



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 21, 2011**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <http://www.fairfaxcounty.gov/bosclerk/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

14-11

EBE:ebe

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, June 21, 2011, at 9:34 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor 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; Angela Schauweker, Management Analyst II, Office of the 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; Ekua Brew-Ewool, Administrative Assistant; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:34 a.m.)

(BACs) Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Clayton Thompson, a longtime resident of Mount Vernon who died last week. Members of his family work within the Fire and Rescue Department, three of whom are his sons. One son, Christopher Thompson, a Safety Officer, was present in the Board Auditorium. A viewing is scheduled for Thursday, June 23, 2011, and Funeral Services will be on June 24, 2011, at the Harvest Assembly Baptist Church on Fordson Road.

Supervisor Cook asked everyone to keep in thoughts the family of Mr. Michael Webb who died recently. He was the owner of the Heritage Shopping Center and served for nearly 30 years as president of a family owned Annandale based real estate development company. He was very active in the community particularly in regard to Annandale revitalization issues and served as the Braddock District Representative on the Community Revitalization and Reinvestment Advisory Group. He was involved in Fairfax Rotary Club Youth for Tomorrow and was the past chairman of the Fairfax YMCA.

Supervisor Frey asked everyone to keep in thoughts the family of Ms. Martha Barton, who died recently. Ms. Barton was a longtime resident of the Sully District; she was a founder and member of the Navy-Vail League, she was nominated as Lady Fairfax for Sully District in 2001, and she was a passionate lover of German shepherds and raised and trained them. She will be missed.

AGENDA ITEMS2. **PRESENTATION TO THE COUNTY FOR RECEIVING RECERTIFICATION AS A CERTIFIED CRIME PREVENTION COMMUNITY** (9:40 a.m.)

Mr. Rick Arrington, Virginia Department of Criminal Justice Services (DCJS), said that he was making the presentation on behalf of Garth L. Wheeler, Director of DCJS, who was unable to attend.

Mr. Arrington said that the Certified Crime Prevention Community Program was created in 1998 by a directive from the Governor's New Partnership Commission to promote community safety and to recognize communities that display exemplary efforts in the prevention of crime. This program is the first and only of its kind in the nation. The County is one of 15 communities, since the inception of the program, that has been certified, and one of 12 that continues to be certified. Every three years participant communities undergo a rigorous application process and provide proof of overall community involvement for recertification. The communities are then closely examined by a subcommittee of

the Criminal Justice Service Board, which is appointed by the Governor, to ensure that they meet all the requirements of the program.

Following further remarks, Mr. Arrington congratulated the County for receiving certification.

ADDITIONAL BOARD MATTER

3. **REMEMBRANCE OF MR. FRANK CHANNING SMITH** (9:46 a.m.)

Supervisor Foust asked everyone to keep in thoughts the family of Mr. Frank Channing Smith, who died in October 2010. He was a lifelong resident of the McLean District for 76 years. He worked for the United States Post Office as a letter carrier for 30 years and a volunteer chief of the Great Falls Fire Station for many years. Two members of his family work in the Fire and Rescue Department, and his son Rick Smith, a safety officer, was in the Board Auditorium.

AGENDA ITEMS

4. **PROCLAMATION DESIGNATING AUGUST 2, 2011, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (9:47 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate August 2, 2011, as "*National Night Out*" in Fairfax County. This motion was multiply seconded and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MASTER POLICE OFFICER (MPO) J.T. FREY** (9:55 a.m.)

Supervisor Cook moved approval of the Resolution of Recognition presented to MPO J.T. Frey for being named ASIS International 2011 Crime Prevention Officer of the Year. This motion was multiply seconded and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING JUNE 19–25, 2011, AS "FIRE AND EMERGENCY MEDICAL SERVICE (EMS) SAFETY, HEALTH, AND SURVIVAL WEEK" IN FAIRFAX COUNTY** (10:01 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate June 19–25, 2011, as "*Fire and EMS Safety, Health, and Survival Week*" in Fairfax County. Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the Office of Public Affairs to use the DVD that was distributed to Board Members as part of the programming for Cable Channel 16. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING JUNE 25, 2011, AS "HEPATITIS AWARENESS DAY" IN FAIRFAX COUNTY** (10:11 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate June 25, 2011, as "*Hepatitis Awareness Day*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING JUNE 26–JULY 2, 2011, AS "MOSQUITO CONTROL AWARENESS WEEK" IN FAIRFAX COUNTY** (10:20 a.m.)

Supervisor Gross moved approval of the Proclamation to designate June 26–July 2, 2011, as "*Mosquito Control Awareness Week*" in Fairfax County. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS** (10:30 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Wolf Trap Foundation for the Performing Arts for its fortieth anniversary. This motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

10. **RESOLUTION OF RECOGNITION PRESENTED TO KAISER PERMANENTE** (10:39 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Kaiser Permanente for its contributions to the health of the community. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

11. **10:30 A.M. – PRESENTATION OF THE A. HEATH ONTHANK AWARDS** (10:48 a.m.)

The Honorable Rosemary Annunziata, Chairman, Civil Service Commission, gave a brief presentation regarding the A. Heath Onthank Awards, the highest honor the County bestows on its employees.

Mr. Clifford L. Fields, Chairman, A. Heath Onthank Award Selection Committee, introduced the Committee members.

Susan Woodruff, Director, Department of Human Resources, announced the 2011 A. Heath Onthank Award recipients as follows:

- Desiree “Desi” Baltimore, Management Analyst, Department of Tax Administration
- Sandra Chisholm, Program Manager, Department of Neighborhood and Community Services
- Gary Quinn (Retired), Department of Information Technology

12. **10:45 A.M. – ANNUAL REPORT OF THE SMALL BUSINESS COMMISSION (SBC)** (11:01 a.m.)

(BACs) Marsha Senack, Chairman, SBC, introduced the following members of the Commission:

- Mr. Brett Coffee, Springfield District Representative
- Mr. Joseph Brooks, Providence District Representative
- Mr. Koorosh Cyrus Sobhani, Dranesville District Representative
- Ms. Elizabeth Novak, Mason District Representative

Ms. Senack presented the SBC’s annual report and noted the following:

- Successful 2010 Vendor Forum
- Increased outreach programs
- Ways to increase manpower on the Commission
- List of goals for 2011

Discussion ensued, with input from Ms. Senack and Cathy Muse, Director, Department of Purchasing and Supply Management, regarding challenges and goals facing the Commission to ensure participation of small, minority, and women-owned businesses in the County and ways of reaching out to them.

Further discussion ensued regarding collaboration with agencies such as the Economic Development Authority and Visit Fairfax to improve outreach and how much has been done in the past.

13. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:19 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard June 26, 2011,” as distributed around the dais. Supervisor Hudgins seconded the motion.

Supervisor Cook asked to amend the motion to include the reappointments of Ms. Marcia Pape Daniels as the Braddock District Principal Representative and Ms. Tonya McCreary as the Braddock District Alternate Representative to the Athletic Council, and this was accepted.

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

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Sully District Representative.

ADVISORY SOCIAL SERVICES BOARD

Appointment of Mr. Gregory Brandon as the Dranesville District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

Appointment of Mr. Carl Sivertsen as the Dranesville District Representative.

The Board deferred the appointment of the Mason District Representative.

ATHLETIC COUNCIL

Reappointments of:

- Ms. Marcia Pape Daniels as the Braddock District Principal Representative
- Ms. Tonya McCreary as the Braddock District Alternate Representative.

Appointment of Ms. Barbara Lowrey as the Mason District Principal Representative.

The Board deferred the appointment of the Dranesville District Principal and Mason District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointments of:

- Mr. Brian K. Halston as the Lee District Representative
- Hon. Emilie Millie as the Providence District Representative
- Ms. Olga Hernandez as the Sully District Representative

The Board deferred the appointments of the At-Large Chairman's Representative, Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, and Springfield District Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Providence District Representative.

COMMISSION ON AGING

Reappointment of:

- Ms. Eileen Duggan as the Dranesville District Representative

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Providence District Representative.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

Appointment of Mr. Loren C. Bruce as the Hunter Mill District Representative.

The Board deferred the appointment of the Braddock District Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

Appointment of Mr. Thomas D. Fleury as the At-Large #5 Representative.

ECONOMIC DEVELOPMENT AUTHORITY

Appointment of Mr. Michael Lewis as the At-Large #2 Citizen Representative.

The Board deferred the appointment of the At-Large #6 Citizen Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointment of the Springfield District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Fairfax County and the Sully District Representatives.

FAIRFAX LONG TERM CARE COORDINATING COUNCIL

Confirmations of:

- Ms. Carol Deakman as a Long Term Care Provider Representative
- Ms. Betty Ann K. Yurkewitch as Community Leader Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Reappointments of:

- Mr. David Eisenman as the Hunter Mill District Representative
- Ms. Theresa L. Fox as the Mason District Representative
- Mr. Timothy Steffan as the Providence District Representative

Confirmations of:

- Mr. David Welliver as the Northern Virginia Hospitality Council #2 Representative
- Mr. Janet Sass as the Northern Virginia Hospitality Council #4 Representative
- Mr. Mike Chouri as the Northern Virginia Hospitality Council #10 Representative

FAIRFAX COUNTY EMPLOYEES RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of Mr. Gordon Trapnell as the At-Large #2 Representative.

Confirmation of Mr. Walter E. Leppin, Jr. as the Fairfax County Public Schools' Representative.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointments of:

- Ms. Jean McNeal as the Dranesville District Representative
- Ms. Mary Ann Beall as the Providence District Representative

Re-nomination of:

- Ms. Lynne Schlaaf-Crammer as the At-Large #4 Representative
- Ms. Lori Stillman as the Springfield District Representative

(NOTE: The Board is scheduled to take action on these appointments on July 26, 2011.)

The Board deferred the appointments of the At-Large #3, At-Large #4, and Springfield District Representatives.

HEALTH CARE ADVISORY BOARD

Reappointments of:

- Mr. Timothy Yarboro as the At-Large Representative
- Ms. Ellyn Crawford as the Hunter Mill District Representative
- Ms. Marlene Blum as the Providence District Representative

HEALTH SYSTEMS AGENCY BOARD

Appointment of Mr. Philip E. Tobey as the Consumer #2 Representative.

The Board deferred the appointments of the Consumer #6 and Provider #3 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Reappointment of Mr. Bruce Neilson as the Fairfax County #1 Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Reappointments of:

- Ms. Tina Montgomery as the Providence District Representative
- Mr. Ronald Miner as the Sully District Representative

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointments of Fairfax County #2 and #7 Representatives.

TENANT LANDLORD COMMISSION

Appointment of Ms. Angelina M. Panettieri as the Tenant Member #1 Representative.

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the At-Large Chairman's Representative.

VOLUNTEER FIRE COMMISSION

Confirmations of:

- Ms. Camilla Morrison as the At-Large Representative
- Mr. Shawn Stokes as the Volunteer Fire/Rescue Representative
- Mr. Robert J. Mizer as the Zone III Representative
- Mr. Michael Masciola as the Zone IV Representative

WATER AUTHORITY

Reappointments of:

- Mr. Harry Day as the Mason District Representative
- Mr. Burton Rubin as the Springfield District Representative

Appointment of Mr. John Byers as the Mount Vernon District Representative.

DAL:dal

14. **ADMINISTRATIVE ITEMS** (11:20 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay 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 3 (County Employees), to Amend Articles 2 and 3, Uniformed and Employees' Retirement Systems – Changes in Social Security Offset to Service-Connected Disability Benefits and raised a question regarding retirement funding at Carryover. Discussion ensued, with input from Anthony H. Griffin, County Executive. Supervisor Cook raised another question regarding when the consultant study on the retirement plans would be available, with input from Mr. Griffin, who stated that it would be available in the fall.

Supervisor Cook called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to Consider Creating a New Section 82-5-37.1, Restricted Parking in Non-Residential Areas and raised a question regarding the implementation criteria, with input from Corinne Lockett, Assistant County Attorney, and Mr. Griffin.

Supervisor Herrity called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to Consider Creating Section 82-13 (Golf Cart Usage), Related to the Operation of Golf Carts on Public Highways. He raised a question regarding the cost of a traffic impact study and signage, with input from Selby Thannikary, Chief, Traffic Operations Section, Department of Transportation (DOT), and Tom Biesiadny, Acting Director, DOT.

Discussion continued, regarding the guidelines for creating the code section, with input from Mr. Biesiadny and Mr. Griffin.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board refer to the Development Process Committee the issue of extending this more broadly. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Mr. Biesiadny noted the following change:

- Proposed Section 1.11, Enforcement and Penalties: The fine listed is \$100, and it should be **\$50**.

Supervisor Gross asked to amend the motion to incorporate the change, and this was accepted.

Supervisor Smyth called the Board's attention to Admin 5 – Authorization for the Fairfax County Police Department (FCPD) to Apply for Grant Funding from the US Department of Justice, Office of Community Policing Services (COPS) and raised a question regarding the additional positions, with input from Captain Mike Dittmer, Office of the Chief, FCPD, and Mr. Griffin.

Supervisor Herrity called the Board's attention to Admin 7 – Streets into the Secondary System (Lee, Mason, Providence, and Springfield Districts) and noted that the streets listed in Springfield District are now in the Braddock District.

Supervisor McKay noted that the street listed in the Lee District is actually in the Mount Vernon District.

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), TO AMEND ARTICLES 2 AND 3, UNIFORMED AND EMPLOYEES' RETIREMENT SYSTEMS – CHANGES IN SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY BENEFITS

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

Authorized the advertisement of a public hearing to be held before the Board on **July 26, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), to amend Articles 2 and 3, Uniformed and Employees' Retirement Systems, regarding changes in social security offset to service-connected disability benefits.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) TO CONSIDER CREATING A NEW SECTION 82-5-37.1, RESTRICTED PARKING IN NON-RESIDENTIAL AREAS

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

Authorized the advertisement of a public hearing to be held before the Board on **July 26, 2011, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to consider creating a new Section 82-5-37.1, Restricted Parking in Non-Residential Areas.

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE DISTRICT)

- (Rs)
- Endorsed the following traffic calming measures for Dominion Way (Providence District):
 - One speed table on Dominion Way
 - Eight foot parking lanes on Dominion Way
 - Directed staff in the Department of Transportation to schedule the installation of the approved measures as soon as possible.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), TO CONSIDER CREATING SECTION 82-13 (GOLF CART USAGE), RELATED TO THE OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS

(A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 11–12.)

Authorized the advertisement of a public hearing to be held before the Board on **July 26, 2011, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to consider creating a new Section 82-13, Golf Cart Usage, related to the operation of golf carts on public highways.

ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES (COPS)

(NOTE: Earlier in the meeting, the Board discussed this item. See page 12.)

Authorized the FCPD to apply for grant funding in the amount of \$4,512,348 from the US Department of Justice, COPS for the COPS Hiring Program. The funding will provide financial assistance to re-establish 19 merit police officer positions that were eliminated as part of the Fiscal Year 2010 Adopted Budget Plan. The grant period is 36 months, from approximately October 1, 2011, to September 30, 2014. A local cash match of \$1,064,202 will be required during the 36 month grant period, for a total program cost of \$5,576,550.

ADMIN 6 – AUTHORIZATION TO SUBMIT GRANT APPLICATIONS FOR FISCAL YEAR (FY) 2011 US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) DISCRETIONARY FUNDING COMPETITIONS

Authorized the Fairfax County Redevelopment and Housing Authority (FCRHA) to apply for grants under the HUD FY 2011 Discretionary Funding Competition.

ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

(R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 12.)

Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Government Center Parkway Extended – Ridgewood	Braddock	Government Center Parkway Route 7436 Waples Mill Road Route 665 Additional ROW Only
Old Columbia Pike	Mason	Knob Hill Court Old Columbia Pike Route 712 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Mount Vernon Church of Christ	Mount Vernon	Old Mill Road Route 619 Additional Right-of-way (ROW) Only
Merrifield Town Center	Providence	Gallows Road Route 650 Additional ROW Only

15. **A-1 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD AND THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION, INCORPORATED (SFDC) (LEE AND MOUNT VERNON DISTRICTS)** (11:48 a.m.)

On motion of Supervisor McKay, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved renewing a MOU with the SFDC and authorized the County Executive to sign it on behalf of the Board.

16. **A-2 – APPROVAL OF THE COUNTY’S EMERGENCY OPERATIONS PLAN (EOP)** (11:49 a.m.)

Chairman Bulova announced that Supervisor Hyland had to leave for a doctor appointment and would return later in the meeting.

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the County’s EOP. Supervisor Gross seconded the motion.

Discussion ensued, with input from David McKernan, Coordinator, Office of Emergency Management and Dave Rohrer, Chief of Police, regarding:

- The EOP
- How it addresses emergency situations, specifically the snow storm which occurred in January 2011
- Available resources for staffing during emergency situations
- Whether key evacuation routes have been identified
- Community outreach efforts

Chairman Bulova noted that a Public Safety Committee meeting is scheduled for June 28 at 11 a.m.

Discussion continued, with input from Anthony H. Griffin, County Executive, regarding managing expectations, noting that, in the event of an emergency, County residents have the responsibility to be prepared and self-sufficient for the first 72 hours.

Further discussion ensued, with input from Mr. McKernan, regarding issues raised concerning who the EOP addresses and the efforts of staff to develop a pre-disaster recovery plan which engages all facets of the County.

Chairman Bulova noted that this is a County document that provides clear direction for staff to know who is responsible and who to coordinate with in the event of an emergency.

Further discussion ensued, regarding pre-disaster recovery outreach efforts and the January 2011 storm, with input from Mr. McKernan.

With regard to the EOP's letter of promulgation, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion to include in the letter the Town of Clifton, and this was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

Chairman Bulova noted that all Board Members will be briefed on other efforts underway regarding community engagement.

17. **A-3 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION (FCPR)** (12:27 p.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and approve changes to the FCPR, to become effective on July 1, 2011. These proposed changes incorporate modifications resulting from legislation enacted during the 2011 session of the Virginia General Assembly and other administrative changes recommended by staff. Chairman Bulova seconded the motion.

Supervisor Gross called the Board's attention to the Board Agenda Item, page 78, Item 3, and noted that House Bill 1951 raises the minimum contract amount required for bid, performance, or payment bonds from \$100,000 to \$500,000. Discussion ensued, with input from Cathy Muse, Director, Department of Purchasing and Supply Management, concerning the increase.

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

18. **A-4 – AUTHORIZATION TO FILE COMMENTS SUPPORTING THE PROTECTION OF PUBLIC SAFETY RADIO SYSTEMS FROM HARMFUL INTERFERENCE IN A FEDERAL COMMUNICATIONS COMMISSION (FCC) RULEMAKING RELATING TO THE MARKETING AND SALE OF "SIGNAL BOOSTERS"** (12:30 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and authorize staff to file comments with the FCC asking that it include appropriate provisions in the rulemaking to protect public safety voice and data communications systems (such as those currently operated by the County) from harmful interference that may result from widespread deployment of consumer-grade signal booster devices. Supervisor Smyth seconded the motion.

Discussion ensued, with input from Steve Brundage, Director of Communications and Regional Initiatives, Department of Information Technology, regarding communication outreach efforts to the community.

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

19. **I-1 – CONTRACT AWARD – SILVERBROOK ROAD/HOOES ROAD INTERSECTION IMPROVEMENTS (MOUNT VERNON DISTRICT)** (12:33 p.m.)

The Board next considered an item contained in the Board Agenda dated June 21, 2011, requesting authorization for staff to award a contract to B&B Signal Company, LLC in the amount of \$394,677.50 for the construction of Project 064273, Silverbrook Road/Hoes Road Intersection Improvements, in Fund 304, Transportation Improvements. This project provides for intersection improvements, signal modifications, pavement resurfacing, and other related items.

The staff was directed administratively to proceed as proposed.

20. **I-2 – CONTRACT AWARD – NORTH TWIN LAKE DAM REHABILITATION AT TWIN LAKES GOLF COURSE (SPRINGFIELD DISTRICT)** (12:33 p.m.)

The Board next considered an item contained in the Board Agenda dated June 21, 2011, requesting authorization for staff to award a contract to Jeffrey Stack, Incorporated, in the amount of \$1,085,850 for rehabilitating the North Twin Lake

Dam at Twin Lakes Golf Course, in Project 475008, Stewardship, in Fund 370, Park Bond Construction.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

21. **REQUESTS FOR PROCLAMATIONS** (12:33 p.m.)

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

- Invite the following representatives to appear before the Board to receive proclamations:
 - The Office for Women and Domestic and Sexual Violence Services recognizing “*Breast Cancer Awareness Month*” in Fairfax County at the October 18 Board meeting.
 - The Office for Women and Domestic and Sexual Violence Services recognizing “*Domestic Violence Awareness Month*” in Fairfax County at the September 27 Board meeting.
- Prepare and send to the Washington Metro Area Chapter of the American Payroll Association two individual proclamations recognizing “*National Payroll Week*” in Fairfax County and the Virginia Statewide Payroll Conference.

Without objection, it was so ordered.

22. **AMENDMENT TO THE BOARD’S CALENDAR** (12:34 p.m.)

Chairman Bulova moved that the Board amend its calendar to remove the August 2 meeting. She noted that there are no public hearings scheduled on that date to observe “National Night Out.” In addition, the second meeting in July is scheduled for the last Tuesday of the month to accommodate any pre-recess items. This motion, the second to which was indistinguishable, carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

23. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE GROSS** (12:35 p.m.)

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

24. **REQUEST FOR PUBLIC HEARING AND CONCURRENT PROCESSING FOR LANDMARK ATLANTIC DEVELOPMENT INCORPORATED (SULLY DISTRICT)** (12:35 p.m.)

Supervisor Frey said that Rezoning/Final Development Plan Application RZ/FDP 2011-SU-006 was filed by Landmark Atlantic Development Incorporated to permit a total of ten single family attached and detached lots on 1.9 acres on property located on Stone Road. The applicant has been meeting with the neighbors since October 2010, and has revised the plans several times to respond to the community. The filing of the applications was delayed until meaningful input could be received from the community.

The applications have been scheduled to be heard by the Planning Commission on September 29. Because of the time spent in advance of the filing of the applications, the applicant is comfortable that all significant issues have been addressed. Therefore, they have requested that the Board consider setting a date certain for the Board hearing and authorizing concurrent processing of the site and subdivision plans. Supervisor Frey said that he has reviewed these requests with staff and they have no objection. The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way.

Therefore, Supervisor Frey moved that the Board direct staff to schedule a public hearing to be held before the Board for Rezoning/Final Development Plan Application RZ/FDP 2011-SU-006 to occur as soon as practicable after the Planning Commission hearing and that site and subdivision plans be reviewed concurrently with the zoning applications. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

25. **OLD VALE SCHOOLHOUSE (SULLY DISTRICT)** (12:37 p.m.)

Supervisor Frey announced with pleasure that the old Vale Schoolhouse, or “Vale Community House” is now officially listed on the National Register for Historic Places. It was the result of a long effort by the Vale area community and he congratulated them for this recognition.

26. **RECOGNITION OF ROBIN RANSOM, ASSISTANT DIRECTOR, PLANNING COMMISSION (PC)** (12:38 p.m.)

Supervisor Frey asked unanimous consent that the Board direct staff to invite Robin Ransom, Assistant Director, PC, to appear before the Board in recognition

of her many years of service upon her retirement. Without objection, it was so ordered.

27. **S. 911 - THE PUBLIC SAFETY SPECTRUM AND WIRELESS INNOVATION ACT** (12:38 p.m.)

Supervisor McKay said that earlier this month, the US Senate Committee on Commerce, Science, and Transportation reported S. 911, the Public Safety Spectrum and Wireless Innovation Act. This legislation would deploy a nationwide, interoperable broadband network for first responders, one of the last major recommendations of the 9/11 Commission.

Supervisor McKay stated that there is much in this bill that would be helpful to the County's public safety agencies. The Board has been on record in support of allocating an additional portion of the spectrum for public safety to build a nationwide broadband network that would help the County's efforts to achieve interoperability. Numerous public safety groups have supported this legislation, including the International Association of Fire Chiefs and the International Association of Chiefs of Police.

However, there is a particular provision in the bill that is of significant concern to the County. Section 528 would be a significant deviation from the careful balance between the exercise of local zoning authority and federal oversight in current federal law, included in the Telecommunications Act of 1996. This new language would eliminate a portion of local government's traditional zoning authority and negate federal court review of the exercise of that authority in a manner that is at odds with the Telecommunications Act.

This provision essentially says that state and local governments must approve any "eligible facilities request" for a modification of an existing wireless tower that does not "substantially change the physical dimensions of the tower"; such a request would include proposals to collocate new transmission equipment on an existing wireless tower. The bill does not define "substantially change the physical dimensions of the tower," thus potentially allowing, for example, a significant increase in the height of a transmission pole that may be at odds with the County's Comprehensive Plan. In fact, a County case relating to these issues is currently on appeal before the US Court of Appeals for the Fourth Circuit, as explained in the letter attached to the written Board Matter, which was requested by Senator Warner's office.

Therefore, Supervisor McKay moved that the Board approve sending the letter as contained in the written Board Matter under the Chairman's signature to Senator Warner, outlining the County's support for the intent of S.911 and expressing concerns about the local land use implications of Section 528 of the bill, with a copy to Senator Webb. Supervisor Foust seconded the motion.

Following a brief discussion about the explosion of technology, the question was called on the motion, and it carried by a vote of nine, Supervisor Hyland being out of the room.

28. **REDISTRICTING PLAN APPROVED BY THE JUSTICE DEPARTMENT**
(12:42 p.m.)

Supervisor McKay announced that the US Justice Department approved the Board's redistricting plan.

29. **ORDERS OF THE DAY** (12:43 p.m.)

Chairman Bulova announced a change in the Orders of the Day to allow Supervisor Herrity to present his Board Matters next. He is the commencement speaker for his alma mater West Springfield High School, whose graduation was scheduled for the afternoon.

30. **RECOGNITION OF MR. TOM SCHAFER FOR HIS SERVICE TO THE COUNTY (BRADDOCK AND SPRINGFIELD DISTRICTS)** (12:43 p.m.)

In a joint Board Matter with Supervisor Cook, Supervisor Herrity noted that for nearly 20 years, Mr. Tom Schafer, who is retiring in July, has been the accomplished choir director and dedicated director of music ministry at St. Bernadette's Church, a Roman Catholic parish of over 3000 families. The church, for many years in the Springfield District, is now in the Braddock District. Supervisor Herrity described Mr. Shafer's many accomplishments as outlined in the written Board matter.

Accordingly, jointly with Supervisor Cook, Supervisor Herrity asked unanimous consent that the Board direct staff to invite Mr. Shafer to appear before the Board to be presented with a resolution recognizing him for his exceptional service which has contributed to the overall quality of life in the County. Without objection, it was so ordered.

PMH:pmh

31. **NATIONAL HISTORY BEE BOWL** (12:45 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay said that the National History Bee and the National History Bowl are nationwide academic quiz competitions for high school students in grades 9-12. The inaugural year's Bee final rounds were held at George Washington's Mount Vernon Estate and Gardens. The Bowl final rounds were held elsewhere in the National Capital area.

Similar to the national bees held in spelling (sponsored by the Scripps-Howard newspapers) and geography (sponsored by the National Geographic Society), students and teams which have prevailed in State and regional tournaments around the country advanced to the national finals, which were held in the Washington, DC metropolitan area. The winner of the 2011 National History Bee in the varsity bracket (eleventh and twelfth grades) was Mark Jesse Arildsen of

Brentwood, Tennessee. The Bee winner in the junior varsity bracket (ninth and tenth grades) was Nicholas Brumfield of Vienna, WV. The team from Maggie L. Walker Governor's School for Government and International Studies in Richmond, VA, won the 2011 National History Bowl, with the team from Parkersburg High School in Parkersburg, WV finishing second.

As the host destination for the Bee finals, Visit Fairfax, the official destination marketing organization for the County donated \$1,000 in prize money, which was awarded among the top four Bee finishers. Visit Fairfax President and CEO Barry H. Biggar made the prize announcements at the Bee finals on April 17. In addition to supporting this inaugural national event, Visit Fairfax also supports Mount Vernon in its efforts to ensure that the Finals of the Bee are held there every year.

Both events are the brainchild of David Madden of Teaneck, New Jersey, a former 19-day *Jeopardy!* Champion. Mr. Madden used a portion of his more than \$400,000 in *Jeopardy!* winnings to underwrite many of the start-up administrative and overhead costs of conducting the state, regional, and national finals of the two events.

Additional information about the Bee and the Bowl may be found on the Web sites for the respective events, at www.historybee.org, and www.historybowl.org.

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

- Mr. Madden to appear before the Board at an appropriate time to be congratulated on this amazing undertaking and for hosting at the home of George Washington
- Mrs. James Rees, the executive director of Mount Vernon and Mr. Barry Biggar, President and CEO of Visit Fairfax to participate

Without objection, it was so ordered.

32. **SOUTH COUNTY SECONDARY VARSITY BASEBALL TEAM (MOUNT VERNON DISTRICT)** (12:48 p.m.)

On behalf of Supervisor Hyland, Supervisor McKay announced that Coach Mark Luther and the South County Secondary School varsity baseball team have had an amazing season to include an overall record of 28-1, with an undefeated regular season. Their numerous accomplishments include State Runner Up, Northern Regional Champion, Patriot District Champion, and Mingo Bay Classic Champion.

The player accomplishments are also very impressive. This South County team has one player All-State, three players All-Met, four players All-Region, six players All-District, and four players who will go on to play college baseball on scholarships. This winning team has been led by Coach Mark Luther, who is the Northern Region and Patriot District Coach of the Year.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite the South County Secondary School boys' varsity baseball team and its coaches to appear before the Board for recognition on July 26. Without objection, it was so ordered.

33. **STUDENT APPOINTMENT TO THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (MOUNT VERNON DISTRICT)**
(12:49 p.m.)

(APPT) On behalf of Supervisor Hyland, Supervisor McKay said that EQAC has recommended that the Board appoint Miss Katherine Pfleeger as the student representative to EQAC for a one year term to begin on July 1, 2011. Ms. Pfleeger is a resident of the Mount Vernon District and is entering her senior year at The Madeira School.

Therefore, Supervisor McKay moved the appointment of Miss Katherine Pfleeger as the Student Representative of EQAC, for a term to run from July 1, 2011, through June 30, 2012. Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

34. **CONGRATULATIONS TO BRETT KENNEY, CHIEF OF STAFF FOR THE MOUNT VERNON DISTRICT SUPERVISOR** (12:51 p.m.)

Supervisor McKay congratulated Brett Kenney, Chief of Staff for the Mount Vernon District Supervisor, on the recent birth of his child.

35. **REVIEW OF COUNTY TAXICAB RATES** (12:51 p.m.)

(BACs) Supervisor Hudgins said that taxicab service is a vital and integral part of the public transportation system in the County. It is also the sole source of income and livelihood for most of the taxi operators. In 1958, the Board adopted an ordinance to license and regulate the operation of cabs and determine the rates charged, which are governed under Section 84.1-6-2 of the County's Code. The code stipulates that taxicab rates, fares, and charges will be periodically evaluated to determine if an adjustment is needed. The established charges should reflect annual inflation rates, as well as underlying operating costs, such as the gasoline prices, and if applicable, the daily or monthly leasing costs to taxicab drivers by the cab companies.

The last time the taxicab rates were adjusted was October 2008. Since that time, there have been wide fluctuations in gasoline prices, which recently exceeded

\$4 per gallon, as well as moderate annual inflation in these past three years. With the increasing cost of living in the County and the surrounding area, it has become more difficult for taxicab operators to achieve a living wage.

Therefore, Supervisor Hudgins moved that the Board direct staff to re-evaluate the County's taxicab rates and surcharges, including the method in which rates are assessed to take into account the miles traveled as well as the number of trips, and report with any recommended changes needed to reflect the 2011 conditions, as well as the expected 2012 conditions, when any changes in rates are most likely to become effective. Chairman Bulova seconded the motion.

Following discussion of the taxicab rates and surcharges and the process in which rates are assessed, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked that the Consumer Protection Commission also review this issue, and this was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

36. **LADY WARHAWKS CAPTURE STATE LACROSSE CROWN (HUNTER MILL DISTRICT)** (12:55 p.m.)

Supervisor Hudgins said that the James Madison High School girls' lacrosse team completed a remarkable season this year. The team was undefeated this season and captured the Liberty District and Northern Virginia Regional championships. Last week, it capped its run with a victory over neighbor Oakton High School for the State championship.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite members of the James Madison High School girls' lacrosse team to appear before the Board and be recognized for their noteworthy accomplishments. Without objection, it was so ordered.

37. **RETIREMENT OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) DEPUTY DIRECTOR MARY A. STEVENS** (12:56 p.m.)

Supervisor Hudgins announced that Mary A. Stevens, Deputy Director of the HCD, will be retiring on July 4, 2011, after 24 years of service to the County. Supervisor Hudgins referred to her written Board Matter outlining Ms. Stevens' many accomplishments and asked unanimous consent that the Board direct staff to invite Ms. Stevens to appear before the Board to be recognized for her years of service to the County. Without objection, it was so ordered.

38. **OUT-OF-TURN PLAN AMENDMENT FOR THE ELEVEN OAKS SCHOOL SITE (BRADDOCK DISTRICT)** (12:57 p.m.)

Supervisor Cook said that on June, 18, 2007, the Board approved the sale of the Eleven Oaks School site, located at 10515 School Street [Tax Map 57-4 ((1)) lots 1A, 1, 3 and 7], to the City of Fairfax. This approval followed a declaration by the School Board that the property was considered to be surplus and allowed by Fairfax County Public Schools (FCPS) to retain the proceeds from the sale for the funding of other construction, renovation, and maintenance requirements. The site is currently bisected by George Mason Boulevard which was constructed by the City of Fairfax in 2008.

The land in question is located in the George Mason Community Planning Sector in the Braddock District and is currently planned for public facilities, governmental, and institutional use. However, the land is no longer needed by either the County or the City for such purposes, and the City recently issued a Request for Proposals to redevelop this site; subsequently selecting Madison Homes to become the contract purchaser. Madison Homes has now requested an out-of-turn comprehensive plan amendment for the Eleven Oaks site, and this request has been formally supported by the City. Madison Homes proposes to develop this site with townhouses on the western portion of the site at a density of five to eight homes per acre and single family homes at a density of three homes to the acre on the eastern segment. Should a plan amendment be approved, the site would then be subject to a rezoning.

Supervisor Cook explained that an issue that remains unresolved on this parcel is its current use by FCPS as a parking lot for 51 school buses. Under a contract agreement between the City and FCPS, a new location for the buses must be identified before any redevelopment can take place. He said that it would not be his intent to allow a rezoning to proceed until a location for the buses has been identified.

Supervisor Cook said a Plan amendment would take at least six to eight months to complete, including necessary steps to secure community involvement in this process.

Therefore, Supervisor Cook moved that the Board:

- Authorize the consideration of this proposed out-of-turn amendment to the Comprehensive Plan.
- Direct staff to begin the process of re-planning this area to allow residential use at a density not to exceed eight homes to the acre.

Chairman Bulova seconded the motion.

Following discussion of the motion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Hyland being out of the room.

39. **UNFUNDED MANDATES** (1:02 p.m.)

Supervisor Smyth referred to the Virginia Association of Counties (VACo) newsletter regarding the schedule of State mandates on local governments that will be subject to fiscal impact review during Fiscal Year 2012 review.

Supervisor Smyth asked unanimous consent that the Board direct staff to report with the cost of these mandates.

Following discussion of mandates, with input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

40. **RECOGNIZING LANGLEY HIGH SCHOOL BOYS' LACROSSE TEAM - 2011 STATE CHAMPIONS (DRANESVILLE DISTRICT)** (1:05 p.m.)

Supervisor Foust congratulated the Langley High School boys' lacrosse team for winning the Virginia High School League's State tournament and becoming State Lacrosse champions. The Saxons clinched the title on June 11 against the Chantilly Chargers at Westfield High School by a score of 17-8.

Supervisor Foust asked unanimous consent that the Board direct staff to invite the Langley Saxons boys' lacrosse team, their coaches, and school administrators to appear before the Board on July 26 to be recognized for their outstanding achievement. Without objection, it was so ordered.

41. **RECOGNIZING McLEAN HIGH SCHOOL GIRLS' SOCCER TEAM - 2011 STATE CHAMPIONS (DRANESVILLE DISTRICT)** (1:06 p.m.)

Supervisor Foust congratulated the McLean High School girls' soccer team for winning the Virginia Group AAA State championship. The Highlanders clinched the title on June 11 with a 3-2 victory over Frank W. Cox High School. This is the first State soccer title for the McLean girls.

Supervisor Foust asked unanimous consent that the Board direct staff to invite the McLean girls' soccer team, coaches, and school officials to appear before the Board on July 26 to be recognized for their outstanding achievement. Without objection, it was so ordered.

42. **RECESS/CLOSED SESSION** (1:06 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 Virginia Electric and Power Company, PUE-2011-00027 (Va. State Corp. Comm'n) (County-wide)
 - 2. *Carolyn McKay Sydnor v. Fairfax County, Virginia*, Record No. 11-1573 (U.S. Ct. of App. For the Fourth Cir.)
 - 3. *Nicholas W. Jones v. David M. Rohrer, Chief, Fairfax County Police, Anthony H. Griffin, County Executive, Sharon Bulova, Chairman, Fairfax County Board of Supervisors, and David Bobzien, County Attorney*, Case No. 2011-6511 (Fx. Co. Cir. Ct.)
 - 4. *Beatriz Karina Roa v. Fairfax County, Chairman Sharon Bulova, David Bobzien, Esq., Oakton Fire and Rescue Department, Jason G. Pryor and Man Y. Li*, Case No. CL-2010-0008673 (Fx. Co. Cir. Ct.)
 - 5. *The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificate Holders of CWABS, Inc. Asset-Backed Certificate Series 2004-15 v. Fairfax County Redevelopment and Housing Authority*, Case No. CL-2010-0015209 (Fx. Co. Cir. Ct.) (Springfield District)
 - 6. *PRLAP, Inc., Trustee, v. Fairfax County Redevelopment and Housing Authority, Fairfax*

- County Board of Supervisors, Tram K. Le, Phong Q. Le, and Carriage Lawn at Barkley Homeowners Association, Inc.*, Case No. CL-2011-0007515 (Fx. Co. Cir. Ct.) (Providence District)
7. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
 8. *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)
 9. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
 10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mounir Badawy*, Case No. CL-2010-0010675 (Fx. Co. Cir. Ct.) (Dranesville District)
 11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pong Y. Oclarien*, Case No. CL-2010-0013636 (Fx. Co. Cir. Ct.) (Mason District)
 12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
 13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Lagarteira and Maria A. Lagarteira*, Case No. CL-2007-0014790 (Fx. Co. Cir. Ct.) (Mason District)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edward E. Ankers, Jr., and Edward E. Ankers, III*, Case No. CL-2006-0010511 (Fx. Co. Cir. Ct.) (Hunter Mill District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ximena Escudero and Thomas Escudero*, Case No. CL-2011-0003245 (Fx. Co. Cir. Ct.) (Mason District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven Nagy and Rosario Nagy*, Case No. CL-2010-0017883 (Fx. Co. Cir. Ct.) (Providence District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marsha G. Savage*, Case No. CL-2010-0013693 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dao Gi Trieu and Phuong Hien Tran Trieu*, Case No. CL-2011-0005001 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lans A. Fofana*, Case No. CL-2010-0008229 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. James R. Zenteno and Marcela Montequin*, Case No. CL-2011-0002055 (Fx. Co. Cir. Ct.) (Lee District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James E. Jones and June V. Jones*, Case No. CL-2011-0001908 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chang Ai Gregory*, Case No. CL-2011-0000625 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Ayala and Olimpia T. Amaya, a/k/a Olimpia T. Ayala*, Case No. CL-

- 2011-0004001 (Fx. Co. Cir. Ct.) (Springfield District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khalil Arbid*, Case No. CL-2011-0003120 (Fx. Co. Cir. Ct.) (Dranesville District)
 26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wiman P. Rodriguez*, Case No. CL-2010-0014969 (Fx. Co. Cir. Ct.) (Braddock District)
 27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Stapleton and Jorge J. Vivanco*, Case No. CL-2011-0002182 (Fx. Co. Cir. Ct.) (Mason District)
 28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Saghi Tehran*, Case No. CL-2011-0007474 (Fx. Co. Cir. Ct.) (Dranesville District)
 29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor Diaz and Myrnal A. Hernandez*, Case No. CL-2011-0007503 (Fx. Co. Cir. Ct.) (Providence District)
 30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Great Falls Haven, LLC*, Case No. CL-2011-0007764 (Fx. Co. Cir. Ct.) (Dranesville District)
 31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ashton D. Berry*, Case No. CL-2011-0007765 (Fx. Co. Cir. Ct.) (Providence District)
 32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
 33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos C. Cadenas and Leda S. Cadenas*, Case No. CL-2011-0007876 (Fx. Co. Cir. Ct.) (Mason District)

34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bachtuyet Nguyen, a.k.a. Bachtuyet Thi Nguyen, and Anh T. Nguyen*, Case Nos. 2011-0011796 and 2011-0011797 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *Dolores Davis v. County of Fairfax*, Record Number 100632, Virginia Supreme Court
- *Franconia Two, LP v. Board of Supervisors of Fairfax County, Virginia*, CL-2010-0018302
- *Commonwealth of Virginia, ex rel. FX Analytics v. The Bank of New York Mellon Corporation*, CL-2009-0015377
- Code of Fairfax County Sections 3-2-57 and 3-3-57

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

DAL:dal

At 4:07 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Herrity, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:07 p.m.)

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

Chairman Bulova noted that Supervisor Herrity was not present for closed session because he was delivering the commencement address at a high school graduation, and will be returning later in the meeting.

44. **AUTHORIZATION TO FILE TESTIMONY IN THE BIENNIAL REVIEW RATE CASE FILED BY VIRGINIA ELECTRIC AND POWER COMPANY** (4:08 p.m.)

Supervisor Hyland 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 biennial review rate case filed by Virginia Electric and Power Company, PUE-2011-00027, as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

DET:det

AGENDA ITEMS

45. **3:30 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), REGARDING DESIGN OF PUBLIC STREETS AND SIDEWALKS** (4:09 p.m.)

(NOTE: On June 7, 2011, the Board held a public hearing regarding this item and deferred decision until June 21, 2011.)

Supervisor Frey moved to defer decision on proposed amendments to the PFM, regarding design of public streets and sidewalks, until **July 12, 2011, at 3:30 p.m.** Supervisor McKay and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

46. **3:30 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-026 (GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP) (MASON DISTRICT)** (4:11 p.m.)

(NOTE: On April 26, 2011, the Board held a public hearing regarding this item and deferred decision until May 24, 2011. On May 24, 2011, the Board deferred decision on this item until June 21, 2011.)

Supervisor Gross moved:

- Approval of Special Exception Application SE 2009-MA-026, subject to the development conditions dated June 14, 2011.
- Approval of Resource Protection Area (RPA) Encroachment Exception 25172-WRPA-001-2, subject to the development conditions dated June 14, 2011.

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

Because of the unusual nature of the development conditions that have been approved, Supervisor Gross asked unanimous consent that the Board direct staff of the Department of Public Works and Environmental Services to provide ombudsman assistance to the property owner. Without objection, it was so ordered.

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-C-066-02 (HUNTER MILL COUNTRY DAY SCHOOL, INCORPORATED TR) (HUNTER MILL DISTRICT)**
(4:15 p.m.)

The application property is located at 2021 Hunter Mill Road, Tax Map 27-4 ((1)) 3.

Ms. Elizabeth A. Potemra reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Hudgins moved approval of:

- Special Exception Amendment Application SEA 86-C-066-02, subject to the development conditions dated June 21, 2011.
- Modifications of the transitional screening and waivers of the barrier requirements along the northern and southern property lines in favor of the existing vegetation and barriers depicted on the SEA Plat.
- A waiver of the stream valley trail requirement.
- A waiver of construction on the on-road bike lane.

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

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-DR-030 (SHELTER DEVELOPMENT, LLC) (DRANESVILLE DISTRICT)**
(4:24 p.m.)

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2010-DR-030 until **July 26, 2011, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

ADDITIONAL BOARD MATTER

49. **HAPPY BIRTHDAY TO DIANNE TOMASEK, RESEARCH ASSISTANT, OFFICE OF THE CLERK TO THE BOARD** (4:24 p.m.)

Chairman Bulova announced that today is the birthday of Dianne Tomasek, Research Assistant, Office of the Clerk to the Board. On behalf of the Board, she wished her a happy birthday.

AGENDA ITEMS

50. **3:30 P.M. – JOINT PH ON THE PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2012 THROUGH 2017 AND FY 2012 BUDGET** (4:25 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Post* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 6 and June 13, 2011.

Kenneth Kanownik, Transportation Planner II, Coordination and Funding Division, Department of Transportation (DOT), presented opening remarks. Leonard Siegel, Arlington/Fairfax Preliminary Engineering Manager, Virginia Department of Transportation (VDOT), presented detailed remarks on the following projects:

- Centreville Road (Route 657 – Project Number 16507)
- Stringfellow Road (Route 645 – Project Number 60864)
- Telegraph Road (Route 611 – Project Number 11012)
- Beach Mill Road (Route 03 – Project Number 84385)
- Guinea Road (Route 651 – Project Number 97219)
- Extension of the box culvert to widen Lee Road (Project Number 92143)

Discussion ensued concerning the timeframe for completion of Project 11012, with input from Jan Vaughan, Assistant Manager, Arlington/Fairfax Preliminary Engineering, VDOT, concerning right-of-way acquisitions. Supervisor McKay noted an upcoming meeting with VDOT and asked unanimous consent that the Board staff direct to provide information concerning the scheduling of this project at that time. Without objection, it was so ordered.

Chairman Bulova stated that projects were being completed with money formerly allocated in previous years. She noted that the charts depicted in the Board Agenda Item dated June 21, 2011, contain no money for years 2012 on, other than remnants of funding from previous years. Input followed from Tom Biesiadny, Acting Director, DOT, recommending reallocating balances from completed projects to complete projects currently in the program. He added that unless there is a change, there will be no new projects in the secondary road program.

Discussion continued concerning billions of dollars in State revenue sources, with input from Mr. Biesiadny, concerning the wide latitude given the Commonwealth Transportation Board (CTB) in allocating those funds which do not flow through the traditional formulas that fund the secondary road program, the primary road program, and the urban program for cities and towns. Mr. Biesiadny noted that there is funding in the program for projects in the County; however the money does not come through channels which would allow the Board to make funding decisions.

Discussion continued concerning State funding of secondary roads.

Additional discussion followed, with input from Mr. Biesiadny concerning:

- CTB funding of projects listed in Attachment II of the Board Agenda Item dated June 21, 2011
- Total available excess funds
- CTB-funded projects as proposed by the Governor

Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a list of secondary programs that had been zeroed out. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to determine the cost of the zeroed out programs and the cost to the County to complete those programs. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion continued concerning the absence of funding for such fundamental services as signal installation and traffic calming measures.

Following the public hearing, which included testimony by one speaker, discussion ensued concerning Project Number 84385, with input from Mr. Siegal concerning an upcoming public hearing.

Supervisor McKay moved approval of the Secondary System Construction Program for FY 2012 through 2017. Supervisor Hyland seconded the motion and it carried by unanimous vote.

51. **4 P.M. – PH ON AREA PLANS REVIEW (APR) ITEM 09-IV-13MV, FOR PROPERTY GENERALLY LOCATED IN THE VICINITY OF SHERWOOD HALL LANE, HOLLAND ROAD, AND HINSON FARM ROAD (MOUNT VERNON DISTRICT)** (4:52 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 June 3 and June 10, 2011.

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

Following the testimony of Mr. Patrick Rea (Speaker 1), discussion ensued concerning:

- Support of the Mount Vernon Council of Citizens' Associations
- Hospital expansion in phases

Following the testimony of Ms. Sarah Hall (Speaker 2), discussion ensued concerning:

- A transportation agreement
- Addressing exiting the campus in the Special Exception application

Following the testimony of Ms. Queenie Cox (Speaker 3), discussion ensued concerning revised language.

Following the testimony of Mr. Christopher Granger (Speaker 4), discussion ensued concerning the quality of care provided by the hospital.

Following the public hearing, which included testimony by four speakers, Mr. Klibaner presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of the plan language as written in his handout dated June 21, 2011, for APR Item 09-IV-13MV, which contains minor wording changes and modifications to the transportation conditions mutually agreed to by staff and INOVA. Supervisor McKay seconded the motion.

Following additional remarks by Supervisor Hyland and Supervisor McKay, the question was called on the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

52. **INTRODUCTION OF INTERN IN THE OFFICE OF THE CLERK TO THE BOARD** (5:33 p.m.)

Chairman Bulova introduced Shary Tchatchouang, an intern in the Office of the Clerk to the Board. She is a recent graduate of Fairfax High School, will be attending American University in the fall, and is a resident of the Providence District. On behalf of the Board, Chairman Bulova warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

53. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITY STANDARDS), SECTIONS 30-3-2, 30-3-4, AND 30-3-6, RELATING TO NATIONAL BACKGROUND CHECKS FOR APPLICANTS FOR A HOME CHILD CARE FACILITY PERMIT AND TO THE ADMINISTRATION OF MEDICATION IN HOME CHILD CARE FACILITIES** (5:33 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

Anne-Marie D. Twohie, Director, Office for Children, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facility Standards), Sections 30-3-2, 30-3-4, and 30-3-6, relating to national background checks for applicants for a home child care facility permit and to the administration of medication in home child care facilities. Supervisor Hudgins seconded the motion.

Discussion ensued with input from Ms. Twohie concerning:

- An effective date of July 1, 2011

- Implementation of background checks on an as-needed basis

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

54. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SKYLINE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 31 (MASON DISTRICT)** (5:42 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

Hamid Majdi, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Gross stated she had an item to submit for the record.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Skyline RPPD, District 31. The proposed RPPD expansion includes the following street blocks: South Fourteenth Street (Route 912) east side only, from South Greenbrier Street to the southern boundary of 6-23((6)) parcel 6 and South Greenbrier Street south side only, from South Fourteenth Street to the Arlington County line. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins being out of the room.

55. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 20 (DRANESVILLE DISTRICT)** (5:45 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

Hamid Majdi, Transportation Planner II, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Foust submitted an item for the record.

Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Langley RPPD, District 20. The proposed RPPD expansion includes the following street block: Ridge Drive (Route 6090) from Urslin Court south to Ridge Drive. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Herrity being out of the room.

56. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7651 ROYSTON STREET, ANNANDALE, VA 22003 (BRADDOCK DISTRICT)** (5:53 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

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

Following the testimony of TJ O'Brien (Speaker 1), discussion ensued concerning the timing issue, with input from Ms. Phillips concerning the process.

Following the public hearing, which included testimony by one speaker, Supervisor Cook submitted an item for the record.

Supervisor Cook moved:

- Adoption of the Ordinance declaring 7651 Royston Street, Annandale, VA 22003 blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7651 Royston Street.

The blight abatement plan is to demolish the structures, clear the lot, and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map Number 070-4-((02))-0049. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

57. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 3412 ARNOLD LANE, FALLS CHURCH, VA 22042 (PROVIDENCE DISTRICT)** (6:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

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

Following the public hearing, which included testimony by one speaker, discussion ensued concerning:

- Date of demolition as provided for in the signed contract
- Other problematic properties of the owner

Supervisor Smyth moved:

- Adoption of the Ordinance declaring 3412 Arnold Lane, Falls Church, VA 22042 blighted, constituting a nuisance.
- Approval of the blight abatement plan for 3412 Arnold Lane.
- That it be done quickly.

The blight abatement plan is to demolish the structure, clear the lot, and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map Number 060-1-((04))-0004. Supervisor Gross 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."

58. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6328 MILLER DRIVE, ALEXANDRIA, VA 22315 (LEE DISTRICT)** (6:13 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

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

Following the public hearing, Supervisor McKay moved:

- Adoption of the Ordinance declaring 6328 Miller Drive, Alexandria, VA 22315 blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6328 Miller Drive.

The blight abatement plan is to demolish the structure, clear the lot, and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map Number 091-3-((06))-03-0004A. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Hudgins being out of the room.

59. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6801 CUSTIS PARKWAY, FALLS CHURCH, VA 22042 (PROVIDENCE DISTRICT)** (6:17 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

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

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved:

- Adoption of the Ordinance declaring 6801 Custis Parkway, Falls Church, VA 22042 blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6801 Custis Parkway.

The blight abatement plan is to demolish the structures, clear the lot, and collect costs of blight abatement, including County overhead, from the owners of this property, Tax Map Number 050-4-((05))-0450. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

60. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6516 BEULAH STREET, ALEXANDRIA, VA 22310 (LEE DISTRICT)**
(6:21 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 3 and June 10, 2011.

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

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Alan Weiss, Assistant County Attorney, concerning:

- The owner's compliance efforts.
- Board latitude in setting the effective date of the Ordinance.

Supervisor McKay moved:

- Adoption of the Ordinance declaring 6516 Beulah Street, Alexandria, VA 22310 blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6516 Beulah Street, subject to a date of 30 days from today.

The blight abatement plan is to demolish the structures, clear the lot, and collect costs of blight abatement, including County overhead, from the owners of this property, Tax Map Number 091-1-((01))-0052. Supervisor Gross seconded the motion and it carried by a unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

Chairman Bulova noted that the owner had an offer from Supervisor McKay to work with his office and staff to try and resolve this matter prior to the blight designation.

61. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 27, TO ESTABLISH A LOCAL TAX EXEMPTION PROGRAM TO ALLOW A TRANSFER IN TITLE FOR PREVIOUSLY EXEMPTED AFFORDABLE HOUSING PROVIDERS** (6:39 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 issue of June 10, 2011.

Kevin C. Greenlief, Director, Department of Tax Administration, presented the staff report.

Following the public hearing, which included testimony by five speakers, discussion ensued, with input from Mr. Greenlief, concerning turnaround time.

Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 27, establishing a local tax exemption program to allow a transfer in title for previously exempted affordable housing providers. Supervisor Cook, Supervisor Gross, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

62. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 6 (WEAPONS) AND APPENDIX J, DESIGNATING WHERE FIREARMS AND PNEUMATIC GUNS MAY NOT BE SHOT** (6:53 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 10 and June 17, 2011.

Chairman Bulova stated that this is legislation that was passed in the General Assembly and the action before the Board is to bring the Code of the County in concert with the State Code. She noted that the language being distributed is an exact copy of what the General Assembly reported, which is different than what was originally advertised.

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

Discussion ensued with input from Mr. Ferris and Michael Long, Deputy County Attorney, concerning:

- Current County requirements

- Process
- Clarification of State law

Discussion continued concerning consequences of shooting onto a property without prior permission, with input from David P. Bobzien, County Attorney, and Mr. Long, concerning:

- Enforcement
- Actionable offenses
- Reasonable care

Mr. Bobzien noted that in preparing the rewrite of Section 6-1-21, as handed out, there was a typographical error to (3) which he corrected as follows:

- Change present to prevent

Following the testimony of Mr. Van Cleave (Speaker 2), discussion ensued concerning BB versus pellet guns.

Following the testimony of Mr. Thomas Pike (Speaker 3), discussion ensued concerning County schools with shooting teams.

Following the public hearing, which included testimony by five speakers, Chairman Bulova restated the reason for Board action with input from Mr. Bobzien concerning conforming the County Code to legislation passed by the General Assembly which becomes effective July 1.

Discussion ensued concerning striking County restrictions on traversing a public school ground or public park while in possession of a pneumatic gun, with input from Erin Ward, Assistant County Attorney.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to determine whether Schools are allowed to continue to restrict the carrying of weapons or having weapons on School grounds. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor McKay asked unanimous consent that the Board direct staff to determine the applicability to public parks as well. Without objection, it was so ordered.

Following input from Ms. Ward concerning the School's ability to impose additional restrictions on students and teachers, discussion continued concerning the discharge of a BB gun on school property, with input from Mr. Long.

Additional input ensued from Mr. Bobzien concerning discharge and possession of a pneumatic gun while on school or park grounds.

Mr. Long noted that the Board needs to take action on this matter prior to July 1.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 6 (Weapons) and Appendix J, designating where firearms and pneumatic guns may not be shot, as corrected (substitution of "prevent" for "present"). Supervisor Hyland seconded the motion.

Discussion ensued concerning whether the Board is striking more language than it needs to, with input from Mr. Long, concerning changes made by the General Assembly over the years which further restrict local government authority over firearms.

Following input from Mr. Bobzien concerning a review of Section 6-1-2.1 after Board action, Supervisor McKay asked unanimous consent to direct staff to determine whether it was the intent of the legislator who introduced this in the General Assembly to allow people to carry BB guns without permission into public schools. Without objection, it was so ordered.

Discussion ensued concerning changes to the County's authority, with input from Mr. Bobzien and Mr. Long.

Supervisor McKay moved a substitute motion to Section 6-1-2.1 of the hand-out to retain the language discussed about public school grounds and public parks for the purpose of traversing the park while in possession of a pneumatic gun and remove the strike in that sentence and otherwise approve the item.

Following additional input from Mr. Bobzien concerning retention of that language, Supervisor McKay corrected his motion to read:

- ~~...discharge any such pneumatic gun within 100 yards of a public school ground or a public park.~~ And no person shall traverse a public school ground, or a public park while in possession of a pneumatic gun.

Following discussion, Supervisor Frey accepted the substitute as an amendment to his motion.

Following additional discussion concerning the legislative authority for the language and subsequent Board action, Supervisor McKay restated the amendment. Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to determine if it is consistent with State Code. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

63. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT ST11-IV-LP1, VILLAGE OF ACCOTINK, LOCATED ON RICHMOND HIGHWAY (US ROUTE 1) AT THE JUNCTURE OF BACKLICK ROAD, EAST OF FAIRFAX COUNTY PARKWAY (MOUNT VERNON DISTRICT)**
(7:47 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 May 20 and May 27, 2011.

Marianne R. 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 two speakers, Ms. Gardner presented the staff and Planning Commission (PC) recommendations.

Supervisor Hyland moved approval of Plan Amendment ST11-IV-LP1, as recommended by the PC, as shown in the handout dated May 24, 2011 as Attachment 3 in the Board Agenda Item dated June 21, 2011. Supervisor McKay seconded the motion.

Discussion ensued concerning the location, with input from Laurie Turkawski, Historian, Planning Division, Department of Planning and Zoning, regarding historic sites.

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

64. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:57 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 June 3 and June 10, 2011.

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

The public hearing was held and included testimony by the following individuals:

- Mr. Paul Craven, regarding Hopewell House.
- Mr. Will Radle, regarding achieving fairness for County taxpayers and students.
- Mr. John Wyatt, regarding Hopewell House.

Following the testimony of Mr. Craven, discussion ensued concerning the location and development on the property. Supervisor Frey stated that this is currently in the Springfield District and Supervisor Herrity's staff and the Zoning Administrator are reviewing this and a response will be forthcoming.

Chairman Bulova noted that Supervisor Cook and Supervisor Herrity were attending a County graduation.

65. **BOARD ADJOURNMENT** (8:13 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-5
Annual Report of the Small Business Commission	5
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	6-11
Items Presented by the County Executive	
Administrative Items	11-15
Action Items	15-17
Information Items	17-18
Board Matters	
Chairman Bulova	18
Supervisor Cook	2, 21, 25
Supervisor Foust	3, 26
Supervisor Frey	2, 19-20
Supervisor Gross	n/a
Supervisor Herrity	21
Supervisor Hudgins	23-24
Supervisor Hyland	2, 21-23
Supervisor McKay	20-21
Supervisor Smyth	26
Actions from Closed Session	31-32
Public Hearings	32-47