



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 28, 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 28, 2010, at 9:44 a.m., there were present:

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

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

BOARD MATTERS1. **ORDERS OF THE DAY** (9:45 a.m.)

Chairman Bulova announced that today's agenda is very long and asked that the Board and participants keep their comments brief due to the number of presentations being made.

2. **MOMENT OF SILENCE** (9:46 a.m.)

Supervisor Foust asked to keep in thoughts the family of Ms. Laverne Taylor, 96, who recently died. He said that she was born in Arlington, moved to Nebraska in the 1940s, was elected to public office four times as auditor of her county, was very active politically, and will be greatly missed.

Supervisor Hyland asked to keep in thoughts the surviving family members of Allie Langham-Anderson, Solomon Anderson, and Alfonso Anderson of Lorton, who perished in a fire in their townhouse. He said Ms. Langham-Anderson was able to save three of her children by dropping them out of the upstairs window. He expressed his appreciation to members of the Fire Department who responded.

(NOTE: Later in the meeting, there was additional discussion on this matter. See Clerk's Summary Items #3 and #5.)

3. **ANDERSON FAMILY TRUST** (9:49 a.m.)

(Note: Earlier in the meeting there was discussion on this matter. See Clerk's Summary Item #2.)

Supervisor Hyland stated that the fire that took the lives of a mother and two of her children was one tragedy, but the second is the surviving three children whose father is unable to have them live with him in an apartment in Woodbridge. He stated that a fund has been established at Halley Elementary School's main office and noted that he had a Board Matter to ask people to consider contributing to that fund to help with the real challenge of making sure that the three young survivors of this tragedy are taken care of. Supervisor Hyland added that the fund would be administered as the Anderson Family Trust at the Halle Elementary School in Fairfax Station.

(NOTE: Later in the meeting, there was additional discussion on this item. See Clerk's Summary Item #85.)

AGENDA ITEMS

4. **CERTIFICATE OF COMMENDATION PRESENTED TO INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 2068** (9:50 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate commending the County professional firefighters and paramedics during the Labor Day 2010 Fill the Boot Campaign to raise funds for the Muscular Dystrophy Association, collecting nearly \$561,500 and placing first in the nation. Supervisor Hyland seconded the motion.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **PROCLAMATION DESIGNATING OCTOBER 3-9, 2010, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (10:03 a.m.)

(NOTE: Earlier in the meeting, the Board discussed a tragic fire. See Clerk's Summary Items #2 and #3.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 3-9, 2010, as "*Fire Prevention Week*" in Fairfax County and urged all residents to participate in fire prevention activities at home, work, and school, and to make their homes safer from fire to ensure their safety and the safety of their families. Supervisor Hyland seconded the motion.

Discussion ensued concerning:

- Recent fires in the County and fire prevention.
- Community recognition and appreciation expressed at the vigil held for the three who died in Lorton for the efforts of the responding members of the fire department.
- Fire safety activities and educational displays.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

6. **PROCLAMATION DESIGNATING OCTOBER 18-23, 2010, AS "OPERATION MEDICINE CABINET CLEANOUT WEEK" IN FAIRFAX COUNTY** (10:12 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 18-23, 2010, as "*Operation Medicine Cabinet Cleanout Week*" in Fairfax

County and urged all residents to educate themselves about the proper use of prescription and over-the-counter drugs and to take advantage of this opportunity to clean out their medicine cabinets. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING OCTOBER 2010 AS "AFRICAN AMERICAN ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY**
(10:20 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2010 as "*African American Adoption Awareness Month*" in Fairfax County and urged all residents to remember that it is never too late for a child to have a family, recognize families who have adopted African American children, and further the awareness of this critical need. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Nanette Bowler, Director, Department of Family Services (DFS), asked that anyone interested in being a foster or adoptive parent call 703-324-7639 or attend one of DFS' monthly orientation meetings.

8. **PROCLAMATION DESIGNATING OCTOBER 2010 AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY**
(10:26 a.m.)

Supervisor Gross moved approval of the Proclamation to designate October 2010 as "*Disability Employment Awareness Month*" in Fairfax County and urged residents to celebrate the contributions of individuals with disabilities and to promote the employment of those with disabilities to create an inclusive County where all persons are recognized for their abilities and accomplishments. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Cookie Blitz, Chair, Disability Services Board, invited Board Members to attend the Martha Glennan Employer of the Year Awards on the evening of October 26, 2010. Best Buy and Companion Animal Clinic are the awardees.

9. **PROCLAMATION DESIGNATING OCTOBER 3-9, 2010, AS "MENTAL ILLNESS AWARENESS MONTH" IN FAIRFAX COUNTY** (10:40 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 3-9, 2010, as "*Mental Illness Awareness Month*" in Fairfax County and urged all residents to increase their awareness of serious and persistent mental illness. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

10. **RESOLUTION RECOGNIZING AMERICA'S ADOPT A SOLDIER**
(10:53 a.m.)

Supervisor Cook moved approval of the resolution to recognize America's Adopt a Soldier for providing ongoing support activities to serve and respond to the needs of veterans, soldiers, and their families and urged all residents to donate items for care packages and volunteer to participate in Packing Day on Saturday, October 23, at Lake Braddock Secondary School. Supervisor Hyland seconded the motion.

Supervisor Cook noted that there was a collection box at his office, among other places, and urged Board Members to participate.

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

11. **PROCLAMATION DESIGNATING OCTOBER 2010 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (11:02 a.m.)

Supervisor Cook moved approval of the Proclamation to designate October 2010 as "*Domestic Violence Awareness Month*" in Fairfax County and urged all residents to learn more about this complex and challenging problem and to support prevention and intervention efforts aimed at promoting safety for families and the community. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Supervisor Frey, noting the County's calendar of events, called the Board's attention to the Fourth Annual Canine Crawl sponsored by the Police Department and the Department of Animal Control to highlight domestic violence and the established links between animal/pet abuse and domestic violence. Supervisor Frey asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

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

12. **PROCLAMATION DESIGNATING OCTOBER 2010 AS "BREAST CANCER AWARENESS MONTH" IN FAIRFAX COUNTY** (11:15 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate October 2010 as "*Breast Cancer Awareness Month*" in Fairfax County and urged all residents to celebrate survivors of breast cancer and encouraged all women to be proactive in seeking health care, diagnosis, and treatment. Supervisor Foust, Supervisor Gross and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

13. **PROCLAMATION DESIGNATING OCTOBER 2010 AS "FAMILY HISTORY MONTH" IN FAIRFAX COUNTY** (11:22 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate October 2010 as "*Family History Month*" in Fairfax County and urged all residents to observe the month with appropriate ceremonies and activities. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

14. **PROCLAMATION DESIGNATING SEPTEMBER 2010 AS "TRANSIT MONTH" IN FAIRFAX COUNTY** (11:33 a.m.)

Supervisor McKay moved approval of the Proclamation to designate September 2010 as "*Transit Month*" in Fairfax County and urged all residents to use transit options in the County, including the Fairfax Connector, Metrobus, Metrorail, Virginia Railway Express, ridesharing, and telework. Supervisor Smyth seconded the motion and it carried by unanimous vote.

15. **10:30 A.M. – PRESENTATION OF THE ENVIRONMENTAL EXCELLENCE AWARDS** (11:42 a.m.)

(BACs) Glen White, Mason District Representative, Environmental Quality Advisory Council, presented the Environmental Excellence Awards to:

- Business - Project Performance Corporation
- Organization - Maureen Goble
- County Employee - Meghan Fellows

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16. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:55 a.m.)

(APPTS)
(BACs)

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Citizen and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Supervisor Herrity moved the appointment of Mr. David Skiles as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

ARCHITECTURAL REVIEW BOARD

Supervisor Foust moved the reappointment of Mr. John F. Boland as the Attorney Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Joseph Plumpe as the Landscape Architect Representative. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Architect #1 and Related Professional Group #4 Representatives.

ATHLETIC COUNCIL

Supervisor Smyth moved the reappointment of Mr. Clark Gray as the Providence District Alternate Representative. Supervisor Foust and Supervisor McKay jointly seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the appointment of Ms. Jenni Cantwell as the Women's Sports Principal Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Gross moved confirmation of the following appointment:

- Mr. Frank McDonough as the Volleyball Council Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

Supervisor Herrity moved the appointment of Mr. Robert Kyle McDaniel as the Springfield District Representative. Chairman Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Hunter Mill District Representative.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Supervisor McKay moved the reappointment of Mr. Steve Sherman as the At-Large #1 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of the Ms. Jill Patrick as the At-Large #3 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Chairman Bulova moved the reappointment of Mr. Peter F. Murphy, Jr., as the At-Large #4 Representative. This motion was multiply seconded and it carried by unanimous vote.

The Board deferred the appointment of the At-Large #2 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Supervisor Gross moved the appointment of Mr. Grant Sitta as the Mason District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the appointment of Mr. Frank Crandall as the Dranesville District Representative. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

CHILD CARE ADVISORY COUNCIL

Supervisor Cook moved the reappointment of Ms. Monica Jackson as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Courtney Park as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Judith Falkenrath as the Mason District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Herrity moved the reappointment of Mr. Hugh Mac Cannon as the Springfield District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Dranesville District Representative.

CITIZEN CORPS COUNCIL

Supervisor Gross moved the appointment of Dr. Charles Alan Sneiderman as the Mason District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative.

COMMISSION FOR WOMEN

Supervisor Hyland moved the appointment of Ms. Kari Wright Warren as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

COMMISSION ON AGING

The Board deferred the appointment of the Hunter Mill District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Hyland moved the appointment of Mr. Gregory Parker* (*sic*) as the Mount Vernon District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

(*NOTE: Later in the meeting Supervisor Hyland clarified the correct name as Gregory Packer. See Clerk's Summary Item #86.)

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Dianne Blais as the League of Women Voters Representative

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

CONSUMER PROTECTION COMMISSION

Supervisor Smyth moved the appointment of Mr. Michael E. Stamp as the Fairfax County Resident #13 Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Hyland moved the appointment of Mr. Dallas W. Shawkey as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

ENGINEERING STANDARDS REVIEW COMMITTEE

Supervisor Frey moved the appointment of Mr. James M. Dougherty as the Citizen #2 Representative. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative.

Supervisor Frey asked unanimous consent that the Board direct staff to provide information on his previous request regarding term limits for the Disability Services Board. Without objection, it was so ordered.

FAIRFAX COMMUNITY LONG TERM COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Hyland moved confirmation of the following appointments:

- Ms. Nancy Dezan as a Long Term Care Providers Representative
- Ms. Donna A. Goldbranson as a Long Term Care Providers Representative
- Ms. Christine Hyland as the Advocacy Organizations Representative
- Mr. Benjamin Brown as a Hospitals Representative
- Ms. Elizabeth Major as a Hospitals Representative

- Ms. Dorothy Keenan as the Constituents/Consumer Representative
- Ms. Ann Long as an Educational Organizations Representative
- Mr. Mark R. Meiners as an Educational Organizations Representative

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

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the At-Large #4 Representative.

HEALTH CARE ADVISORY BOARD

Supervisor Cook moved the appointment of Ms. Ann Zuvekas as the Braddock District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #4 and Provider #2 Representatives.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #7 Representative.

HUMAN RIGHTS COMMISSION

Supervisor Smyth moved the reappointment of Mr. Emanuel Solon as the At-Large #5 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Ahmed Selim as the At-Large #6 Representative. Supervisor Foust and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Michael Margosis as the At-Large #7 Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #4 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative.

Supervisor Hudgins announced the resignation of Mr. Henry B. Latimer as the Hunter Mill District Representative and asked unanimous consent that the Board direct staff to invite Mr. Latimer to appear before the Board to be recognized for his years of service. Without objection, it was so ordered.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

LIBRARY BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Smyth moved the appointment of Ms. Tina Montgomery as the Providence District Representative. Supervisor McKay and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

TREE COMMISSION

Supervisor Frey moved the reappointment of Ms. Patricia Strat as the Sully District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

TRESPASS TOWING ADVISORY BOARD

Chairman Bulova moved the reappointment of Mr. John Fee as the Citizen Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

WETLANDS BOARD

Supervisor McKay moved the appointment of Ms. Julia L. E. Pfaff as the Lee District Representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

17. ADMINISTRATIVE ITEMS (12:09 p.m.)

(A) (R) Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Cook called the Board's attention to Admin 1 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 11 (Human Rights Ordinance) and discussion ensued with input from Edward Rose, Assistant County Attorney, and Kenneth Saunders, Director, Department of Human Rights and Equity Services, regarding subpoena powers, the human rights policy regarding schools, and the process to file a complaint.

Supervisor Hudgins called the Board's attention to Admin 10 – Authorization to Advertise Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding the Zoning Appeal Fee and discussion ensued regarding the types of appeals, due process, and the fee structure, with input from Leslie B. Johnson, Senior Deputy Zoning Administrator, Department of Planning and Zoning (DPZ).

Supervisor Hudgins moved to consider Admin 10 separately and adopt the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 28, 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 112 (Zoning Ordinance), to revise the filing fee for an appeal of a determination of the Zoning Administrator or of a proffered condition from \$2,455 to an amount ranging from \$500 to **\$1,000**. Supervisor Frey seconded the motion.

Supervisor Foust moved to amend the motion to lower the advertisement range to **\$200** to \$1000.

Further discussion, ensued with input from Eileen McLane, Zoning Administrator, DPZ, regarding the cost of the notices.

Supervisor Hyland seconded the amendment to the motion (to lower the minimum to \$200).

Discussion continued, with input from Ms. Johnson, regarding stalling the process, the cost of special permit applications, a due process case in the Hunter Mill District, and the right of appeal.

The question was called on the amendment to the motion (to advertise a range of \$200-\$1,000) and it **FAILED** by a recorded vote of six, Supervisor Cook, Supervisor Foust, Supervisor Hudgins, and Supervisor Hyland voting “**AYE**.”

Discussion continued with input from Ms. McLane, regarding the use of a two-tier fee schedule for commercial and residential properties.

The question was called on the motion (to advertise a range of \$500-\$1,000) 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."

The question was then called on the motion to approve the Administrative Items, with the exception of Admin 10, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 11 (HUMAN RIGHTS ORDINANCE)

(A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **November 16, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 11 (Human Rights Ordinance), to expedite the appeals process and reflect the procedural changes due to the merging of the Office of Human Rights and the Office of Equity Programs

ADMIN 2 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11050 FOR THE JUVENILE AND DOMESTIC RELATIONS (JDR) DISTRICT COURT TO ACCEPT GRANT FUNDING FROM THE NORTHERN VIRGINIA REGIONAL GANG (NVRG) TASK FORCE THROUGH LOUDOUN COUNTY, VIRGINIA

(SAR) Approved SAR AS 11050 for the JDR District Court to accept funding from the NVRG Task Force through Loudoun County, Virginia, in the amount of \$592,916 to continue to provide regional gang prevention and intervention services.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, 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>
Route 123 Widening	Dranesville	Dolly Madison Boulevard

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Route 123 Widening	Dranesville	(Route 123) [Additional Right-of-Way (ROW) Only] Scotts Crossing Road (Route 8102) (Additional ROW Only) Old Meadow Road (Route 3543) (Additional ROW Only) Colshire Drive (Route 6471) (Additional ROW Only) Anderson Road (Route 3946) (Additional ROW Only)
Stony Point	Dranesville	Stony Point Court Lewinsville Road (Route 694) (Additional ROW Only)
New Dominion Parkway Reston Section 931	Hunter Mill	New Dominion Parkway (Route 6363)
Metro Park – Walker Lane Re-Alignment	Lee	Walker Lane (Route 10026)
Madison Lane Section 1	Mason	Madison Lane (Route 913) (Additional ROW Only)
Madison Lane Section 3	Mason	Madison Lane (Route 913) Columbia Pike (Route 244) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Demetrios and George Nicholakos (Xpress Lube Alexandria)	Mount Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Lee Plaza Associates and Ley Plaza LLC (Coakley Building)	Providence	Lee Highway Service Drive (FR 915)
Tycon Tower Parcel A-1A1	Providence	Capital Beltway (Interstate I-495) (Additional ROW Only)
Westfields Parcel 29E (Premium Distributors Expansion)	Sully	Old Lee Road (Route 661) (Additional ROW Only)

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL)

- (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 67.1 (Sanitary Sewers and Sewage Disposal), to implement additional authority granted by the 2010 General Assembly, to make related changes to enhance the County's enforcement authority, and to make technical amendments.

ADMIN 5 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 11054 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREA SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC) THROUGH THE STATE ADMINISTRATIVE AGENCY FOR THE NATIONAL CAPITAL REGION

- (SAR) Approved SAR AS 11054 in the amount of \$152,344 for FRD to accept a DHS Fiscal Year 2008 UASI Sub-Grant Award from the NVRC. These funds will be used to support the procurement of emergency preparedness supplies and continue local and regional emergency planning efforts.

ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE OFFICE OF JUSTICE PROGRAMS (OJP) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS

Authorized the FCPD to apply for and accept funding in the amount of \$139,291, if received, from the OJP Edward Byrne Memorial Justice Assistance Grant. The funding will be used for technology upgrades.

ADMIN 7 – DISCONTINUANCE OF PORTIONS OF ROUTE 3454 (HOSPITAL LOOP ROAD) FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (PROVIDENCE DISTRICT)

- (R) Adopted the Resolution requesting that the remaining portions of Route 3454 (Hospital Loop Road) be discontinued from the Secondary System of State Highways.

ADMIN 8 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON AND SULLY DISTRICTS)

- Endorsed traffic calming measures for Lafayette Village Drive and Wood Rock Way consisting of the following:
 - One speed table on Lafayette Village Drive (Mason District)
 - One 30 foot x 8 foot raised median on Lafayette Village Drive (Mason District)
 - One raised crosswalk on Lafayette Village Drive (Mason District)
 - One speed hump on Wood Rock Way (Sully District)
 - One multi-way stop on Wood Rock Way (Sully District)
- Directed staff to install the approved measures as soon as possible.

ADMIN 9 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, LEE, AND MASON DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-B09-134	Clearwire US, LLC Rooftop antennas 7617 Little River Turnpike Braddock District	December 5, 2010
FS-L10-40	Clearwire US, LLC Antenna colocation on existing transmission tower 6209 Rose Hill Drive Lee District	December 13, 2010
FSA-M09-59-1	Clearwire US, LLC Rooftop antennas 5501 Seminary Road Mason District	December 17, 2010
2232-B10-16	Fairfax County Public Schools School bus parking lot 9515 Main Street (Woodson High School) Braddock District	March 31, 2011

ADMIN 10 – AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING APPEAL FEE

(NOTE: Earlier in the meeting, the Board took action on this item. See pages 13–14.)

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION OF SMALL SANITARY DISTRICTS FOR REFUSE COLLECTION SERVICE (SPRINGFIELD DISTRICT)

(A) (Rs) Adopted Resolutions authorizing the advertisement of a public hearing to be held before the Board on **October 19, 2010, at 4 p.m.** to consider the following change to small sanitary districts for refuse collection service in accordance with the Board’s adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 within Springfield District	Create	Refuse	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
(Swift Run Trails) Small District 6 within Springfield District (English Hills)	Create	Refuse	Approve

18. **A-1 – APPROVAL OF BOND UNDERWRITER POOL FOR TAX INCREMENT FINANCING (TIF) AND COMMUNITY DEVELOPMENT AUTHORITY (CDA) FINANCINGS** (12:34 p.m.)

On motion of Supervisor Smyth, seconded jointly by Supervisor Hudgins and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Bond Underwriter Pool for TIF and CDA financings.

19. **A-2 – ASSENT TO DEFEASANCE OF METRORAIL REFUNDING BONDS SERIES 1998 A** (12:35 p.m.)

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

- Approving and authorizing the release of certain funds on deposit in the surcharge reserve account established pursuant to an amended and restated surcharge implementation agreement between the County and the Washington Metropolitan Area Transit Authority to effect the redemption of the remain Economic Development Authority Parking Revenue Bonds (Huntington and Vienna Metrorail Station Projects) refunding Series 1998A.
- Approving and requesting the authority to redeem such bonds and to take all necessary steps required for such purpose.
- Delegating to certain officers of the County the power to assist in the termination of the leases related to such bonds.

20. **A-3 – APPROVAL OF PARKING REDUCTION FOR NORTHERN VIRGINIA CHINESE CHRISTIAN CHURCH (PROVIDENCE DISTRICT)** (12:35 p.m.)

On motion of Supervisor Smyth, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 12.1 percent for Northern Virginia Chinese

Christian Church located at 2810 Old Lee Highway, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on conditions outlined in the Board Agenda Item dated September 28, 2010.

21. **A-4 – APPROVAL OF PARKING REDUCTION FOR NEW LIFE CHRISTIAN CHURCH (MOUNT VERNON DISTRICT)** (12:36 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 18.2 percent for New Life Christian Church located at 7701 Fullerton Road, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4B, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated September 28, 2010.

22. **A-5 – APPROVAL OF A PROJECT AGREEMENT AMENDMENT AND FUNDING PLAN FOR THE MULLIGAN ROAD PROJECT (LEE AND MOUNT VERNON DISTRICTS)** (12:36 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve a project agreement amendment pertaining to the initial construction of four lanes on Mulligan Road through Fort Belvoir between US Route One and Telegraph Road. Supervisor McKay seconded the motion.

Discussion ensued with input from Jay Guy, Transportation Planner II, Department of Transportation, regarding the inclusion of a cover letter with a timeline for completion of projects.

Supervisor McKay asked to amend the motion to include a cover letter expressing concern that the project is not progressing expeditiously and the need for a timeline and schedule to expedite the process, and this was accepted.

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

23. **A-6 – APPROVAL OF RECOMMENDATIONS REGARDING THE METRORAIL STATIONS FOR PHASE 2 OF THE DULLES CORRIDOR METRORAIL PROJECT** (12:39 p.m.)

Chairman Bulova briefly described the item and noted the distribution of a letter around the dais.

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the recommendations for the Dulles Corridor Metrorail Project Phase 2

stations, as outlined in the Board Agenda Item dated September 28, 2010, with the substitution of the letter to Mr. Snelling that was distributed at the dais. Supervisor McKay seconded the motion.

Richard Stevens, Dulles Rail Project Coordinator, Department of Transportation (DOT), briefed the Board on the project and the addition to the letter.

Discussion ensued, with input from Mr. Stevens, regarding project criteria, the content of the letter, the projected airport users, and the availability of preliminary development plans.

Supervisor Herrity asked unanimous consent that the Board direct staff to request development plans from the Metropolitan Washington Airports Authority. Without objection, it was so ordered.

Discussion continued, with input from Mr. Stevens, regarding preliminary figures showing the impact of higher tolls on Dulles Toll Road usage.

Chairman Bulova recapped the motion and clarified that the letter that was being considered is identified as Attachment 1, addressed to Mr. Snelling, and does not include the word "draft."

More discussion continued on the provision of and the need for adequate parking spaces for riders of transit.

Supervisor Hudgins moved to amend the motion to substitute the letter with one marked "DRAFT" at the top. The first paragraph of the second page includes the consideration of "air rights" for the Reston Parkway Station. Supervisor Hyland seconded the motion.

Discussion ensued regarding the letter under consideration.

Supervisor McKay suggested the following change to the letter to incorporate the criteria:

- Add the language "In seeking to bring State and federal funding to Phase II, the Board of Supervisors recommends that Phase II consider into the project the FTA New Starts criteria."
- Include those New Starts elements without describing them all.

Supervisor McKay summarized his changes as being suggestive rather than proscriptive regarding use of the criteria for seeking federal and State funding.

Discussion continued with input from Katharine Ichter, Director, DOT, and Mr. Stevens, regarding the requirements for federal funding criteria and what should be included in the letter to apply for funding.

Supervisor Hudgins amended her motion to incorporate Supervisor McKay's language to be less proscriptive, and this was accepted.

Chairman Bulova recapped the motions being considered and stated that staff would return later in the day with a letter that blends both letters under consideration.

(NOTE: Later in the meeting the Board took action on this item. See Clerk's Summary Item #33.)

24. **ORDERS OF THE DAY** (1:22 p.m.)

Chairman Bulova announced a change in Orders of the Day. She said that the Board would recess at 1:30 p.m. after acting on the remainder of the County Executive Items.

25. **C-1 – 2010 VIRGINIA ASSOCIATION OF COUNTIES (VACo) ANNUAL MEETING** (1:23 p.m.)

The Board next considered an item contained in the Board Agenda dated September 28, 2010, requesting Board designation of a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held in Bath County, Virginia, on November 9, 2010.

Supervisor Gross moved that the Board designate:

- Supervisor Hyland as the voting delegate
- Chairman Bulova as the alternate voting delegate

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

26. **I-1 – SERVICE CHANGES TO FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED IN OCTOBER 2010** (1:23 p.m.)

The Board next considered an item contained in the Board Agenda dated September 28, 2010, requesting authorization for staff to implement services changes to Fairfax Connector routes in October 2010.

The staff was directed administratively to proceed as proposed.

27. **I-2 – CONTRACT AWARD – MASON NECK TRAIL, SEGMENT 2A (MOUNT VERNON DISTRICT)** (1:24 p.m.)

The Board next considered an item contained in the Board Agenda dated September 28, 2010, requesting authorization for staff to award a contract to E. E.

Lyons Construction Company, Incorporated, in the amount of \$183,286.60 for construction of Mason Neck Trail, Segment 2A, Project W00600, Mount Vernon District Walkways, in Fund 307, Pedestrian Walkway Improvements.

The staff was directed administratively to proceed as proposed.

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28. **RECESS/CLOSED SESSION** (1:24 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. Application of Columbia Gas of Virginia, Inc., PUE-2010-00017 (Va. State Corp. Comm'n) (Dranesville, Hunter Mill, and Sully Districts)
 - 2. *Kaveh Sari v. Detective T.W. Bacigalupi, Officer L.A. Robinson, Ayah Wali, and Miriam B. Alwarith*, Case No. CL-2010-9956 (Fx. Cir. Ct.)
 - 3. *Carolyn McKay Sydnor v. Fairfax County, Virginia*, Civil Action No. 1:10-cv-934 (E.D. Va.)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin M. Ferguson and C. Nicole Ferguson*, Case No. CL-2010-0012837 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 5. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of*

Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump, Case No. CL-2010-0010469; *Brian E. Bennett and Rebecca A. Crump v. The County of Fairfax, Virginia*, Case No. CL-2010-0011121 (Fx. Co. Cir. Ct.) (Mount Vernon District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mariano Lopez Perez*, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Vivian L. Schultz*, Case No. CL-2010-0006026 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Gary Pisner v. Board of Supervisors of Fairfax County*, Case No. CL-2010-0004772 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0004119 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles*, Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian Richard Bartunek and Sharon C. Bartunek*, Case No. CL-2010-0005678 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Azhar Iqbal*, Case No. CL-2010-0001666 (Fx. Co. Cir. Ct.) (Sully District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel E. Lopez, Berta Lopez, and Patricia N. Morales*, Case No. CL-2009-0016222 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harvard Umeres and Bety Cepeda*, Case No. CL-2009-0014110 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Pinto*, Case No. CL-2010-0006269 (Fx. Co. Cir. Ct.) (Providence District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Catherine M. Norton*, Case No. CL-2010-0012438 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Todd Keller and Lori A. Keller*, Case No. CL-2010-0012764 (Fx. Co. Cir. Ct.) (Springfield District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Siles Alciviades Perez*, Case Nos. 10-0012677 and 10-0012678 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *New Cingular Wireless PCS, LLC, doing business as AT&T Mobility v. The Fairfax County Board of Supervisors, Civil Action No. 1:10cv283*

- Discussion of the Award of a Public Contract under Virginia Code Section 2.2-3711.A.29
- Requirements of the Patient Protection and Affordable Care Act

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

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At 3:29 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

29. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:29 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman Bulova and Supervisor Foust 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. **AUTHORIZATION FOR THE DEPARTMENT OF CABLE COMMUNICATIONS AND CONSUMER SERVICES TO FILE TESTIMONY** (3:30 p.m.)

Supervisor Foust moved that the Board authorize the Department of Cable Communications and Consumer Services and the Office of the County Attorney to file testimony in the rate case filed by Columbia Gas of Virginia, Incorporated, PUE-2010-00017, as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

31. **MOTION ADOPTING WRITTEN OPINION IN SUPPORT OF THE BOARD'S DENIAL OF SPECIAL EXCEPTION APPLICATION SE 2008-MV-031** (3:31 p.m.)

Supervisor Hyland moved that the Board:

- Adopt the Board's written opinion supporting its denial of Special Exception Application SE 2008-MV-031 that was discussed with the County Attorney in closed session.

- Authorize the County Attorney to file a Notice of the Board's adoption of this opinion in the case of *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. the Fairfax County Board of Supervisors, Case No. 1:10cv283*, which is pending in the United States District Court for the Eastern District of Virginia.

Chairman Bulova and Supervisor Smyth seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Smyth, Supervisor McKay, Supervisor Foust, Supervisor Hyland, Supervisor Frey, Supervisor Hudgins, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Herryty voting "NAY," Supervisor Gross abstaining.

32. **ADJUSTMENT OF THE STATUS OF NON-MERIT POSITIONS**
(3:32 p.m.)

Supervisor Gross moved that the Board direct the County Executive to review and adjust the status of non-merit positions as needed to ensure that the County meets legal requirements and report to the Board's Personnel Committee meeting on October 12 based on the advice from the County Attorney provided in closed session. The meeting will begin at 10 a.m. Supervisor Foust seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

33. **A-6 – APPROVAL OF RECOMMENDATIONS REGARDING THE METRORAIL STATIONS FOR PHASE 2 OF THE DULLES CORRIDOR METRORAIL PROJECT** (3:33 p.m.)

(NOTE: Earlier in the meeting the Board discussed and deferred decision on this item. See Clerk's Summary Item #23.)

Chairman Bulova noted that when the Board recessed earlier in the meeting, it deferred action on motions regarding the letter to be sent to the Metropolitan Washington Airport Authority (MWAA) on the Phase 2 project. She called for the previous motions to be withdrawn and they were.

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the recommendations for the Dulles Corridor Metrorail Project Phase 2 stations, as outlined in the Board Agenda Item dated September 28, 2010, and substituting the "blended" letter that was just distributed to the Board. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Hudgins moved that the Board direct staff to provide a response to the Board on the request for analysis to allow air rights at the Reston Parkway Station and a review of parking at the stations included in Phase 2. Chairman Bulova seconded the motion.

Discussion ensued regarding the stations that are included in the plan to be included in the actual parking needs at the transit stations.

Supervisor Herrity asked to amend the motion to include the request for development plan review and the impact on the toll roads, and this was accepted.

Supervisor Smyth asked to amend the motion to include Tysons East in the request for information, and this was accepted.

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

Supervisor Hudgins submitted a letter from the Polo Fields Homeowners' Association for the record.

34. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-PR-009 (MTC COMMERCIAL LLC) (PROVIDENCE DISTRICT)** (3:39 p.m.)

The application property is located on the south side of Lee Highway, 400 feet west of the intersection with Gallows Road and north of Strawberry Lane, Tax Map 49-4 ((17)) (2) pt.

Mr. Steven Teets reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2003-PR-009, subject to the proffers dated August 26, 2010.
- Reaffirmation of the previously-approved modification of the loading space requirement to permit three spaces instead of five spaces in the southern building.

Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

(NOTE: On September 22, 2010, the Planning Commission approved Final Development Plan Amendment Application FDPA 2003-PR-009.)

35. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-PR-010 (HILTON WORLDWIDE, INCORPORATED AND TYSONS PARK PLACE II LLC) (PROVIDENCE DISTRICT)** (3:44 p.m.)

The application property is located at 7926 and 7930 Jones Branch Drive, Tax Map 29-4 ((7)) 5B and 5C.

Ms. Lori 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., McGuire Woods, LLC
- Mr. Jonathan Rak, McGuire Woods, LLC
- Mr. Gregory Riegle, McGuire Woods, LLC

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

Supervisor Smyth moved approval of Special Exception Application SE 2010-PR-010, subject to the development conditions dated September 7, 2010. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

36. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-LE-010 (RAMADA FAMILY, LLC) (LEE DISTRICT)** (3:49 p.m.)

(O) The application property is located on the west side of Grovedale Drive approximately 900 feet southwest of its intersection with Franconia Road, Tax Map 81-3 ((5)) 10.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Ms. Kelsey 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 McKay moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-LE-010, from the C-5, R-1, and HC Districts to the C-2 and DC Districts, subject to the proffers dated September 21, 2010.
- Modification of the transitional screening requirement along the northern property line to allow a 10-foot wide planting area and a 6-foot high brick architectural wall, as shown on the Generalized Development Plan (GDP).
- Modification of the transitional screening requirement and waiver of the barrier requirement along the eastern property line to that shown on the GDP.
- Modification of the transitional screening and barrier requirements along the western property line to allow the existing vegetation and supplemental planting, as shown on the GDP.

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

37. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-121-03 (RESTON EXCELSIOR LLC) (HUNTER MILL DISTRICT)** (3:58 p.m.)

The application property is located in the northeastern quadrant of the intersection of Dulles Toll Road and Reston Parkway, Tax Map 17-4 ((1)) 7B.

Supervisor Hudgins moved to defer the public hearing on Planned Residential Community Application PRC 86-C-121-03 and the associated Rezoning Application RZ 86-C-121 until **October 19, 2010, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

38. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-002 (SQUARE 1400, LC) (PROVIDENCE DISTRICT)** (3:59 p.m.)

The application property is located on the west side of Dorr Avenue approximately 400 feet north of its intersection with Merrifield Ave, Tax Map 49-1 ((13)) 13, 14, 15, and 16.

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2009-PR-002 until **October 19, 2010, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

39. **3:30 P.M. – PH REGARDING THE PROPOSED CONVEYANCE OF REAL PROPERTY AND OTHER REAL ESTATE TRANSACTIONS WITH INOVA HEALTH CARE SERVICES (PROVIDENCE DISTRICT)** (3:59 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

Carey Needham, Deputy Director, Planning and Design Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the Resolution authorizing execution of the Contract of Sale with Inova Health Care Services effectuating the proposed real estate transactions. Supervisor McKay seconded the motion.

Following a brief inquiry to County Attorney David P. Bobzien, regarding disclosures from Board Members who represent the Board on other Boards, Supervisor Gross noted that she represents the Board on the Inova Board of Trustees.

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

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40. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ESKRIDGE ROAD EXTENSION – PROJECT RZ0001 (PROVIDENCE DISTRICT)** (4:03 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

Beth Buckley, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by seven speakers, discussion ensued regarding the project.

Supervisor Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project RZ0001, Eskridge Road Extension, Fund 124, County and Regional Transportation Projects. Chairman Bulova seconded the motion.

Discussion ensued, with input from Eric M. Teitelman, Chief, Capital Projects and Operations Division (CPOD), Department of Transportation (DOT), and Seyed Nabavi, staff, CPOD, DOT, regarding the traffic analysis and transportation study.

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

41. **4 P.M. – PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3 AND 7, REGARDING THE EMPLOYEES', UNIFORMED, AND POLICE OFFICERS RETIREMENT SYSTEMS – TO REDEFINE THE ACTUARIAL SURPLUS REQUIREMENT FOR CONSIDERATION OF AN AD-HOC COST OF LIVING ADJUSTMENT (COLA)** (4:40 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 September 9 and September 16, 2010.

Robert L. Mears, Executive Director, Fairfax County Retirement Systems, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, Employees', Uniformed, and Police Officers Retirement Systems for the purpose of redefining the actuarial surplus requirement for consideration of an ad-hoc COLA. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

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

42. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3 AND 7, REGARDING EMPLOYEES’, UNIFORMED, AND POLICE OFFICERS RETIREMENT SYSTEMS – TO REPEAL THE SUNSET PROVISIONS OF THE DEFERRED RETIREMENT OPTION PROGRAMS (DROP) AND TO PERMIT THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS (DPSC) WHO ARE MEMBERS OF THE UNIFORMED RETIREMENT SYSTEM (URS) TO VOTE FOR A TRUSTEE ON THE URS BOARD OF TRUSTEES** (4:47 p.m.)

(BACs)

(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 September 9 and September 16, 2010.

Following the public hearing and a query to David P. Bobzien, County Attorney, regarding whether both motions could be made together, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding the Employees’, Uniformed, and Police Officers Retirement Systems, repealing the sunset provisions of DROP and to permit the employees of PDSC who are members of the URS to vote for a trustee on the URS Board of Trustees. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide to the Board’s Personnel Committee a status report on the County’s succession planning. Without objection, it was so ordered.

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

43. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RIDING AND BOARDING STABLES** (4:52 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 September 9 and September 16, 2010.

Brian Parsons, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Discussion ensued, with input from Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Division, Department of Planning and Zoning, regarding the Board of Zoning Appeals’ authority concerning lot lines, riding and boarding stable compliance, and setback requirements.

Following the public hearing, which included testimony by five speakers, discussion ensued regarding setbacks and water run-off issues, with input from Ms. Kirst.

Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission, regarding riding and boarding stables, with an effective date of September 29, 2010, at 12:01 a.m. Supervisor Foust seconded the motion.

Following a discussion regarding the motion, 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."

44. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-2FS, LOCATED WEST OF LOISDALE ROAD AND SOUTH OF FRANCONIA ROAD (LEE DISTRICT) (5:38 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

Meghan D. Van Dam, Planner III, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Ms. Van Dam presented the staff and Planning Commission (PC) recommendations.

Supervisor McKay moved approval of the PC recommendation for APR Item 09-IV-2FS, as found in Attachment I of the Board Agenda Item, which concurs with the staff and Lee District APR Task Force nomination. The recommendation supports an alternative to the nomination for office, hotel, and retail uses and/or civic conference center and residential uses at an intensity of up to 1.0 floor area ratio (FAR) with an option to increase up to a 1.2 FAR in the subject area. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

45. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-21MV, LOCATED SOUTH OF ROLLING HILLS AVENUE, EAST OF JANNA LEE AVENUE, AND NORTHWEST OF RICHMOND HIGHWAY (LEE DISTRICT) (5:43 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

Kimberly M. Rybold, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McKay moved approval of the PC recommendation for APR Item 09-IV-21MV, as modified in his handout which supports residential use at 25 units per acre with up to 80,000 square feet of office and ground floor retail use. The recommendation retains important development conditions such as those related to park dedication and open space. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

46. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-18MV, LOCATED ON THE EAST CORNER OF RICHMOND HIGHWAY AND MOHAWK LANE (MOUNT VERNON DISTRICT)**
(5:49 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

Kimberly M. Rybold, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-18MV, as found in Attachment I of the Board Agenda Item, which would provide further guidance for the future reuse of the Old Mount Vernon High School and subject property. This recommendation would recognize and encourage the continued existence of the ball fields and open space on the south side of the subject property. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

47. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-19MV, LOCATED ON THE SOUTHEAST SIDE OF RICHMOND HIGHWAY GENERALLY NEAR THE FOREST PLACE INTERSECTION (MOUNT VERNON DISTRICT)** (5:58 p.m.)

Supervisor Hyland moved to defer the public hearing on APR Item 09-IV-19MV until November 16, 2010, at 4:30 p.m. Chairman Bulova seconded the motion.

Discussion ensued, with input from Marianne Gardner, Chief, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, who noted that the Board must take action within 90 days of Planning Commission action.

Therefore, Supervisor Hyland asked to amend his motion to defer the public hearing on APR Item 09-IV-19MV until October 19, 2010. This was accepted.

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

48. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEMS 09-IV-23MV, 09-IV-25MV, AND 09-IV-26MV, LOCATED EAST AND SOUTHEAST OF THE INTERSECTION OF NORTH KINGS HIGHWAY AND RICHMOND HIGHWAY (MOUNT VERNON DISTRICT) (6:02 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

Meghan D. Van Dam, Planner III, Policy and Plan Development Branch (PPDB), Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Ms. Van Dam; Tom Burke, staff, Transportation Planning, Department of Transportation; and Marianne Gardner, Chief, PPDB, PD, DPZ, regarding redevelopment expectations on the portion of property which is currently vacant and the impacts on adjacent properties.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hyland moved approval of the PC alternative for the following APR Items, as shown in Attachment I of the Board Agenda Item:

- 09-IV-23MV, which slightly modifies the staff and Mount Vernon APR Task Force alternative. The recommendation would add an option for a transit center or enhanced transit facility to be located on Sub-unit F2 to support the more intense development options in the subsequent nominations.
- 09-IV-25MV, which slightly modifies the staff and Mount Vernon APR Task Force alternative. The recommendation would encourage the redevelopment of the area as an urban, mixed-use, and walkable place, more intense than the current Plan and accessible to transit.
- 09-IV-26MV, which concurs with the staff and Mount Vernon APR Task Force alternative. The recommendation would

recognize the potential for redevelopment through a concurrent Plan amendment and rezoning process.

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

49. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-III-5P, LOCATED NORTHEAST OF OX ROAD, ACROSS FROM THE INTERSECTION WITH PALMER DRIVE, AND SOUTHWEST OF THE WILLIAM HALLEY ELEMENTARY SCHOOL (MOUNT VERNON DISTRICT)** (6:21 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-III-5P, as found in Attachment I of the Board Agenda Item, which concurs with the staff and Mount Vernon District APR Task Force recommendation. The recommendation would retain the Comprehensive Plan guidance that freestanding retail uses are not appropriate, while making an editorial update to correct a Tax Map parcel reference. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

50. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-2LP, LOCATED NORTH OF INTERSTATE 95 AND WEST OF FURNACE ROAD (MOUNT VERNON DISTRICT)** (6:24 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-2LP, as found in Attachment I of the Board Agenda Item, that supports approval of the nomination for the northern triangular portion of the nominated area for light industrial use and open space when the adjacent landfills are covered, and retaining the adopted Plan for the southern triangular portion of the nominated area. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

51. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-5LP, LOCATED EAST OF RICHMOND HIGHWAY AND WEST OF THE NOMAN M. COLE, JR. POLLUTION CONTROL PLANT (MOUNT VERNON DISTRICT)** (6:27 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-5LP, as found in Attachment I of the Board Agenda Item, which recognizes that this County-owned property should be used as a buffer to the Noman M. Cole, Jr. Pollution Control Plant and that recreational uses can be considered if all environmental contaminants are fully identified and remediated or mitigated. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

52. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-6LP AND PLAN AMENDMENT S10-IV-LP1, LOCATED AT THE INTERSECTION OF LORTON ROAD AND RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (6:29 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Smyth being out of the room.

Discussion ensued, with input from Ms. Lai and Marianne Gardner, Chief, PPDB, PD, DPZ, regarding drive-through uses.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-6LP/S10-IV-LP1, as found in Attachment I of the Board Agenda Item, which would remove Plan guidance for road improvements that has already been completed. This recommendation retains the option for drive-through uses but limits the uses to those approved prior to 2011, reflecting a desire to discourage future drive-through uses while also identifying the need to retain the option and its associated development conditions to properly review future requests to modify the existing drive-through uses. Supervisor Smyth seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Herrity and Supervisor McKay voting “NAY.”

53. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-7LP, LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF RICHMOND HIGHWAY AND TELEGRAPH ROAD (MOUNT VERNON DISTRICT)** (6:41 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-7LP, as found in Attachment I of the Board Agenda Item, which identifies the need for possible transportation improvements, recommends the planned density be retained for the parcel that is included in the Pohick Landing townhouse community, and would include an option for the nominated area to be used as open space. Supervisor McKay seconded the motion and it carried by unanimous vote.

54. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-8LP, LOCATED EAST OF GROOM COTTAGE DRIVE, SOUTH OF LORTON STATION SHOPPING CENTER, AND NORTH OF THOMAS BAXTER PLACE (MOUNT VERNON DISTRICT)** (6:43 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Sherry Frazier (Speaker One), and Ms. Lai regarding the staff and Planning Commission (PC) recommendations.

Discussion continued, with input from Ms. Lai, regarding the impact on the neighboring community.

Supervisor Hyland moved to waive the reading of the staff and PC recommendations. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved approval of:

- The staff recommendation to retain the adopted Plan for APR Item 09-IV-8LP. The adopted Plan recommendations and the requirements in the Zoning Ordinance satisfy the intent of the nomination, which is to minimize impacts to the adjacent residential communities and encourage compatibility with existing uses.
- The PC recommendation for APR Item 09-IV-8LP, as found in Attachment I of the Board Agenda Item, which provides guidance to encourage the nominated area be maintained as open space to address future development of the site and the possible effects on its neighbors.

Following a brief discussion regarding the motion, Supervisor Hyland withdrew the second motion, and restated his motion as follows:

- Approval of the staff recommendation to retain the adopted Plan for APR Item 09-IV-8LP. The adopted Plan recommendations and the requirements in the Zoning Ordinance satisfy the intent of the nomination, which is to minimize impacts to the adjacent residential communities and encourage compatibility with existing uses.

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

55. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-9LP, LOCATED EAST OF THE CSX RAILROAD TRACKS AT THE SOUTHWEST CORNER OF THE INTERSECTION AT LORTON ROAD AND LORTON MARKET STREET (MOUNT VERNON DISTRICT)** (6:54 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-9LP as found in Attachment I of the Board Agenda Item, which notes access constraints that limit egress from the site and discourages auto-oriented uses as a result of these access limitations. Supervisor McKay seconded the motion.

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

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

56. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-3MV, LOCATED ON THE SOUTHWEST CORNER OF HUNTINGTON AVENUE AND RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (6:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, which included testimony by four speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-3MV, as found in Attachment I of the Board Agenda Item, which would allow 200,000 square feet of hotel use to be developed on the property, subject to several conditions. The PC alternative addresses concerns of neighboring property owners by stating the new development should minimize blocking the river views of the adjoining residential units. Supervisor McKay seconded the motion.

Supervisor Hyland noted that in a previous Board Matter he requested a traffic study of the intersection of Huntington Avenue and Route 1 because the transportation issues need to be addressed before any approvals can be considered.

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

57. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-4MV, LOCATED EAST OF BLAINE DRIVE, NORTH AND SOUTH OF HUNTINGTON AVENUE (MOUNT VERNON DISTRICT) (7:11 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

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

Supervisor Hyland moved approval of APR Item 09-IV-4MV, which would restore the original boundary of Land Unit T in the Huntington Transit Station area in all relevant Plan figures. The subject parcels will be shown on the Plan map for residential use at 16–20 dwelling units per acre rather than 8–12 dwelling units per acre. The recommended map changes are shown in Attachment II of the Board Agenda Item. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

58. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-6MV, LOCATED ON MOUNT VERNON MEMORIAL HIGHWAY, SOUTH OF GEORGE WASHINGTON'S GRIST MILL (MOUNT VERNON DISTRICT) (7:14 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-6MV, as found in Attachment I of the Board Agenda Item, that supports planning the subject property for public facilities use in the long term to accommodate future sewer service demands. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

59. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEMS 09-IV-9MV AND 09-IV-10MV, LOCATED WEST OF CULPEPPER ROAD, EAST OF LITTLE HUNTING CREEK, AND SOUTH OF CHILDS LANE (MOUNT VERNON DISTRICT) (7:18 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved approval of the PC recommendation for APR Items 09-IV-9MV and 09-IV-10MV, as found in Attachment I of the Board Agenda Item, that supports planning the subject property for public facilities use in the long term to accommodate future sewer service demands. Supervisor McKay seconded the motion and it carried by unanimous vote.

60. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-13MV, FOR PROPERTY GENERALLY LOCATED IN THE VICINITY OF SHERWOOD HALL LANE, HOLLAND ROAD, AND HINSON FARM (MOUNT VERNON DISTRICT)** (7:26 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

Aaron Klibaner, Planner II, Planning Division, Department of Planning and Zoning, began presenting the staff report, however, Chairman Bulova announced that this item is to be deferred.

After presenting remarks regarding the application, Supervisor Hyland moved:

- To defer the public hearing on APR Item 09-IV-13MV until:
 - A traffic impact analysis (TIA) of the parcel developed at a Floor Area Ratio (FAR) of 0.5 has been approved by the Virginia Department of Transportation (VDOT).
 - The Planning Commission (PC) has considered the APR with a recommendation of 0.5 FAR for Parcel Four.
- That the Department of Transportation be encouraged to:
 - Accept a single TIA for the APR item as indicated above and for a special exception amendment application for the expansion of Inova Mount Vernon Hospital.
 - Coordinate the review of the TIA with VDOT so that the review may be completed as soon as possible.
- That staff be directed to schedule both the PC hearing and the Board hearing on the special exception amendment application as soon as possible after the Board hearing on the APR.
- That the Board direct staff to accept and concurrently process the site plan and the building plans for the first phase of the Mount Vernon Hospital expansion while the special exception amendment application is being processed. This motion is made with the understanding that, if approved, it will not prejudice the merits of

the special exception amendment application and that Inova will be proceeding at its own risk.

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

61. **4:30 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 09-IV-16MV, LOCATED EAST OF NORTH KINGS HIGHWAY AND SOUTH OF THE HUNTINGTON METRO STATION (MOUNT VERNON DISTRICT)** (7:32 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hyland moved approval of the PC recommendation for APR Item 09-IV-16MV, which would allow an additional 200 dwelling units in Land Unit E and F of the Huntington Transit Station Area, subject to conditions. The Planning Commission recommendation is shown in Attachment I of the Board Agenda Item. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

62. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT S09-IV-MV2, LOCATED EAST OF RICHMOND HIGHWAY, SOUTH OF EAST LEE AVENUE, NORTH OF PRESTON AVENUE, AND WEST OF MEMORIAL HEIGHTS DRIVE (MOUNT VERNON DISTRICT)** (7:37 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 9 and September 16, 2010.

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

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved to waive the reading of the staff and Planning Commission (PC) recommendations. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hyland moved approval of the PC recommendation for Item S09-IV-MV2, as found in Attachment I of the Board Agenda Item. It supports planning the subject property for office or retail use without drive-thru facilities to include eating establishments and fast food restaurants up to an intensity of .15 floor area ratio. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

NV:nv

ADDITIONAL BOARD MATTERS

63. **ORDERS OF THE DAY** (7:42 p.m.)

Supervisor Smyth suggested that, in the interest of time, that Board Members summarize their Board Matters rather than read them.

64. **KOREAN CENTRAL PRESBYTERIAN CHURCH BUILDING DEDICATION ON OCTOBER 3, 2010 (SULLY DISTRICT)** (7:43 p.m.)

In a joint Board Matter with Supervisor Frey, Chairman Bulova said that the Korean Central Presbyterian Church will hold its building dedication worship service on Sunday, October 3, at 5 p.m. The Korean Central Presbyterian Church is located at 15401 Lee Highway in Centreville.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor Frey, asked unanimous consent that the Board direct the Office of Public Affairs to prepare a certificate of congratulations for the opening of this new facility to be presented at the dedication service on Sunday. Without objection, it was so ordered.

65. **COUNTY SHERIFF'S OFFICE ACHIEVES "QUADRUPLE CROWN ACCREDITATION STATUS"** (7:43 p.m.)

Jointly with Supervisor McKay, Chairman Bulova congratulated the County Sheriff's Office having achieved "Quadruple Crown Accreditation Status" after receiving reaccreditation from the American Correctional Association (ACA) for the attainment of excellence in the operation of the County Adult Detention Center (ADC).

Therefore, Chairman Bulova asked unanimous consent that the Board congratulate the County Sheriff's Office on its "Quadruple Crown Accreditation Status" and direct the Office of Public Affairs to issue a press release so that County residents may know of this great achievement. Without objection, it was so ordered.

66. **TRASH CANS IN PARKS** (7:44 p.m.)

Chairman Bulova said that the County Park Authority this week announced a plan to make some County parks "Trash Free Zones." The centerpiece of this plan is the removal of trash cans from 27 parks and the placement of signs in those parks encouraging visitors to "Pack it In and Pack it Out" and "Leave no Trace." The Park Authority plans to implement a pilot version of this program over the next 18 months.

Chairman Bulova said that while she agrees that keeping County parks clean is a priority, and understands that doing so has become challenging during the down economy, she does not agree with this method. Removal of trash cans from parks places the burden of keeping parks clean entirely on the residents that use the parks. She asserted that it should be a duty shared between the government and residents.

Chairman Bulova noted that removing the trash cans as a cost-cutting measure could diminish the efforts already being made by the County residents. Citizens who use the parks often take it upon themselves to pick up trash left by previous visitors. The County also leads groups of volunteers on regular park clean ups. If the removal of trash cans leads to more trash in the parks, the work of these groups will increase and place more of a burden on residents to keep parks clean.

Therefore, Chairman Bulova asked unanimous consent that the Board urge the Park Authority to revisit its plan to remove trash cans from parks. She noted that the Board takes pride in its parks and open space and wants to ensure that they remain clean and attractive. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

67. **HONORING SUSAN KINSLEY FOR RECEIVING THE NATIONAL ASSOCIATION OF BIOLOGY TEACHERS 2010 OUTSTANDING BIOLOGY TEACHER AWARD (SPRINGFIELD DISTRICT)** (7:46 p.m.)

Supervisor Herrity said that each year the National Association of Biology Teachers (NABT) presents the Outstanding Biology Teacher Award (OBTA) to a worthy recipient in each of the 50 states of the US. Candidates are judged on their teaching ability and experience, cooperativeness in the school and community, inventiveness, initiative, and student-teacher relationships. He reported that this year's winner for the Commonwealth of Virginia is Mrs. Susan Kinsley, a biology and life sciences teacher from West Springfield High School.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mrs. Kinsley to a future Board meeting to receive a resolution in recognition of receiving the National Association of Biology Teachers Outstanding Biology Teacher Award in the Commonwealth of Virginia in 2010. Without objection, it was so ordered.

68. **HONORING BETH JEWELL FOR RECEIVING THE NATIONAL MARINE EDUCATION ASSOCIATION'S 2010 OUTSTANDING TEACHER AWARD (SPRINGFIELD DISTRICT)** (7:46 p.m.)

Supervisor Herrity announced that Beth Jewell, a biology and oceanography teacher at West Springfield High School, was presented with the 2010 Outstanding Teacher Award at the National Marine Education Association's annual conference this past July in Gatlinburg, Tennessee. This prestigious award is given to a classroom teacher who demonstrates a commitment to marine education through effective and innovative teaching.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Ms. Jewell to a future Board meeting to receive a resolution in recognition of being presented the National Marine Education Association's 2010 Outstanding Teacher Award. Without objection, it was so ordered.

69. **CONCURRENT PROCESSING FOR WESTBROOK PROPERTY, LLC FOR MARSHALL FARMS (SPRINGFIELD DISTRICT)** (7:47 p.m.)

Supervisor Herrity stated that Westbrook Property, LLC filed Rezoning/Final Development Plan Application RZ/FDP 2010-SP-012 to rezone its approximately 7.3 acre property referred to as "Marshall Farms" from R-1 to PDH-2 to allow the development of 14 single family detached dwelling units in the Westbrook area between the terminus of two public streets, Autumn Willow Drive and Lincoln Drive. The application is scheduled for a public hearing before the Planning Commission on February 3, 2011.

Accordingly, Supervisor Herrity moved that the Board direct the Department of Public Works and Environmental Services to accept the associated site plan for processing concurrent with Rezoning/Final Development Plan Application RZ/FDP 2010-SP-012. He noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Smyth seconded the motion, which carried by unanimous vote.

70. **THIRTY-FIFTH ANNIVERSARY OF THE McLEAN COMMUNITY CENTER (MCC) (DRANESVILLE DISTRICT)** (7:48 p.m.)

Supervisor Foust announced that 2010 marks the thirty-fifth anniversary of MCC. The Center was built and is funded by residents of the Small District 1 A-Dranesville through a real estate tax surcharge. An 11-member governing board, elected by citizens of the district and appointed by the Board of Supervisors, oversees the center's budget and operation.

MCC offers a variety of activities for all ages, including classes, lectures, study tours, camps, art exhibits, theatre performances, and specialty shows. The Center also sponsors major community activities such as McLean Day and the 4th of July

fireworks at Langley High School. MCC facilities include the Alden Theatre, the McLean Project for the Arts galleries, and the Susan B. DuVal Art Studio. The Center also operates the award-winning Old Firehouse Teen Center.

This October, MCC is commemorating its anniversary with a month-long celebration of performances, the highlight of which will be a Thirty-fifth Anniversary Gala on Saturday, October 16, featuring a performance by award-winning actor John Lithgow in his one-man theatrical memoir, *Stories by Heart*.

Accordingly, Supervisor Foust asked unanimous consent that the Board direct staff to:

- Prepare a proclamation, congratulating the MCC Board and staff on the thirty-fifth anniversary, to be presented at the October 16 Gala.
- Publicize the Gala and the other celebratory performances.

Without objection, it was so ordered.

71. **SECURE INTEROPERABLE PUBLIC SAFETY (PS) WIRELESS BROADBAND DATA COMMUNICATIONS** (7:49 p.m.)

Supervisor McKay said that the County is currently working towards secure, interoperable PS wireless broadband data communications, which is an urgently needed capability in the public safety arena. In 2007, the County partnered with DC and the governments in the National Capital Region to plan and deploy the nation's first regional wireless PS broadband data communications networks. Unfortunately, plans were interrupted when the Federal Communications Commission (FCC) decided to pursue a single national PS broadband wireless network through a commercial auction, which ultimately failed.

Supervisor McKay noted that as a result, and based on more recent input from public safety officials, the current FCC administration has changed direction and is now promoting regional and local approaches, with the goal of achieving a national PS broadband network. This is consistent with the County's original planning in 2007 and supports the County's needs today and in the future. Available and sustainable public safety communication is essential to the public's confidence and national security. The County needs the following to realize these goals locally, regionally, and nationally:

- Additional 700 MHz radio frequency spectrum for public safety.
- Funding to assist in deploying this critical network of next generation public safety communications.

To move the County's efforts forward in the interim, the County has submitted an

FCC waiver application for deployment in 700 MHz, and an application for the next round of Broadband Technologies Opportunities Program grants that would fund the network. The County has a long tradition of providing top quality communications technology for local public safety responders, and efforts have resulted in the County and the National Capitol Region being highly ranked among regional interoperable voice communications networks in the country.

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 the allocation of essential public safety spectrum and the funding needed to make deployment of these systems a reality. He noted that he distributed draft letters addressed to Senator Warner around the dais. Supervisor Smyth seconded the motion and it carried by unanimous vote.

72. **MERRIFIELD FALL FESTIVAL (PROVIDENCE DISTRICT)** (7:51 p.m.)

Supervisor Smyth distributed flyers announcing the eighth annual Merrifield Fall Festival which will be held on Saturday, October 16, from 11 a.m. until 4 p.m. at Luther Jackson Middle School, located at 3020 Gallows Road, Falls Church. It is a kickoff for VolunteerFest, and she invited all to attend.

PMH:pmh

73. **“ACTION AT ANNANDALE” HISTORICAL MARKER (MASON DISTRICT)** (7:51 p.m.)

Supervisor Gross said that Mason District history will be celebrated on Saturday, October 9, 2010, with the unveiling of the “Action at Annandale” historical marker, which recognizes the historical significance of the roadbed for the unfinished Manassas Gap Railroad.

Therefore, Supervisor Gross moved that the Board direct the Office of Public Affairs to distribute information publicizing this event to County offices, libraries, community groups, civic/homeowner associations, and public schools. Chairman Bulova seconded the motion and it carried by unanimous vote.

74. **BINATIONAL HEALTH WEEK (BHW)** (7:52 p.m.)

Supervisor Gross said that BHW has become one of the largest mobilization efforts of federal and state government agencies, community-based organizations, and volunteers undertaken to improve the health and well-being of the underserved Latino population living in the United States.

Supervisor Gross noted that in the Washington Metropolitan Area activities within the BHW will take place from October 2-16, 2010, and the inaugural event will be held on Saturday, October 2, at the Grace Evangelical Lutheran Church in Falls Church, VA.

Therefore, Supervisor Gross asked unanimous consent that Board:

- Proclaim October 2-9, 2010, as “*Binational Health Week*” in Fairfax County.
- Direct the Office of Public Affairs to prepare a proclamation with the Chairman’s signature to be presented at the Grace Lutheran Church’s Annual Hispanic Festival on October 2.

Without objection, it was so ordered.

75. **CELEBRATING FAIRFAX HIGH SCHOOL’S (FHS) 75 YEARS SERVING THE COMMUNITY (BRADDOCK DISTRICT)** (7:53 p.m.)

Supervisor Cook announced that since 1936, FHS has stood witness to the County as it has transitioned from an agricultural community to a bedroom community of Washington DC and into the thriving economic engine of Virginia.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite representatives from FHS to appear before the Board at a meeting date to be determined so they can be recognized for the immense contributions they have made to the County. Without objection, it was so ordered.

76. **EMERGENCY TRAINING EXERCISE** (7:53 p.m.)

Supervisor Cook said that he recently served as an observer for an emergency management training exercise that was run by the Office of Emergency Management and Volunteer Fairfax. He noted that it was a simulated volunteer reception center that would occur during an Anthrax attack. He added that the individuals running the center would be trained volunteers. Staff was evaluating how the trained volunteers would run the reception center.

Supervisor Cook noted that neighboring jurisdictions are losing some of their volunteer base and cannot plan for such events.

77. **DECAL FEE** (7:55 p.m.)

Supervisor Frey said that prior to the abolishment of the decal fee, the County Code provided exemptions for certain public safety volunteers. During the time that the County did not charge the fee, the General Assembly passed legislation that would allow localities to exempt from the fee at least one vehicle for all public safety employees. He added that when the Board readopted the decal fee, the old exemption was incorporated, but it did not consider the new exemptions that had been authorized by the General Assembly.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to:

- Analyze the question of what the cost would be to exempt all public safety employees.
- Provide the analysis in time for the next Budget Committee meeting.

Without objection, it was so ordered.

78. **RECOGNITION FOR MR. GEORGE LOVELACE (HUNTER MILL DISTRICT)** (7:57 p.m.)

(BACs) Supervisor Hudgins said that Mr. George Lovelace has been an active participant in the community for many years, serving for numerous terms on the Vienna Town Council, the Park Authority Board, and even representing the community in the Virginia House of Delegates. Mr. Lovelace was recently awarded the Distinguished Volunteer Service Award from the Virginia Recreation and Parks Society for his work with the Park Authority Board. At its last meeting, Mr. Lovelace announced he would be retiring from the Park Authority Board.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Lovelace to appear before the Board at its November 16 meeting to be acknowledged for his outstanding service to the County and the Town of Vienna. Without objection, it was so ordered.

79. **GAS PIPELINE SAFETY** (7:57 p.m.)

Supervisor Hudgins said that accidents throughout the US and in the County have prompted concerned citizens to inquire about the safety of the natural gas pipelines beneath the surface in the County, more specifically residential areas. She added that there is cause for residents to feel concerned about the pipelines, which often travel through easements in close proximity to homes and businesses. This information is not readily accessible to concerned residents.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to inquire, acquire, and provide to the Board, in a timely fashion, the maintenance and inspection records, where available, of the gas companies and their subsequent facilities and pipelines in the County. Without objection, it was so ordered.

80. **REQUEST FOR RECOGNITION OF THE ONE HUNDREDTH YEAR OF THE OCCOQUAN WORKHOUSE (MOUNT VERNON DISTRICT)**
(7:58 p.m.)

Supervisor Hyland referred to his written Board Matter regarding the Occoquan Workhouse and asked unanimous consent that it be deferred. Without objection, it was so ordered.

81. **LETTER COMMENTING ON THE ENVIRONMENTAL PROTECTION AGENCY'S (EPA) PROPOSED TRANSPORT RULE** (7:58 p.m.)

In a joint Board Matter with Supervisor Gross and Supervisor Smyth, Supervisor Hyland said that recently the Metropolitan Washington Air Quality Committee (MWAQC) endorsed comments on the EPA's proposed Transport Rule. This rule would protect the health of millions of Americans by helping states reduce air pollution and attain clean air standards. Thirty-one states and the District of Columbia would have to improve air quality by reducing power plant emissions that contribute to ozone and fine particle pollution in other states.

MWAQC's comment letter supports the rule, applauds the EPA for taking swift action to address issues raised by the court, states that the State Implementation Plans recently submitted for ozone and fine particulates include reductions from Clean Air Interstate Rule as a core component of control strategies, urges them to conduct analysis to amend the Transport Rule to achieve more stringent standards for ozone and fine particulates, asks the EPA to advance other federal initiatives to address emissions during high electricity demands, and supports the proposal to allow states to replace Federal Implementation Plans with State Implementation Plans, if they so desire among other statements.

Therefore, jointly with Supervisor Gross and Supervisor Smyth, Supervisor Hyland moved that the Board endorse the letter from MWAQC and direct staff to communicate this to the Metropolitan Washington Council of Governments and the EPA. Chairman Bulova seconded the motion.

Following discussion regarding the proposal, Supervisor Hyland amended the motion to defer this issue to the Environmental Committee for review on Tuesday, October 5, with the understanding that a letter will be available for review with the position of the State and the staff, and this was accepted.

Further discussion ensued regarding the amended motion and Supervisor Hyland further amended the motion that the Board agree to support the letter subject to its being discussed at the Environmental Committee and, hearing no objection, the letter will be sent, and this was accepted.

Chairman Bulova clarified the motion that the Board:

- Defer action on sending the letter now.
- Have discussion at the Environmental Committee on Tuesday, October 5.
- As part of its action today, unless there is objection, that it delegate the authority to be able to send the letter.

Following continued discussion regarding the amended motion, Supervisor Hyland clarified the amendment to the motion as follows:

- Approve the letter subject to discussion at the Environmental Committee meeting on Tuesday, October 5, at which time if there is strenuous objection and problems then the letter will not be sent.

Supervisor Hyland stressed that the motion is not to defer it to the Environmental Committee.

Following input from David P. Bobzien, County Attorney, the question was called on the motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Cook and Supervisor Herrity abstaining.

82. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR A SPECIAL EXCEPTION APPLICATION BY HOUR ADVENTURE, LLC (MOUNT VERNON DISTRICT)** (8:10 p.m.)

Supervisor Hyland said two friends, Lisa Webster and Leslie Fry, approached his office to request concurrent and expedited processing of their special exception application to permit them to operate a short-term child care center, called Hour Adventure, LLC, at the Fort Hunt Centre, zoned C-5 at 1900 Elkin Street. The applicants have discussed their proposal with the Stratford Landing Civic Association and other surrounding community associations and will soon present to the Mount Vernon Council's Planning and Zoning Committee.

Therefore, Supervisor Hyland moved that the Board authorize expedited processing of a special exception application in the name of Hour Adventure, LLC and authorize concurrent processing of any and all associated site plan submissions. As is always the case, this motion does not relieve the applicant of any and all obligations, ordinances, or standards, and will not prejudice the consideration of the applications in any way. Supervisor McKay seconded the motion and it carried by unanimous vote.

83. **NORTHERN VIRGINIA STREETCAR COALITION'S (NVSC) REQUEST TO EVALUATE STREETCAR OPTIONS (LEE AND MOUNT VERNON DISTRICTS)** (8:10 p.m.)

In a joint Board Matter with Supervisor McKay, Supervisor Hyland said that NVSC submitted a Transportation Investment Generating Economic Recovery (TIGER II) grant to fund a regional streetcar network study. The grant application reflects some of the same goals and priorities the County has in the TIGER II grant applications endorsed by the Board for streetcars on Columbia Pike and a transit study for the Richmond Highway Corridor.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to review NVSC's TIGER II grant application and consider streetcars as one option when evaluating transit options in the Richmond Highway enhanced public transportation corridor. Without objection, it was so ordered.

84. **POLICE ENFORCEMENT ON ROADS STILL ON BOND** (8:11 p.m.)

Supervisor Hyland referred to his written Board Matter regarding police enforcement in communities that are pending release of bond and he noted that the Laurel Hill Community Association and its residents have waited for three years for the developer to get off bond.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Attorney to render an opinion on whether a community that is still on bond can receive full Police services and protection and to determine if there are any Police, County, State, or other regulations that limit their ability to provide full Police services to residents.

Following input, from David P. Bobzien, County Attorney, the request, without objection, was so ordered.

85. **SUPPORT FOR HAGEL CIRCLE FIRE VICTIMS (MOUNT VERNON DISTRICT)** (8:13 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item #3.)

Supervisor Hyland said that last Wednesday, a horrible tragedy took the lives of a mother and two of her children.

Supervisor Hyland noted that a fund has been established to help them cope with this tragedy. A bank account has been set up in the name of Anderson Family Trust. The account will help the family with basic necessities for the children and funeral expenses. All donations should be sent to the Halley Elementary School's main office at 8850 Cross Chase Circle, Fairfax Station, VA 22039.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to share this information through all appropriate mediums. Without objection, it was so ordered.

86. **CLARIFICATION OF APPOINTMENT TO THE COMMUNITY ACTION ADVISORY BOARD (CAAB) (MOUNT VERNON DISTRICT)** (8:13 p.m.)

(BACs) (NOTE: Earlier in the meeting, Mr. Packer was appointed to the CAAB. See page 9.)

Supervisor Hyland clarified the Board's earlier action to appoint Mr. Gregory Packer to the CAAB not Mr. Gregory Parker. He asked the Clerk to make the correction.

87. **BOARD ADJOURNMENT** (8:15 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	3-6
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	6-12
Items Presented by the County Executive	
Administrative Items	13-19
Action Items	19-22, 27-28
Consideration Items	22
Information Items	22-23
Board Matters	
Chairman Bulova	46-47
Supervisor Cook	51
Supervisor Foust	2, 48-49
Supervisor Frey	51-52
Supervisor Gross	50-51, 53-54
Supervisor Herrity	2, 47-48
Supervisor Hudgins	52
Supervisor Hyland	53-56
Supervisor McKay	46, 49-50, 55
Supervisor Smyth	50, 53-54
Actions from Closed Session	26-27
Public Hearings	28-46