-2010-0006912 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Board of Supervisors of Fairfax County, Virginia v. NewPath Networks, LLC*, Case No. CL-2010-0005141 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *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)
18. *SCI Virginia Funeral Services, Inc. v. Fairfax County Board of Zoning Appeals, et al.*, Case No. CL-2010-0000268 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0004119 (Fx. Co. Cir. Ct.) (Providence District)
19. *LM 734 LC, trading as Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde*, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yong Ho Kwon and Kristi L. Karls*, Case No. CL-2009-0010821 (Fx. Co. Cir. Ct.) (Mason 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. Judy Mark*, Case No. CL-2009-0010262 (Fx. Co. Cir. Ct.) (Braddock District)
24. *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)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor Veizaga and Benedicta Chambi*, Case No. CL-2010-0002571 (Fx. Co. Cir. Ct.) (Providence District)
26. *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)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Wells Fargo Bank, N.A., Trustee for Carrington Mortgage Loan Trust*, Case No. CL-2010-0000347 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Mesewicz*, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock District)

31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sonia Montecinos and Ruben Perez*, Case No. CL-2007-0007570 (Fx. Co. Cir. Ct.) (Lee District)
32. *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)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Adeb S. Ibrahim, Jr.*, CL-2008-0005850 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Scott W. Pruitt*, Case No. CL-2009-0013751 (Fx. Co. Cir. Ct.) (Springfield District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad*, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison, Jr.*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Paucar and Rafael A. Soler*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Azhar Iqbal*, Case No. CL-2010-0001666 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell*, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)
41. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira*, Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
42. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joshua James McKinney and Amanda Anne McKinney*, Case No. CL-2010-0002668 (Fx. Co. Cir. Ct.) (Dranesville District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia Beatriz Medrano*, Case No. CL-2010-0006848 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
45. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas E. Wood and Dena R. Bergstrom*, Case No. CL-2009-0016209 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. David J. Moore, Jr., and Sterling Moore*, Case No. CL-2010-0004272 (Fx. Co. Cir. Ct.) (Mason District)
47. *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)

48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ragnar Magnusson*, Case No. CL-2010-0002792 (Fx. Co. Cir. Ct.) (Providence District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Henry Wilson and Mary R. Wilson*, Case No. CL-2010-0007946 (Fx. Co. Cir. Ct.) (Mount Vernon District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyun B. Lee and Sook J. Lee*, Case No. CL-2010-0003306 (Fx. Co. Cir. Ct.) (Mason District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winkal Holdings, L.L.C., d/b/a Max Cleaners*, Case No. CL-2010-0003572 (Fx. Co. Cir. Ct.) (Providence District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kim-Dung Le and Sang V. Ha*, Case No. CL-2010-0009686 (Fx. Co. Cir. Ct.) (Mason District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kingsway Limited Partnership and Miguelito Chicken, Inc.*, Case No. CL-2010-0001018 (Fx. Co. Cir. Ct.) (Lee District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcos C. Vieira and Maria Elena Vieira*, Case No. CL-2010-0005428 (Fx. Co. Cir. Ct.) (Mason District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor M. Valencia and Maria Palacios*, Case No. CL-2010-0002667 (Fx. Co. Cir. Ct.) (Providence District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jong S. Kim and Myoung S. Kim*, Case No. CL-2010-0004488 (Fx. Co. Cir. Ct.) (Springfield District)
57. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ruth*

- S. Wong*, Case No. CL-2010-0005963 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan R. Chicas*, Case No. CL-2010-0005599 (Fx. Co. Cir. Ct.) (Lee District)
59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2010-0007947 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
60. *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)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
62. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Toetie Jones*, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)
63. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Dunbar*, Case No. CL-2010-0010221 (Fx. Co. Cir. Ct.) (Dranesville District)
64. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mounir Badawy*, Case No. CL-2010-0010675 (Fx. Co. Cir. Ct.) (Dranesville District)
65. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fleet Properties, Inc., and K&H Lawn Services, Inc.*, Case No. CL-2010-0010676 (Fx. Co. Cir. Ct.) (Providence District)

66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel Angel Alvarez and Delmi Aurora Alvarez*, Case No. CL-2010-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
67. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nowsherwan A. Davis and Karina Davis*, Case No. CL-2010-0010033 (Mason District)
68. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares*, Case No. CL-2010-0011113 (Fx. Co. Cir. Ct.) (Mason District)
69. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven Sherman*, Case No. CL-2010-0011269 (Fx. Co. Cir. Ct.) (Providence District)
70. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria E. Alvarenga and Juan C. Abarca*, Case No. CL-2010-0011199 (Fx. Co. Cir. Ct.) (Mount Vernon District)
71. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hiep V. Nguyen and Thu T. T. Nguyen*, Case No. CL-2010-0011200 (Fx. Co. Cir. Ct.) (Mason District)
72. *Eileen M. McLane, Fairfax County Zoning Administrator v. Suseon P. Lee*, Case No. CL-2010-0011224 (Fx. Co. Cir. Ct.) (Mason District)
73. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
74. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michel Vallet*, Case No. CL-2010-0011361 (Fx. Co. Cir. Ct.) (Dranesville District)
75. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case

No. CL-2010-0011467 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

76. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus T. Vargas-Veizaga and Sdenka M. Valencia-Gutierrez*, Case No. CL-2010-0011734 (Fx. Co. Cir. Ct.) (Providence District)
77. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bonnie June Speakman*, Case No. CL-2010-0011818 (Fx. Co. Cir. Ct.) (Dranesville District)
78. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young Ja Joo*, Case No. CL-2010-0011817 (Fx. Co. Cir. Ct.) (Mason District)
79. *Eileen M. McLane, Fairfax County Zoning Administrator v. Satish Amin*, Case No. CL-2010-0011816 (Fx. Co. Cir. Ct.) (Mason District)
80. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia A. Snyder*, Case No. CL-2010-0011971 (Fx. Co. Cir. Ct.) (Hunter Mill District)
81. *Eileen M. McLane, Fairfax County Zoning Administrator v. Porter C. Lindsay*, Case No. CL-2010-0011929 (Fx. Co. Cir. Ct.) (Lee District)
82. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos E. Martinez*, Case No. CL-2010-0012138 (Fx. Co. Cir. Ct.) (Lee District)
83. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laird Graham Minor*, Case No. CL-2010-0012137 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team/BNV Case)
84. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Pauline Mock and William H. Mock*, Case

Nos. 10-0020842 and 10-0020843 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

85. *Eileen M. McLane, Fairfax County Zoning Administrator v. KLM and Mary Ellen Talbert*, Case Nos. 10-0020947 and 10-0020948 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
86. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ena Moran-Palma*, Case Nos. 10-0021121 and 10-0021122 (Fx. Co. Gen. Dist. Ct.) (Lee District)
87. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul D. Robertson*, Case Nos. 10-0021259 and 10-0021260 (Fx. Co. Gen. Dist. Ct.) (Lee District)
88. *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)
89. *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:

- Board of Supervisors and the Redevelopment and Housing Authority v. Wittstadt Title and Escrow Company, LLC, et al.
- McLane v. Robert Pierre Johnson Housing Development Corporation of the National Capital Area, Case Number CL-2009-0012063
- August 11, 2010, Incident at Fire Station 41
- Redevelopment and Housing Authority Units at Shadowood Condominiums
- *Virginia Code* Annotated Section 15.2-2314

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

At 3:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTION FROM CLOSED SESSION

24. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:50 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 Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

DET:det

AGENDA ITEMS

25. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-MV-023 (INOVA HEALTH CARE SERVICES) (MOUNT VERNON DISTRICT)** (3:51 p.m.)

(O) The application property is located in the southeast quadrant of the intersection of Lorton Road and Sanger Street and west of I-95, Tax Map 107-4 ((1)) 75A, 77-82.

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

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

- Jon Peterson, a Trustee on the Inova Health Care Services Board
- Michael R. Frey, a member of the Fairfax County Board of Supervisors and a Trustee on the Inova Health Care Services Board
- Dean Morehouse, a Trustee on the Inova Health Care Services Board
- Gary Nakamoto, a Trustee on the Inova Health Care Services Board

- John Toups, a former officer of Inova Health System Foundation and a former Trustee on the Inova Health System Foundation Board
- Elaine Stottlemeyer, the wife of Todd Stottlemeyer, an officer [sic] with Inova

Supervisor Foust disclosed the following which he had received:

- Complimentary tickets, having a face value in excess of \$100 each, to attend, with his spouse, the Inova Health System Foundation's 2009 Annual Gala.

Supervisor Gross disclosed that:

- She is a Trustee on the Inova Health System Foundation Board.
- She had received complimentary tickets, having a face value in excess of \$100 each, to attend, with her spouse, the Inova Health System Foundation's 2009 Annual Gala.

Supervisor Hyland disclosed the following:

- That he is a Trustee on the Inova Health Care Services Board.
- An in-kind campaign contribution in excess of \$100 which he had received from the Inova System.
- A campaign contribution in excess of \$100 which he had received from Paul Luisada, a former Trustee on the Inova Health Care Services Board.

Supervisor Cook stated that because of information contained in the application, he was required to disclose the following:

- A donation from Mr. John W. Ryan

Supervisor Frey disclosed that he had received:

- A contribution in excess of \$100 from Todd A. Stottlemeyer, an agent for Inova Health Care Services.
- Baseball tickets, with a value in excess of \$100, from James M. Scott, an agent of Inova Health Care Services.

Supervisor Hudgins disclosed the following which she had received:

- Complimentary tickets, having a face value in excess of \$100 each, to attend, with her spouse, the Inova Health System Foundation's 2009 Annual Gala.

Chairman Bulova disclosed the following:

- Attendance at the Inova Health System Foundation's 2009 Annual Gala as the guest of J. Knox Singleton.
- A donation in excess of \$100 to the Fairfax County Asian American History Project gift fund, which she oversees, by Base Technologies, per the direction of Gary Nakamoto, a Trustee on the Inova Health Care Services Board; Base Technologies is not a party to this application.

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

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-MV-023, from the C-3 District to the PDC District, subject to the proffers dated July 20, 2010.
- Approval of a variance of the requirement that secondary uses in a PDC District not exceed 25 percent of the gross floor area of the principal uses, to allow for a greater proportion of the medical care facility use on this site.
- Modification of the transitional screening requirement and waiver of the barrier requirements along the southern and western property lines, in favor of that shown on the CDP/FDP.
- Modification of the number of loading spaces required by the Zoning Ordinance.
- Modification of the peripheral parking lot landscaping requirement and off-street parking setback requirement along the northern property line.

Supervisor McKay seconded the motion.

Following additional remarks by Supervisor Hyland and Supervisor McKay concerning the history behind the Mount Vernon Hospital and the development of the health complex, 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."

(NOTE: On July 22, 2010, the Planning Commission approved Final Development Plan Application FDP 2009-MV-023, subject to the development conditions dated July 13, 2010.)

26. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-HM-008 (TRUSTEES OF THE MOUNT PLEASANT BAPTIST CHURCH) (HUNTER MILL DISTRICT)** (4:18 p.m.)

The application property is located at 2516, 2520, 2524 and 2525 Squirrel Hill Road, Tax Map 15-4 ((1)) 27, 28, 29 and 32.

The Reverend Dr. James L. Graham, Jr., reaffirmed the validity of the affidavit for the record.

Discussion ensued concerning a review by and recommendations from the History Commission, with input from William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, concerning historic significance and demolition.

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

Following the public hearing, William O'Donnell, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2010-HM-008, subject to the development conditions dated July 14, 2010.
- Modification of the transitional screening yard requirements and waiver of the barrier requirements along all lot lines in favor of the existing vegetation, as depicted on the SE Plat.

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

27. 3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-P-030 (APPLETREE OF FAIRFAX, INCORPORATED) (PROVIDENCE DISTRICT) (4:26 p.m.)

The application property is located at 9655 Blake Lane, Tax Map 48-3 ((19)) 2 and 3.

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

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

- Mr. Carson Lee Fifer, Jr. of McGuire Woods LLP
- Mr. Jonathan P. Rak of McGuire Woods LLP
- Mr. Gregory A. Riegle of McGuire Woods, LLP

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

Following the public hearing, Supervisor Smyth stated that she had previously submitted to the Clerk's Office an item for the record.

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

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 98-P-030, subject to the development conditions dated June 23, 2010.
- Modification of the transitional screening and barrier requirements on the northwest periphery of the property, adjacent to Lot 15, in favor of that depicted on the SEA Plat.
- Waiver of the transitional screening and barrier requirements on the northeast periphery of the property along Blake Lane.
- Waiver of the loading space requirement.

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

28. **4 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 12224 BRADDOCK ROAD (SPRINGFIELD DISTRICT)** (4:32 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 August 26 and September 2, 2010.

Christina Sadar, Blight Abatement Program Coordinator, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by two speakers, further discussion ensued with input from Ms. Sadar concerning:

- Progress made on the property.
- The County's willingness to continue to work with the property owner.
- Removal of designations of spot blight when properties come into compliance.

Supervisor Herrity moved:

- Adoption of the Ordinance declaring 12224 Braddock Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 12224 Braddock Road.

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

29. **4 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 3236 PEACE VALLEY LANE (MASON DISTRICT)** (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 August 26 and September 2, 2010.

Christina Sadar, Blight Abatement Program Coordinator, Department of Code Compliance, presented the staff report. Ms. Sadar noted that the property had been sold at auction this morning.

Following the public hearing, which included testimony by one speaker, Supervisor Gross addressed issues raised by the speaker concerning:

- The historic value of the dwelling
- Vagrancy and trespassing
- Woodlands preservation
- Establishment of a small park and the lack of public egress

Supervisor Gross moved:

- Adoption of the Ordinance declaring 3236 Peace Valley Lane blighted, constituting a nuisance.
- Approval of the blight abatement plan for 3236 Peace Valley Lane.

Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

30. **4:30 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7717 BEULAH STREET (LEE DISTRICT)** (4:53 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 August 26 and September 2, 2010.

Christina Sadar, Blight Abatement Program Coordinator, Department of Code Compliance (DCC), presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued concerning drawings for the blight abatement demolition plan with input from Jeff Blackford, Director, DCC, and his willingness to facilitate further discussions with review staff on this.

Additional discussion ensued concerning full-scale grading plans for greater than 2500 square feet and compliance requirements. Supervisor Herrity noted that the requirement for grading plan is currently under review and asked unanimous consent that the property blight abatement demolition process be included separately in the review. Without objection, it was so ordered.

Discussion continued concerning grading plan requirements with input from Ms. Sadar concerning alternative approaches.

Supervisor McKay, noting the flexibility that still exists after the declaration of spot blight abatement, moved:

- Adoption of the Ordinance declaring 7717 Beulah Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7717 Beulah Street.

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

31. **4:30 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6206 COLCHESTER ROAD (SPRINGFIELD DISTRICT)** (5:12 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 August 26 and September 2, 2010.

Christina Sadar, Blight Abatement Program Coordinator, Department of Code Compliance (DCC), presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Jeff Blackford, Director, DCC, concerning:

- The purpose of a demolition grading plan.
- Waivers or reductions-in-cost in a hardship situation.

Supervisor Herrity submitted a letter for the record.

Discussion ensued concerning the need for further review of:

- Demolition permits and the requirement for full-scale commercial grading plans:
- Hardship situations in cases of blight in order to prompt compliance.

Supervisor Herrity moved:

- Adoption of the Ordinance declaring 6206 Colchester Road blighted, constituting a nuisance.

- Approval of the blight abatement plan for 6206 Colchester Road.

Supervisor Smyth seconded the motion.

Discussion ensued concerning a topographical designation on the tax map and the subsequent impact of such designations on grading and demolition.

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."

32. **4:30 P.M. – PH ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6133 MARSHALL DRIVE (MASON DISTRICT)** (5:27 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 August 26 and September 2, 2010.

Christina Sadar, Blight Abatement Program Coordinator, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by two speakers, discussion ensued concerning plat versus title issues with input from Ms. Sadar.

Supervisor Gross moved:

- Adoption of the Ordinance declaring 6133 Marshall Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6133 Marshall Drive.

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

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and noted that testimony presented this afternoon illustrates the difficulties some landowners have experienced in their attempts to demolish the property and asked unanimous consent that the Board direct staff to review these issues to determine if the process can be improved. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

33. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-4-10, MAXIMUM SPEED LIMITS** (5:37 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 26 and September 2, 2010.

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

Following the public hearing, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-4-10, Maximum Speed Limits. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

NV:nv

ADDITIONAL BOARD MATTERS

33a. **INTRODUCTION OF INTERNS IN THE OFFICE OF CLERK TO THE BOARD** (5:40 p.m.)

Chairman Bulova introduced Eric Seo and Cynthia Seo, a brother and sister from Fairfax High School, who are interns in the Clerk to the Board's Office. She noted that Eric is a junior and has been interning in the office since the summer, and Cynthia is a sophomore and this is her first day. Both are residents of the Springfield District. On behalf of the Board, she warmly welcomed them to the Board Auditorium.

34. **BOARD PRESENTATIONS** (5:41 p.m.)

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

- Representatives from the Department of Family Services and the families that they represent to accept a proclamation declaring November as "*Adoption Awareness Month*" in Fairfax County.
- Representatives from the Department of Transportation to accept a proclamation declaring October as "*Transit Month*" in Fairfax County.

- Representatives from the Fire and Rescue Department to accept a resolution recognizing those who participated in the “Fill the Boot Campaign.” (Chairman Bulova noted that the County was first in the nation in donations.)
- Representatives from the Fire and Rescue Department to accept a proclamation declaring October 3 - 9, 2010, as “*Fire Prevention Week*” in Fairfax County.
- Representatives from the Office for Women and Domestic and Sexual Violence Services to accept a proclamation declaring October as “*Domestic Violence Awareness Month*” in Fairfax County.
- Representatives from Volunteer Fairfax to accept a proclamation declaring Saturday, October 23, 2010, as “*Volunteer Fest Day*” in Fairfax County.
- Mr. Morteza Salehi to accept a resolution honoring his 21 years of service with the Virginia Department of Transportation. (*Chairman Bulova noted that Supervisor Herrity had a joint Board Matter to present on this recognition. See Clerk’s Summary Item #35.)

Chairman Bulova further asked that the Board direct staff to prepare and send a proclamation to the Washington Wizards to mark the start of the Washington Wizards training camp. Without objection, it was so ordered.

35. **RETIREMENT OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) NORTHERN VIRGINIA DISTRICT ADMINISTRATOR MORTEZA SALEHI AND VDOT EMPLOYEE JO ANN SORENSON**
(5:43 p.m.)

(Earlier in the meeting, the Board directed staff to invite Mr. Salehi to appear before the Board in recognition of his service. See Clerk’s Summary Item #343.)

Supervisor Herrity stated that he was saddened to learn that Northern Virginia District Administrator Morteza Salehi will be retiring from VDOT. Dr. Salehi began his career at VDOT as a senior engineer in 1989 after serving as a research associate at the Massachusetts Institute of Technology from 1981 until 1985. Prior to becoming the Northern Virginia District Administrator, Dr. Salehi served as Culpeper Administrator overseeing VDOT's program for a nine-county region that includes the Warrenton, Charlottesville, Culpeper, and Louisa residencies. In August 2007, Dr. Salehi became District Administrator after serving as acting administrator for several months.

Supervisor Herrity noted that Dr. Salehi holds a doctorate in transportation engineering and a master's degree in highway and traffic engineering from the University of Birmingham, England, and a bachelor's degree in civil engineering from Tehran Polytechnic Institute. He noted that Dr. Salehi has been a great partner to the County and its citizens.

Supervisor Smyth also announced the retirement of JoAnn Sorenson from VDOT and asked unanimous consent that the Board direct staff to prepare a letter to thank her for her service. Without objection, it was so ordered.

36. **COMMUNITY ENGAGEMENT PROCESS FOR THE FISCAL YEAR (FY) 2010 BUDGET** (5:45 p.m.)

Chairman Bulova stated that during the past two years, as the community has struggled with the effects of a severe national economic breakdown, the Board has benefited from a generous level of community participation in the budget process. The process for identifying priorities, areas for savings, and reorganizational efficiencies has been enriched and improved thanks to County residents and members of its workforce who have participated at the table during these challenging times. She warned that the County is not yet out of the woods.

Chairman Bulova said that when the Board adopted the FY 2011 Budget last spring, it adopted guidelines that called for continuing its vigorous level of community engagement as it prepares for FY 2012. The Board also agreed to identify ways to enhance and build upon its successful Community Dialogues. Below are plans for a **Community Outreach Process for Fiscal Year 2012** that will make participation more convenient and allow the Board to increase opportunities for residents to become involved.

Two traditional community forums have already been scheduled as follows:

- Tuesday, October 5, from 7-9 p.m. at the Government Center
- Saturday, October 23, from 2-4 p.m. in the Hayfield Secondary School cafeteria

These community forums will include an overview of the budget with general audience discussion, to be followed by small group breakout sessions. Online registration is encouraged since seating will be limited.

Staff from the Office of Public Affairs and the Department of Management and Budget has developed a new **Do-it-Yourself Budget Toolkit**, which residents, community groups, and organizations can use to host individual group discussion sessions about the budget. Participants will learn of the big picture, but can also

choose to focus on the issues that matter most to them. They can choose the most convenient time and place. The toolkit will include:

- An educational 15-minute video from Channel 16
- Background information to guide the discussion
- Suggested questions for the group to use to frame its discussions
- An online form to provide feedback to the County

Chairman Bulova noted that participants are directed to the County's budget website to provide suggestions and comments on budget balancing and revenue strategies. **The toolkit and video will be available on the County's website and on the County's YouTube channel beginning Monday, October 4.**

In addition to the outreach forums and toolkit, any interested resident can visit the County website, complete a short budget survey, and submit comments online. The survey will be available beginning October 4 along with the rest of the Do-it-Yourself Toolkit.

Recommendations, suggestions, and comments from forums, discussion groups, and on-line surveys will be captured on the County's website and considered as the County Executive is preparing his **Advertised Budget, which will be released in February**, and later as the Board “marks-up” (amends) the Advertised Budget and formally adopts a budget in late April.

Chairman Bulova said that this process assumes that budget town meetings and forums will continue to be held in the Supervisor Districts to receive comment on the Advertised Budget this winter and spring once it has been released.

Chairman Bulova expressed her excitement about these plans for outreach on the budget process and asked the Board to assist with promoting these opportunities in each of their Districts. She also asked unanimous consent that the Board direct the Office of Public Affairs to publicize the community engagement outreach process. Without objection, it was so ordered.

37. **EQUESTRIAN SERVICES TASK FORCE** (5:50 p.m.)

(BACs) Chairman Bulova noted that the County has undergone a major transformation over the past 50 years. It once was the largest dairy farm community in Virginia. This once rural County is now home to great schools, a growing public transit system, and thriving neighborhoods and business centers. She asserted that the County is also unique in its successful historic preservation and parks that commemorate a more rural lifestyle.

In response to the closures of several equestrian centers in the County, Chairman Bulova said that Fairfax4Horses, along with the County Park Authority, is working to establish public riding facilities. Members of that group have pointed out that the Comprehensive Plan calls for the creation of equestrian facilities in the Laurel Hill area of the County. They also have suggested that equestrian opportunities should be explored when trails are being designed or when plans are developed for parks and other County facilities.

Chairman Bulova stated that Fairfax4Horses has asked the Board to establish an ad hoc task force to identify opportunities for horses and their riders. Accordingly, she asked unanimous consent that the Board agree to the creation of an Ad Hoc Equestrian Task Force, and that Fairfax4Horses be requested to work with staff in the Park Authority on the composition and mission of such a group, with a suggested framework returning to the Board, through the Park Authority, in October.

Chairman Bulova clarified that the composition assumes the appointment of district representatives. Without objection, it was so ordered.

38. **GRID OF STREETS** (5:52 p.m.)

Chairman Bulova stated that the Board was copied on a letter to her signed by Martin Walsh from Walsh, Colucci, Lubely Emrich and Walsh PC. She said that there is a belief that County staff is planning to fund the grid of streets. She pointed out that staff is reviewing this issue; however, staff is essentially computing the costs of what would be required to build out the grid of streets. She said that some of the grid of streets would be part of the redevelopment of Tysons Corner, but some of the grid may be outside of redevelopment. Nothing is on the table; information is being gathered only. She said that she will respond to the letter but wanted to reassure everyone that nothing had been decided without the engagement of the landowners and the affected communities.

Supervisor Smyth said that the letter related to the Tysons transportation fund and that had been part of the overall discussion of financing. She stated her belief that staff had produced comparisons to show how Tysons compared with other transportation funds. She suggested that in the response that the Board direct Department of Transportation staff to show the thought process and comparisons.

County Executive Anthony H. Griffin asked that the Board refer the item to him to draft a response. He said that there is documentation that has been presented to the Board that can be attached to the response.

Further discussion ensued regarding perceptions of the public.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

39. **BOARD SUPPORT OF EXTENDED USE OF THE I-66 SHOULDER LANES** (5:58 p.m.)

(NOTE: Earlier in the meeting, the Board took action on Administrative Item Admin 13. See Clerk's Summary Item #12.)

Supervisor Herrity said that in reviewing today's Administrative Item 13 with staff, he was informed that the project to add dynamic shoulder use on I-66 is not on the Board list of priority projects. He was surprised to learn this is the case despite letters the Board has written to the Virginia Department of Transportation (VDOT) in support of extended use of these lanes in the past, dating back to January 2008.

Supervisor Herrity reported that VDOT has been proceeding on this project and has estimated the project to cost approximately \$8 million. VDOT has also applied for a Transportation Investment Generating Economic Recovery (TIGER) Grant called the I-66 Active Traffic Management Project. Both Chairman Bulova and Supervisor Herrity have sent letters in support of this grant request.

Supervisor Herrity said that this project will allow expanded use of the shoulder lanes during periods of congestion. Currently they are only used during fixed periods of time - rush hours. Unfortunately I-66 is continually congested outside of rush hours. In essence this project will provide another two lanes (one in each direction) during periods of congestion and will provide these lanes very economically. He asserted that it is a commonsense approach to reducing congestion in this corridor and that this project would have been a perfect candidate for the RSTP/CMAQ application's list of projects in the Administrative 13 item, but was not included.

Accordingly, Supervisor Herrity moved that the Board formally approve adding dynamic expanded use of the shoulder lane of I-66 to the list of priority transportation projects. Chairman Bulova seconded the motion.

Following discussion regarding "dynamic use" and what is included in the \$8 million, Supervisor McKay asked to amend the motion to direct staff to add the review of this item to the Board's next Transportation Committee meeting to determine whether this project has any impact on any other project, and this was accepted.

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

40. **SILAS BURKE HOUSE (SPRINGFIELD DISTRICT)** (6:03 p.m.)

In a joint Board Matter with Chairman Bulova and Supervisor Cook, Supervisor Herrity explained that Suzie Fowler Neal and her husband Terry Neal, the owners of the Silas Burke House at 9617 Burke Lake Road (near Shiplett Boulevard) are planning on selling this historic home. Silas Burke and his wife Hannah Coffey

built this home in 1825. The home's historical value lies in the fact that Lieutenant Colonel Burke agreed to give his land to the Orange and Alexandria Railroad Line which put Burke and the surrounding area on the map. This nearly 4,000 square foot, five-level home sits on about five acres of land and contains two outbuildings. He said that it continues to be an important landmark to the community, and he distributed a *Connection* article providing more historical details on this property.

Supervisor Herrity said that the owners would like to see the home purchased by someone who recognizes the historical significance of the property and see the home and property preserved and restored. He and many citizens share the same desire. In March of 2003 a similar request was made by the community and residents of the Braddock District concerning the Oak Hill property which was built in 1790. This property, like the Silas Burke home, was listed on the County Inventory of Historic Sites. The Board, at that time, made a decision to acquire a conservation easement for the Oak Hill property. A similar easement would benefit the Silas Burke property.

Supervisor Herrity said that such an easement would prevent the property from subdivision and development and would preserve open space and the historical structures on the property. According to the Comprehensive Plan, conservation easements should be encouraged and used to implement the County's goals and objectives for the preservation of natural and heritage resources within the context of the County's suburban and urbanizing character.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct the County Executive to provide the Board with options as to how it can best protect the historical integrity of the Silas Burke home either through a conservation easement or other means. Without objection, it was so ordered.

41. **BREAST CANCER AWARENESS MONTH** (6:06 p.m.)

Supervisor Herrity noted that 2010 marks the twenty-sixth anniversary of National Breast Cancer Awareness Month. Over the past 26 years, National Breast Cancer Awareness Month has been at the forefront in promoting breast cancer awareness issues. The goal of National Breast Cancer Awareness Month is to educate and empower women to take charge of their health by practicing regular breast exams, scheduling regular doctor visits and mammograms, adhering to prescribed treatments, and knowing the facts about recurrence.

Accordingly, Supervisor Herrity moved that the Board:

- Proclaim October as "*Breast Cancer Awareness Month*" in Fairfax County and direct staff to invite representatives from the Office for Women, the Commission for Women, and other relevant organizations to accept a resolution at the next Board meeting.

- Direct the Office of Public Affairs to publicize the resolution and remind citizens of the benefits of early detection.

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

42. **LIVABLE COMMUNITIES ACT** (6:08 p.m.)

Supervisor McKay said that the Livable Communities Act (S. 1619/H.R. 4690) would provide \$4 billion in competitive grants for community projects intended to integrate transportation, housing, economic development, and environmental planning to encourage sustainable development. The bills would also establish a new Office of Sustainable Housing and Communities within the Department of Housing and Urban Development (HUD) to coordinate sustainable development policies nationally and provide technical assistance to communities on “smart growth” practices. This office would formalize the recent partnership between HUD, the US Department of Transportation, and the Environmental Protection Agency, and would make permanent the HUD Sustainable Communities Planning Grant Program, recently created as a pilot program. The legislation is widely supported by various associations and interest groups, including the National Association of Counties (NACo).

Supervisor McKay noted that the County is currently participating in the submission of a sustainable regional planning grant to HUD through the Metropolitan Washington Council of Governments (MWCOG). This application is continuing the efforts on the MWCOG adopted vision "Region Forward (Greater Washington 2050)," for a sustainable National Capital Region. The goal of the plan will identify infrastructure needed to transform major activity centers in the region into "Complete Communities."

The Senate bill is sponsored by Senator Dodd (CT) and was reported from the Senate Banking Committee in August. The House bill is sponsored by Congressman Ed Perlmutter (CO) and has been referred to three committees, though no action has been taken at this time. Senator Mark Warner and Congressman Jim Moran are co-sponsors of these bills, respectively.

Federal investments in planning and implementation efforts to integrate transportation, housing, and land use could spur economic development, reduce transportation gridlock, and create more livable communities.

Therefore, Supervisor McKay moved that the Board approve sending a letter, under the Chairman's signature, to the County's Congressional delegation, expressing support for S. 1619 and H.R. 4690. He noted that a draft letter to Senator Webb was provided to the Board. Supervisor Hudgins and Supervisor Smyth jointly seconded the motion.

Following discussions regarding specifics in the letter, Supervisor McKay asked to amend the motion to draw attention to Reston as a best practice example in the third paragraph, and this was accepted.

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

43. **EXPEDITIOUS AND CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2010-LE-005 AND SPECIAL EXCEPTION APPLICATION SE 2010-LE-009 (LEE DISTRICT)** (6:12 p.m.)

Supervisor McKay said that concurrent Rezoning Application RZ 2010-LE-005 and Special Exception Application SE 2010-LE-009 were recently filed by Jennings Business Park LLC, on tax map numbers 90-4((1)) 6A and 7, which are located along Loisdale Road in Springfield. These applications propose to develop a new auto dealership on Parcel 6A and a rectangular playing field for the community on Parcel 7.

Supervisor McKay noted that the Board approved a plan amendment on April 6, 2010, for the Loisdale Corridor that included this property. The applicant has continued to work in good faith with the surrounding communities.

Therefore, Supervisor McKay moved the Board direct the Department of Planning and Zoning and the Department of Public Works and Environmental Services to:

- Expedite and concurrently process Rezoning Application RZ 2010-LE-005 and Special Exception Application SE 2010-LE-009.
- Schedule a public hearing to be held before the Board regarding Rezoning Application RZ 2010-LE-005 and Special Exception Application SE 2010-LE-009 on November 16, 2010.

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

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

44. **UNITED STATES POSTAL SERVICE (USPS) ZIP CODES** (6:14 p.m.)

Supervisor McKay said that it was recently brought to his attention that many County residents are not fluent in "Tax Map" language and find it very difficult to find the exact locations of items that appear on the Board, Planning Commission, and Board of Zoning Appeals' agendas. While the Magisterial District and street address are provided, a USPS Zip Code is not. Without this critical piece of

identifying information, it is sometimes very difficult for citizens to locate a specific property.

Therefore, Supervisor McKay moved that the Board direct the County Executive and County Attorney to review the feasibility of adding the USPS Zip Codes to all official County business where it is not currently provided, and to report with their findings. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

45. **RETIREMENT OF MR. EDWARD DeSANTIS FROM THE GEOTECHNICAL REVIEW BOARD (LEE AND MOUNT VERNON DISTRICTS)** (6:15 p.m.)

(BACs) Jointly with Supervisor Hyland, Supervisor McKay announced that Mr. Edward DeSantis, who served the County on the Geotechnical Review Board for 25 years, has announced his intent to vacate his position on that board.

Supervisor McKay noted that Mr. DeSantis was appointed to the Board in 1985 after leaving the Army Corps of Engineers. During his service on the Board, Mr. DeSantis was one of the most active and outstanding members. Supervisor McKay added that staff consulted with him on just about every project involving marine clay in the Lee and Mount Vernon Districts, respectively.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. DeSantis to appear before the Board for recognition at its meeting on November 16. Without objection, it was so ordered.

46. **“BIRD BOWLS” (LEE DISTRICT)** (6:16 p.m.)

Supervisor McKay said that this year will mark the second annual Bird Bowl competitions between two high schools in Lee District. Beginning last year, Red Hot and Blue started a sponsorship of the annual match-ups between the Hayfield Hawks and the Thomas Edison Eagles in field hockey and football. Red Hot and Blue supplies food during the game and at the end a trophy is presented to the winning team.

To add to the storyline of the field hockey match up, the coach for Edison played for Hayfield and is the mother of the Hayfield coach who played for Edison.

Both games this year will take place at Hayfield High School. The field hockey match-up is scheduled for September 29 and the football game is November 5.

Supervisor McKay invited Board Members to attend both games and asked unanimous consent that the Board direct staff to advertise this year’s Bird Bowls. Without objection, it was so ordered.

47. **JAMES MADISON DUKES TRIUMPH OVER THE VIRGINIA TECH HOKIES IN FOOTBALL** (6:17 p.m.)

James Madison University alumnus Supervisor McKay touted its recent football win over Virginia Tech, the alma mater of Supervisor Herry. He noted that several key players were from Fairfax County high schools. He also displayed a stuffed "Duke dog" to commemorate the win.

48. **JEFFERSON AVENUE – NO PARKING SIGNAGE (PROVIDENCE DISTRICT)** (6:18 p.m.)

Supervisor Smyth said that residents in the Jefferson Village Civic Association have brought to her attention a line of sight hazard on Jefferson Avenue where it intersects Annandale Road. Representatives of the community have detailed how commercially zoned properties at 2922 Annandale Road (Tax Map 0504 01 0061) and 6656 Farragut Avenue (Tax Map 0504 13030040) permit the parking of trucks and large vehicles. The presence of these vehicles causes visual obstructions to lines of sight for drivers entering and exiting Jefferson Avenue.

While these two properties are zoned commercial, they border a residential neighborhood. Section 82-5-37 of the County Code provides the Board with the authority to designate restricted parking that "would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community."

Therefore, Supervisor Smyth moved that the Board direct the Department of Transportation to install "No Parking" signage per Section 82-5-37, Subsection 5, of the County Code to address traffic safety and improve the residential character of Jefferson Avenue. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

EBE:ebe

49. **REQUEST TO RECOGNIZE HERNDON/RESTON YOUTH SOFTBALL 16U GLORY TEAM AS 2010 STATE CHAMPIONS AND BABE RUTH WORLD SERIES PARTICIPANTS (DRANESVILLE DISTRICT)** (6:20 p.m.)

Supervisor Foust congratulated the Herndon/Reston Youth Softball (HRYS) 16U Glory Girls Softball Team for winning the 16U Virginia State Championship on July 20, 2010, and qualifying for and playing in the Babe Ruth World Series August 5-11 in Varina, Virginia. He said that this is the first team, male or female, from Herndon to play in a Babe Ruth World Series. The Babe Ruth Softball World Series featured the ten best softball teams in the nation. The Herndon-Reston Glory won its spot by winning the Virginia Babe Ruth Softball tournament.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the HRYS 16U Glory Girls Softball Team and coaches to appear before the Board on November 16, 2010, to be recognized for this outstanding achievement. Without objection, it was so ordered.

50. **FOURTH ANNUAL COMMUNITY MCLEAN PROJECT FOR THE ARTS FESTIVAL (MPAARTFEST) (DRANESVILLE DISTRICT)** (6:21 p.m.)

Supervisor Foust announced that on Sunday, October 3, 2010, from 10:30 a.m. to 4:30 p.m., the McLean Project for the Arts (MPA) will present its fourth annual community MPAartfest. Joining the MPA as event partners are the McLean Community Center and the Park Authority. This occasion transforms the McLean Central Park into a lovely landscape of mini art galleries, showcasing and offering for sale the work of a diverse group of 40 juried artists. Last year over 6,000 visitors from all over the County and the metropolitan region attended this annual event. Admission is free.

Supervisor Foust said that MPAartfest includes activities to captivate art lovers of all ages. The Children's ArtWalk displays the work of youth artists from McLean area schools. Budding artists can create their own work of art at the Children's ArtTent. This year, to celebrate the time capsule that will be placed in the renovated Dolley Madison Library, young artists will have the opportunity to create their vision of a future McLean. Local entertainers will perform throughout the day, and local restaurants will offer refreshments for sale. In the event of inclement weather, the event will move next door to the Mclean Community Center.

Supervisor Foust said that this wonderful event connects art and the community within the beautiful setting of McLean Central Park, and thanked the McLean Project for the Arts, its many volunteers, corporate and community sponsors, supporting partners and other community volunteers for creating such an outstanding experience.

Therefore, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event including County offices, libraries, public schools, and community groups. Without objection, it was so ordered.

51. **AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS – SERVICE DOGS (MASON DISTRICT)** (6:23 p.m.)

Supervisor Gross said that she was contacted by a constituent who is concerned that the County is not adhering to ADA requirements that allow service dogs to be off-leash. The constituent's service dog is trained to help persons with limited mobility. Thus, the dog's owner is not always able to hold a leash, but does control the dog with a remote sensor and via voice. She has been challenged by Animal Control or her neighbors about the County's leash law. In return, she has

questioned the County's interpretation of the law and has sought the counsel of the Department of Justice.

Supervisor Gross said that it is not clear to her whether the County ordinance needs to be changed to conform to ADA regulations, or if staff training is all that is needed.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Refer this matter to the appropriate staff for review.
- Direct staff to report its recommendations to the Board by the October 19, 2010, meeting.

Without objection, it was so ordered.

52. **NATIONAL FEDERATION OF THE BLIND VIRGINIA (NFBV)**
(6:24 p.m.)

Supervisor Gross announced that the National Federation of the Blind of Virginia will hold its 2010 State Convention at the Fairview Park Marriott on November 12, 13, and 14. The local Potomac NFBV Chapter will be the host chapter, providing an opportunity to help promote understanding of what it means to be blind.

Supervisor Gross said that during the opening ceremony on Saturday, November 13, 2010, the NFBV has invited her to help kickoff the convention, and present a proclamation from the Board. She provided a draft of the proposed proclamation and asked unanimous consent that the Board support this request to be presented offsite on November 13, 2010. Without objection, it was so ordered.

53. **PLAZA AT LANDMARK - REGENCY FURNITURE – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-M-023-3 (MASON DISTRICT)** (6:24 p.m.)

Supervisor Gross said that at the beginning of the summer, Regency Furniture opened a store at the Plaza at Landmark Shopping Center on Little River Turnpike. Regency Furniture moved into space which had previously been occupied by Tower Records, but which had been vacant since its bankruptcy. The opening of the Regency Furniture store at the Plaza at Landmark is part of a significant upgrade of the shopping center.

Regency Furniture has submitted a Special Exception Amendment Application SEA 86-M-023-3 to permit 118 square feet of signage on its store. The SEA is necessary because, owing to the unusual configuration of its space, Regency Furniture would be permitted by right only 45 square feet of building

mounted signage. Tower Records was granted a Special Exception in 1993 for 149.5 square feet of signage on this space.

Therefore Supervisor Gross moved that the Board:

- Expedite the Planning Commission public hearing to a date in November and the Board's public hearing to a date in December, if possible.
- Direct the Director of the Department of Public Works and Environmental Services to accept, for expedited and concurrent processing, the site plan and other related plans associated with Special Exception Amendment Application SEA 86-M-023-3.

The applicant is aware that the expediting of this application should not be construed to prejudice the consideration of this application in any way. Supervisor McKay seconded the motion and it carried by unanimous vote.

54. **MASON DISTRICT PARK FESTIVAL** (6:27 p.m.)

Supervisor Gross announced that the Mason District Park Festival will be held on Saturday, September 25, 2010, from 10 a.m. - 4 p.m. at Mason District Park. Therefore, she asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

55. **NATIONAL ASSOCIATION OF COUNTIES (NACo) ARTICLE (MASON DISTRICT)** (6:28 p.m.)

Supervisor Gross drew the Board's attention to a featured article in last week's NACo County Newsletter about the Arts Award that she and Supervisor Hyland accepted on behalf of the County for the Ossian Hall Park Concerts. She congratulated the Park Authority for its work.

PMH:pmh

56. **INTRODUCTION OF NEW CHIEF OF STAFF (HUNTER MILL DISTRICT)** (6:30 p.m.)

Supervisor Hudgins introduced her new Chief of Staff, Diane O'Grady, and the Board warmly welcomed her to the Auditorium.

57. **PHASE 2 – DULLES CORRIDOR METRORAIL PROJECT (HUNTER MILL DISTRICT)** (6:30 p.m.)

Supervisor Hudgins said that the Metropolitan Washington Airports Authority (MWAA) which is building the Dulles Rail Project, has completed preliminary engineering for Phase 2 and last night at a public information meeting presented

station refinements for the six stations from Reston Parkway through Dulles Airport to Route 772 in Loudoun County. Completion of this segment in 2016 will bring to fruition “Rail to Dulles” that has been the County’s number one transportation priority and long awaited by the public.

Supervisor Hudgins noted that MWAA’s public comment period ends on October 1 and the public is encouraged to go online at Phase2Comments@dullesmetro.com to review the station designs and forward their comments.

Therefore, Supervisor Hudgins moved that the Board direct:

- The Office of Public Affairs to include the information about Phase 2 on the County’s Website with the link for public comment.
- Staff to prepare comments to be approved at the Board’s September 28 meeting for transmission to MWAA and its Board of Directors before October 1.

Chairman Bulova seconded the motion.

Following discussion and comments to use criteria emphasis friendly, sustainable community and noting that a previous Board Matter presented by Supervisor McKay was pertinent, the question was called on the motion and it carried by unanimous vote.

58. **RESTON EAST COMMUTER PARKING – BOARD’S OWN MOTION APPLICATION AUTHORIZATION – CONCURRENT AND EXPEDITED PROCESSING (HUNTER MILL DISTRICT)** (6:35 p.m.)

Supervisor Hudgins said that as part of the Dulles Rail Phase I Wiehle Station construction, the existing Reston East Park-and-Ride Lot located at the intersection of Wiehle Avenue and Route 267 will be redeveloped with a public parking garage that is approved to eventually be integrated into a mixed use project to be developed by Comstock. Construction is slated to begin in December 2010. Therefore, the Department of Transportation (DOT) will be closing the Reston East Park-and-Ride Lot on December 1, 2010, until the Wiehle Station opens in late 2013. DOT has identified a number of satellite parking locations for use by park-and-riders once the Reston East Park-and-Ride Lot closes.

Supervisor Hudgins noted that one such site is identified as the Sunset Hills Lot, located at the northeast corner of Sunset Hills Road and Town Center Parkway on Tax Map parcel 17-3 ((1)) 29B. The property is subject to proffers and a development plan pursuant to Rezoning Application RZ 86-C-119 approved by the Board on March 9, 1987, as subsequently amended. Staff has determined that for the public to use this site as an interim commuter park-and-ride lot, approval

by the Board of an amendment to the existing proffers and development plan as well as the approval of a PRC Plan is required. Due to the construction timeline associated with Phase 1 of the Dulles Rail project and the need to provide satellite parking opportunities in December, it is important that these applications be processed expeditiously.

Therefore, Supervisor Hudgins moved that the Board:

- Authorize the filing of all necessary Board's Own Motion zoning applications.
- Designate DOT to act on behalf of the Board as its representative to expeditiously file and process these applications with the Department of Planning and Zoning (DPZ).
- Authorize the County Executive as its representative to execute any proffers that may be required with such application.
- Authorize the Director of the Zoning Evaluation Division, DPZ, to expeditiously process the zoning applications, schedule the Planning Commission public hearings for November 18, 2010, and schedule the Board public hearings for December 7, 2010.
- Authorize staff to concurrently process any related site plans.

This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This action in no way prejudices the substantive review of the application.

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

59. **TRY TRANSIT WEEK AND UNCAR FOR A DAY** (6:38 p.m.)

In a joint Board Matter with Supervisor Smyth, Supervisor Hudgins said that September 20-24 is "Try Transit Week." Try Transit Week is a week-long educational event sponsored by the Virginia Department of Rail and Public Transport (VDRPT) designed to encourage Virginians to stop driving alone and try a form of transit such as bus, rail, carpools, vanpools, or telework. You can register on the website at www.trytransitweek.com and pledge to try a form of transit during the third annual campaign. Participants are automatically entered for a chance to win two round-trip tickets on Amtrak Virginia and a one-year transit pass to the Virginia transit operator of their choice.

Supervisor Hudgins noted that September 22 is "UNCAR for a Day" campaign sponsored by the Metropolitan Washington Council of Governments (MWCOG) Transportation Planning Board (TPB). Car Free Day is organized in 1,500 cities

in 40 countries throughout the world to encourage people to use more environmentally friendly transportation modes. Pledge to go car free at www.carfreemetrodc.com for a chance to win great prizes. The TPB asks that you pledge even if you're already using transportation alternatives.

While these events are sponsored by the State and MWCOG's TPB respectively, Supervisor Hudgins moved that the Board direct staff to add this information to the County's website so that residents who are not already aware of these annual programs can be encouraged to participate and disseminate widely. Supervisor Smyth seconded the motion and it carried by unanimous vote.

60. **AFRICAN AMERICAN ADOPTION AWARENESS MONTH** (6:39 p.m.)

Supervisor Hudgins said that all children need permanent, loving families. The Department of Family Services (DFS) works hard to find safe, loving homes for children who need them. Most children in foster care can later return to their birth families, but some need adoptive homes.

Of the 376 children in foster care as of June 30, approximately 37 percent were African American, although less than 10 percent of the County's total population is African American. There must be greater awareness in the County and the nation of the disproportional representation of African Americans in foster care.

The total number of children in foster care is significantly lower now than it was even as recently as three years ago. On June 30, 2007, there were 480 children in care – 100 more than today. Of those, 41 percent were African American children; today it is 37 percent.

Supervisor Hudgins noted that community support is still needed. Research shows that young people who age out of foster care without a permanent family are far more likely to become homeless, become incarcerated, have employment and health problems, and remain undereducated.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim October as "*African American Adoption Awareness Month*" in Fairfax County.
- Direct staff to invite DFS employees and other groups in the community to appear before the Board at its September 28 meeting to be recognized for the critical work they are doing.

Following discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs (OPA), regarding scheduling issues, Chairman Bulova stated that she will work with OPA to accommodate this group.

61. **ALZHEIMER MEMORY WALK** (6:42 p.m.)

Supervisor Hudgins said that Alzheimer is an escalating health epidemic. Currently, more than five million Americans are living with Alzheimer's, and nearly 11 million more act as caregivers for loved ones with the disease. By 2050, as many as 16 million Americans will develop the disease.

Supervisor Hudgins invited all to join her as she participates in the 2010 Northern Virginia Memory Walk and Candlelight Rally at the Reston Town Center, Sunday, September 26, to fight against this devastating disease. The one mile walk will be followed by a candlelight rally where family and friends can pay tribute to those they have lost or are losing to Alzheimer or other dementia.

- 4 p.m. – Registration Opens
- 6 p.m. – Program and Walk begin
- 7 p.m. – Candlelight Rally

All Memory Walk donations benefit the Alzheimer's Association, the leading voluntary health organization in Alzheimer care, support, and research. Memory Walk is the nation's largest event to raise awareness and funds for Alzheimer care, support and research. For more information about Memory Walk, please call 800-272-3900 or visit the website www.alz.org/nca.

Supervisors Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

62. **CITIZENSHIP CEREMONY AT RESTON MULTICULTURAL FESTIVAL (HUNTER MILL DISTRICT)** (6:43 p.m.)

Supervisor Hudgins said that on Saturday, September 25, Reston will come together to celebrate the tenth Annual Reston Multicultural Festival, a day of global entertainment, food, crafts, activities, and cultural demonstrations reflective of the many diverse people in the community.

Supervisor Hudgins announced a new component to this year's program. She said that there will be a US Citizenship and Immigration Services Naturalization Ceremony. This year 25 people will take the Oath of Allegiance and become American citizens. This ceremony will take place at 11 a.m. on the World Stage at Reston's Lake Anne Plaza.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office for Public Affairs assist with advertising the citizenship ceremony so others can join with the new citizens in celebrating this event. Without objection, it was so ordered.

63. **RECOGNITION FOR FAIRFAX ADVOCATES FOR BETTER BICYCLING (FABB)** (6:44 p.m.)

Supervisor Hudgins said that her office received in mid July a copy of the *Guide for Reviewing Public Road Design and Bicycling Accommodations for Virginia Bicycling Advocates*. The guide, prepared by members of FABB, outlines ways bicycling proponents can get involved in the process of designing, approving, building and retrofitting roads to ensure that bicycling accommodations are integrated into the plans where needed. FABB worked in consultation with the Virginia Department of Transportation (VDOT) and the Department of Transportation (DOT). This is an admirable effort by a volunteer organization that should be recognized.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the members of FABB who participated in preparing the guide to appear before the Board for recognition and to be thanked for their efforts. Without objection, it was so ordered.

64. **RESTON TOWN CENTER'S TWENTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (6:45 p.m.)

Supervisor Hudgins said that Reston Town Center will celebrate its twentieth anniversary on Monday, October 18, 2010. The year long celebration kicked off officially on November 27, 2009, at the annual Reston Thanksgiving Parade.

Supervisor Hudgins noted that Reston Town Center has evolved into the economic center of Hunter Mill District. With companies such as Rolls Royce, Google, Microsoft and a host of others, providing key employment opportunities in Northern Virginia, it has become one of the economic engines for County. Town Center exemplifies the concept of Live, Work, and Play.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite James Cleveland and Hunter Richardson to appear before the Board to be recognized for the early planning of the Town Center. In addition, recognition for the current property owners, Boston Properties and Beacon Capital, who continue to promote the Town Center and attract Fortune 500 businesses to the County. Without objection, it was so ordered.

65. **AGING IN COMMUNITY** (6:47 p.m.)

Supervisor Hudgins distributed to Board Members a flyer announcing a forum for "Aging in Community" to be held at the Reston Community Center on Saturday, October 9 at 1 p.m. She added that interested individuals can register online through the Reston Community Center.

66. **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) GRANT**
(6:47 p.m.)

Supervisor Hudgins moved that the Board direct staff to draft a letter expressing support for the extension of TANF funds and forward the letter to the congressional delegation. Chairman Bulova seconded the motion and it carried by unanimous vote.

67. **NO BOARD MATTERS FOR SUPERVISOR MICHAEL FREY (SULLY DISTRICT)** (6:47 p.m.)

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

68. **CELEBRATING THE OAK HILL MANSION OPEN HOUSE (BRADDOCK DISTRICT)** (6:48 p.m.)

Jointly with Chairman Bulova, Supervisor Cook announced that the Board will be co-sponsoring the Oak Hill History Day. This free program, a celebration of local history, is slated for Saturday, October 16, 2010 from Noon to 5 p.m. at the historic Oak Hill Mansion, located at 4716 Wakefield Chapel Road in Annandale. Parking will be offsite at 4414 Holborn Avenue at the Nancy Sprague Technology Center in Annandale. A free shuffle bus service will provide visitors with convenient transportation.

Supervisor Cook noted that Oak Hill is a privately owned eighteenth century Georgian-style home that is all that remains of the Ravensworth Tract — totaling more than 22,000 acres — dating from the 1670s. This was one of three plantations owned by the Fitzhugh family, and today the original home remains intact along with much of the historic landscape, including 200-year-old boxwoods.

Supervisor Cook said that this year's program focuses on the nineteenth century African American communities in the area and each of the three speakers will touch on a different topic. Maddy McCoy, developer and curator of the County's Slavery Inventory Database, will share insights from her research of the lives of Ravensworth's slaves, former slaves and free blacks. John Browne will map changes that divided up Oak Hill and Ravensworth land through generations of inheritance and sale. And Springfield resident and author, Dennis Howard will recount his family's passage from slavery in Culpeper, Virginia, to becoming land owners, and proprietors of a blacksmith shop on Little River Turnpike.

Supervisor Cook said that the Braddock District is rich in African American history, and the celebration of that history and the history of Oak Hill will help foster a greater sense of community. He encouraged all citizens of the Braddock District to become engaged in celebrating the County's rich and diverse history in their own community and at this Oak Hill celebration

Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

A brief discussion ensued regarding conservation easement requirements.

Following discussion regarding the date of the event, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to confirm the date and publicize the event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

69. **ADOPTING A MEMORANDUM OF UNDERSTANDING (MOU) TO CREATE A GEORGE MASON UNIVERSITY (GMU) FAIRFAX CAMPUS ADVISORY BOARD (BRADDOCK DISTRICT)** (6:54 p.m.)

(BACs) Jointly with Chairman Bulova, Supervisor Cook said that GMU has grown into one of the largest universities in Virginia, gaining national distinction in a range of academic fields along the way. Such a progression has provided innumerable benefits to the County, but it certainly has not always been either smooth or trouble-free.

In an effort to minimize, and perhaps avoid, such difficulties in the future, it is in the best interests of the County, Fairfax City and Mason to foster open communication, the timely sharing of information, and a collaborative decision making process. Establishing a GMU Fairfax Campus Advisory Board would lay the foundation for a partnership of information flow between the university, local government, and the surrounding neighborhoods to benefit the members of all three communities.

The Advisory Board would:

- Identify and promote partnerships in support of joint university/community initiatives, including but not limited to research projects, contracts, general support and economic development.
- Provide advice and counsel to the university administration concerning community/university issues and relations.
- Address and resolve issues of community and university concern at the earliest possible time and at the lowest working level in the decision making process.

This builds upon a Braddock/GMU forum going back to when Chairman Bulova was Supervisor in the Braddock District. It would also bring the Fairfax Campus into alignment with her sister campuses in Prince William and Arlington, where a

formal advisory board already exists. The establishment of this Advisory Council is the result of a collaborative effort between GMU, Fairfax City, Chairman Bulova, and Supervisor Cook, with input from the community. Supervisor Cook recognized the leadership role that Delegate David Bulova played in pulling this group together, writing the drafts of this MOU and securing the active participation of GMU on this effort.

Supervisor Cook said that later this evening the City of Fairfax will consider this same MOU and it has the full support of GMU.

Therefore, Supervisor Cook moved that Board adopt the MOU so that a GMU Fairfax Campus Advisory Board may be formed. Chairman Bulova and Supervisor Hyland jointly seconded the motion.

Following a discussion of the review process for a MOU, with input from David P. Bobzien, County Attorney, Supervisor Gross asked to amend the motion to conditionally approve the MOU upon review and approval by the County Attorney and County Executive, and this was accepted.

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

70. **COUNTY REPRESENTATION ON THE GEORGE MASON UNIVERSITY (GMU) FAIRFAX CAMPUS ADVISORY BOARD (BRADDOCK DISTRICT)** (7 p.m.)

(BACs) (NOTE: Earlier in the meeting the Board took action so that a GMU Fairfax Campus Advisory Board may be formed. See Clerk's Summary Item #69.)

Jointly with Chairman Bulova, Supervisor Cook said that with the conditional passage of the previous Board Matter, and anticipating the endorsement of the City of Fairfax later tonight, a GMU Fairfax Campus Advisory Board has been established.

Therefore, Supervisor Cook moved that the Board adopt the following proposal for County Representation on the Board:

- The County would receive five slots on this 13 member board, with five also being allotted to Fairfax City and the remaining three going to Mason. Per the MOU itself, of the County's five representatives, one would be the Chairman of the Board or her designee; one would be the Braddock District Supervisor or his designee, and two would be individuals from the community.
- Two community members would be appointed by the Board upon nomination of the Braddock District Supervisor.

- The fifth County member would be a County staff member with transportation and land use knowledge named by the County Executive.

Chairman Bulova and Supervisor Hyland jointly seconded the motion.

Chairman Bulova noted that the appointments should be processed through the Clerk to the Board.

Supervisor Herrity asked unanimous consent, that when appropriate, participation from the Springfield District be included. Without objection, it was so ordered.

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

71. **CHRISTOPHER LANE, LLC (BRADDOCK DISTRICT)** (7:04 p.m.)

Supervisor Cook said that Christopher Lane, LLC has filed Rezoning Application RZ 2010-BR-003 to redevelop nine homes on 3.4 acres of land at 9618 Burke Lake Road. This property is located on Tax Map 78-3, lot 9 and is currently zoned R-1.

Supervisor Cook moved that the Board direct staff to schedule a public hearing to be held before the Board at the earliest possible date and to allow concurrent review of a site plan for Rezoning Application RZ 2010-BR-003. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and or adopted standards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

72. **ONE-HUNDREDTH BIRTHDAY FOR MS. LUCILLE LIECHTY (BRADDOCK DISTRICT)** (7:06 p.m.)

Supervisor Cook announced that on September 25, 2010, Ms. Lucille Liechty will celebrate her one-hundredth birthday. He declared September 25, 2010, as "Lucille Liechty Day" in Braddock District.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to publicize this event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

73. **HELICOPTER COMMUNITY FORUM** (7:07 p.m.)

Supervisor Hyland said that on Wednesday, September 22, the Metropolitan Washington Council of Governments will host a Helicopter Users Forum at the Arlington County Board Room from 7 p.m. until 9 p.m. The Honorable Mary Hynes of the Arlington County Board of Supervisors will facilitate the meeting which will be an educational forum to explain why there are so many helicopters flying over Northern Virginia, who is flying them, and answer questions and concerns associated with these numerous flights.

In the Lorton community, many residents have expressed their dissatisfaction with the noise and number of flights over their homes and into and out of Davidson Airfield. Supervisor Hyland noted that he has been pressing Fort Belvoir and Army leadership to host a local community meeting to help address these issues. While the Army is open to such a meeting, it has asked that the Board steer residents toward the Helicopter Community Forum first. He added that he will attend the forum and asked that residents attend the forum, or share their questions or concerns with him so they might be brought up at the meeting.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to add this forum to the County's public calendar. Without objection, it was so ordered.

74. **REQUEST TO PROCLAIM OCTOBER FAMILY HISTORY MONTH** (7:09 p.m.)

Supervisor Hyland said that the County is an ethnically diverse jurisdiction. Families are the backbone of communities. One common thread that weaves us together is that almost all of us are descendants of families that were originally from somewhere else.

Supervisor Hyland noted that all around the US, local jurisdictions will proclaim October as Family History Month and encourage everyone to examine their family history, research their genealogy and learn about your friend's and neighbor's histories.

Therefore, Supervisor Hyland asked unanimous consent that the Board proclaim October as "*Family History Month*" in Fairfax County and encourage all residents to observe the month with appropriate ceremonies and activities. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to publicize the event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

75. **PREDATORY AND USURIOUS LENDING PRACTICES** (7:10 p.m.)

Supervisor Hyland said in the last several years, consumer advocacy groups have urged local governments to adopt resolutions asking the General Assembly to impose an interest rate cap of 36 percent in an effort to prohibit and deter predatory, usurious lending practices in the Commonwealth. In prior years, many Virginia counties and municipalities, including Fairfax in 2007, adopted resolutions or added positions in their Legislative Agenda. Some of these institutions prey upon an economically vulnerable segment of the population, as well as the military. They exploit their need and perpetuate a cycle of debt which can take years to recover or leave them in financial ruin.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to add this issue as an agenda item for discussion at an upcoming Legislative Committee. Without objection, it was so ordered.

Supervisor Gross noted that at the VACo meeting there was discussion regarding whether local governments can restrict locating these institutions through the zoning process and she asked unanimous consent that this issue be added to the legislative agenda. Without objection, it was so ordered.

76. **TRIP TO CHINA** (7:13 p.m.)

Supervisor Hyland reported on his recent trip to China.

77. **BOARD ADJOURNMENT** (7:16 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards.....	3-5
Public Hearing on the County and Schools' <i>FY 2010 Carryover Review</i> to Amend the Appropriation Level in the FY 2011 Revised Budget Plan.....	5-8
Items Presented by the County Executive	
Administrative Items	8-14
Action Items.....	15-18
Information Items	18-19
Board Matters	
Chairman Bulova	3, 39-40, 41-43, 44, 57-60
Supervisor Cook.....	2, 44, 57-61
Supervisor Foust	49-50
Supervisor Frey	2
Supervisor Gross.....	2, 50-52
Supervisor Herrity	2, 40, 43-45
Supervisor Hudgins	2, 52-57
Supervisor Hyland	48, 62-63
Supervisor McKay	45-48
Supervisor Smyth.....	49, 54
Actions from Closed Session	30
Public Hearings	30-39