



# ***CLERK'S BOARD SUMMARY***

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

**TUESDAY  
September 27, 2011**

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**18-11**

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**DET:det**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, September 27, 2011, at 9:37 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; R. Scott Wynn, Deputy County Attorney; Cynthia L. Tianti, Deputy County Attorney; Catherine A. Chianese, Assistant County Executive; Angela Schauweker, Management Analyst II, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Jill Decker, a 50 year resident of Virginia, who died recently. She served on a variety of town boards and community organizations and whose presence in Vienna will be missed. Supervisor Hudgins noted that while Ms. Decker was a journalist by profession, she became an author in her retirement.

Supervisor Hudgins asked everyone to keep in thoughts the family of Vera Hannigan, an active member of the Reston community for a very long time, who recently died.

**AGENDA ITEMS**2. **PROCLAMATION DESIGNATING OCTOBER 9 – 15, 2011, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (9:39 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate October 9 - 15, 2011, as "*Fire Prevention Week*" in Fairfax County. Supervisor Gross seconded the motion.

Following discussion concerning efforts by firefighters after the flooding in the Huntington section of the County and upcoming fire station open houses, the question was called on the motion and it carried by unanimous vote.

A report by Battalion Chief Carlton Burkhammer, Fire Department Division, Department of Fire and Rescue, followed and included an invitation to attend Open Houses at County Fire Stations on October 15 from 10 a.m. to 4 p.m.

3. **PROCLAMATION DESIGNATING OCTOBER 10 – 14, 2011, AS "OPERATION MEDICINE CABINET CLEANOUT WEEK" IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 10 – 14, 2011, as "*Operation Medicine Cabinet Cleanout Week*" in Fairfax County. Supervisor McKay seconded the motion and it carried by unanimous vote.

Discussion ensued concerning the disposal of unused or expired medication by bringing them to a local County district police station anytime from October 10 through October 14, and a reminder not to flush unused medications down the toilet.

4. **PROCLAMATION DESIGNATING OCTOBER 2011 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:02 a.m.)

Supervisor Cook moved approval of the Proclamation to designate October 2011 as "*Domestic Violence Awareness Month*" in Fairfax County. Supervisor Gross seconded the motion.

Discussion ensued concerning the:

- Coordinated Community Response on Domestic Violence
- Importance of inclusion of all residents

Supervisor Frey promoted efforts by the Police Department, through the annual K-9 Krawl, which was created to bring awareness to the connection between animal cruelty and the link to domestic violence later in life. He said the event will be held at the Government Center on October 15 with an 8 a.m. registration and the walk starting at 9 a.m.

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

5. **PROCLAMATION DESIGNATING NOVEMBER 2011 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:14 a.m.)

Supervisor Herrity moved approval of the Proclamation to designate October 2011 as "*Adoption Awareness Month*" in Fairfax County. Supervisor Foust and Supervisor McKay jointly seconded the motion.

Discussion ensued concerning:

- The need in the County for adoptive parents
- The reward for both the child and the family
- The work of staff to raise awareness of adoption and who actively participate in the process

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

6. **PROCLAMATION DESIGNATING OCTOBER 2011 AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY** (10:23 a.m.)

Supervisor Gross moved approval of the Proclamation to designate October 2011 as "*Disability Employment Awareness Month*" in Fairfax County. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Discussion ensued concerning:

- The focus on what people with disabilities **can** do since enactment of the Americans with Disabilities Act of 1990
- Recognition of the County's hallmark but the need to constantly move forward
- Inclusiveness
- Agencies serving as a model for the business community through both employment and access

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

Following her presentation, Cookie Blitz, Chair, Fairfax Area Disability Services Board, invited the Board to the Employer of the Year reception which will be held on October 25 at 7 p.m. at the Government Center. The following outstanding businesses will be honored for excelling at hiring, retaining, and promoting people with disabilities:

- Ernst and Young
- The Giant Food Store on Jermantown Road

7. **PROCLAMATION DESIGNATING OCTOBER 2 – 8, 2011, AS "MENTAL ILLNESS AWARENESS WEEK" IN FAIRFAX COUNTY** (10:35 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 2-8, 2011, as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Discussion ensued concerning:

- Identification and treatment to help individuals live fully in, and contribute tremendously to, the community
- The work of the Fairfax-Falls Church Community Services Board
- The Route One Task Force on Human Services in the Mount Vernon District
- Drop-in Centers

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

8. **PROCLAMATION DESIGNATING OCTOBER 2011 AS "CEMETERY PRESERVATION MONTH" IN FAIRFAX COUNTY** (10:49 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate October 2011 as "*Cemetery Preservation Month*" in Fairfax County. Supervisor Smyth seconded the motion.

Discussion ensued concerning the maintenance of private cemeteries, including an exceptional one as it is maintained by the family, which is in the Providence District.

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

Ms. Mary Lipsey, Fairfax County Cemetery Preservation Association, Incorporated, informed the Board of an upcoming art show, "Dying to Get In," which will be sponsored with the Springfield Art Guild to commemorate cemetery art.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

9. **10:30 A.M. – PRESENTATION OF THE ENVIRONMENTAL EXCELLENCE AWARDS** (11:05 a.m.)

(BACs) Stella Koch, Chairman, Environmental Quality Advisory Council, gave a presentation of the history of the awards which are divided into the following categories: resident; business; organization; and County employee. She then presented the Environmental Excellence Awards to:

- Organization – *Fairfax Restoration Project*
- Organization – *Department of Vehicle Services*

10. **10:45 A.M. – PRESENTATION OF THE 2011 EXCEPTIONAL DESIGN AWARDS** (11:21 a.m.)

This is the twenty-seventh year of the Exceptional Design Awards Program. The purpose of the awards program is to recognize achievement in the total design of a building and site and to create an awareness of outstanding planning and design projects among design professionals and the general public.

John F. Boland, Chairman of the Architectural Review Board and Chairman of the 2011 Exceptional Design Award Jury, gave a presentation regarding the history of the program and announced the recipients of the 2011 Exceptional Design Awards, as follows:

- *Honorable Mention Award: Bitar Cosmetic Surgery Institute*  
Category: Commercial (Interior)  
Architect: Forma Design, Incorporated  
Owner/Developer: Dr. George Bitar  
Year Built: December 2010

- *Honorable Mention Award:* Martha Washington Library  
Category: Institutional  
Architect: Ritter Architects  
Owner/Developer: Fairfax County Department of Public Works and Environmental Services  
Year Built: December 2010
  
- *Honorable Mention Award:* Planes of Light  
Category: Residential  
Architect: Susan Woodward Notkins, PC  
Owner/Developer: Name Withheld  
Year Built: 2008
  
- *Honorable Mention Award:* Potomac Lower School  
Category: Institutional  
Architect: cox graae + spack architects  
Owner/Developer: Potomac School  
Year Built: August 2009
  
- *Merit Award:* Congregation Olam Tikvah  
Category: Institutional  
Architect: Ritter Architects, PLLC  
Owner/Developer: Congregation Olam Tikvah  
Year Built: June 2010
  
- *Merit Award:* Gupta Residence  
Category: Residential  
Architect: Envision Design, PLLC  
Owner/Developer: Shashikant Gupta  
Year Built: March 2010
  
- *Merit Award:* The Lake House  
Category: Residential  
Architect: Coupard Architects and Builders  
Owner/Developer: Name Withheld  
Year Built: July 2009
  
- *Merit Award:* Thomas Jefferson Library  
Category: Institutional  
Architect: Hughes Group Architects  
Owner/Developer: Fairfax County Department of Public Works and Environmental Services  
Year Built: 2010

EBE:ebe

11. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:36 a.m.)

(APPTS)  
(BACs)

Supervisor Gross moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard September 27, 2011,” as distributed around the dais. Supervisor McKay seconded the motion.

With reference to the “Appointments to be heard September 27, 2011,” Supervisor Frey clarified that Ms. Christina Terpak-Malm has not resigned from the Chesapeake Bay Preservation Ordinance Exception Review Committee, but will continue to serve as the Sully District Representative until a replacement is appointed.

Supervisor Frey announced the resignation of Ms. Diane Tomasini Hofstadter as the Sully District Representative to the Fairfax-Falls Church Community Services Board and his nomination of Ms. Lisa Lynne Kania to fill her unexpired term.

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

Appointments and nominations are as follows:

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

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

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD**

Confirmation of:

- Mr. Nhat Minh Nguyen as the Community Services Board Representative

**ARCHITECTURAL REVIEW BOARD**

Reappointment of:

- Mr. Peter Juanpere as the Related Professional Group #5 Representative

The Board deferred the appointment of the Related Professional Group #2 Representative.

**ATHLETIC COUNCIL**

Reappointment of:

- Mr. Stephen McLaughlin as the Providence District Representative

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

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

Appointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative

The Board deferred the appointments of the Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, and Springfield District Representatives.

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

The Board deferred the appointment of the Design Professional #6 Representative.

**CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS**

Reappointment of:

- Mr. Steve Sherman as the At-Large #1 Representative
- Ms. Jill Patrick as the At-Large #3 Representative
- Mr. Peter F. Murphy as the At-Large #4 Representative

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

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

Reappointment of:

- Ms. Anne S. Kanter as the At-Large #1 Representative
- Ms. Mary Cortina as the Braddock District Representative
- Mr. Frank Crandall as the Dranesville District Representative
- Mr. Howard R. Green as the Hunter Mill District Representative

- Mr. Stephen Kirby as the Lee District Representative
- Mr. Grant Sitta as the Mason District Representative
- Dr. David W. Schnare as the Springfield District Representative

The Board deferred the appointments of the At-Large #2 Representative, Mount Vernon, Providence, and Sully District Representatives.

**CHILD CARE ADVISORY COUNCIL**

Reappointment of:

- Ms. Tamara Derenak as the Lee District Representative

The Board deferred the appointments of the Mount Vernon and Providence District Representatives.

**COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP**

Appointment of:

- Mr. Jorge E. Reyna as the Braddock District Representative

**CONSUMER PROTECTION COMMISSION**

The Board deferred the appointment of the Fairfax County #2 Representative.

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)**

Appointment of:

- Ms. Angela Greenberg as 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**

Confirmation of:

- Ms. Joan Thomas as a Long Term Care Provider Representative
- Ms. Nancy M. Commisso as a Long Term Care Provider Representative
- Ms. Cynthia Nothom as a Long Term Care Provider Representative
- Ms. Mary B. Brown as a Long Term Care Provider Representative

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

Nomination of:

- Ms. Karen Margensey as the At-Large #3 Representative
- Ms. Lisa Lynne Kania as the Sully District Representative

(NOTE: The Board is scheduled to take action on these appointments on October 18, 2011.)

**HEALTH SYSTEMS AGENCY BOARD**

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

**HUMAN RIGHTS COMMISSION**

Reappointment of:

- Ms. Gloria Crawford as the At-Large #2 Representative
- Mr. Daoud Khairallah as the At-Large #8 Representative
- Ms. Heather Lawson as the At-Large #12 Representative

The Board deferred the appointments of the At-Large #9 and #11 Representatives.

**HUMAN SERVICES COUNCIL**

The Board deferred the appointments of the At-Large #1 Chairman's Representative, and the Dranesville and the Sully District Representatives.

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**

Appointment of:

- Mr. Bhaskar Kuppusamy as the Hunter Mill District Representative

**SMALL BUSINESS COMMISSION**

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

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

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

**TRAILS AND SIDEWALKS COMMITTEE**

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

**TRESPASS TOWING ADVISORY BOARD**

Reappointment of:

- Mr. Fred Scheler as the Towing #1 Representative

Confirmation of:

- MPO Steven M. Lescallett as the Law Enforcement #1 Representative

**YOUTH BASKETBALL COUNCIL ADVISORY BOARD**

Confirmation of:

- Mr. E. J. Thomas as the Treasurer and Vienna Youth Incorporated Representative
- Mr. Dave Vennergrund as the Chairman and the Southwestern Youth Association Representative
- Mr. Gordon Austin as the Commissioner and the Burke Basketball Representative
- Mr. Alton Greene as the Secretary and the Fort Belvoir Youth Services Representative
- Mr. David Maher as a Member At-Large and the Arlington County Recreation Representative

- Mr. Grady Bryant as a Member At-Large Representative
- Mr. Frank DeLatour as the Parliamentarian and the Annandale Boys and Girls Club Alternate Representative
- Mr. Charles Chandler as the Scheduler
- Mr. Christopher Pulley as the Fairfax County Recreation Representative
- Ms. Kate Sciorra as the Boys Deputy Commissioner and the Chantilly Youth Association Representative
- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Mr. George Reid as the Annandale Boys and Girls Club Representative
- Mr. Lezone Kenney as the Annandale Boys and Girls Club Alternate Representative
- Mr. Phil McConnell as the Arlington County Alternate Representative
- Mr. Daryl Lucas as the Baileys Community Center Representative
- Mr. Soan Gibson as the Baileys Community Center Alternate Representative
- Mr. James Bosley as the Braddock Road Youth Club Representative
- Mr. Jim Watson as the Braddock Road Youth Club Alternate Representative
- Mr. Mark Tavernier as the Burke Basketball Alternate Representative
- Mr. David Posz as the Chantilly Youth Association Representative
- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative

- Mr. Marcos Poole as the Fairfax Police Youth Club Representative
- Mr. Kirk Intermill as the Fairfax Police Youth Club Alternate Representative
- Mr. Chris Madison as the Falls Church Parks and Recreation Representative
- Mr. Danny Schlitt as the Falls Church Parks and Recreation Alternate Representative
- Mr. Herb Marshall as the Fort Belvoir Youth Services Alternate Representative
- Mr. Jack Lohrer as the Fort Hunt Youth Athletic Association Representative
- Mr. Chip Gately as the Fort Hunt Youth Athletic Association Alternate Representative
- Mr. Brian Miller as the Gainesville Basketball Association Representative
- Mr. Jason Knight as the Gainesville Basketball Association Alternate Representative
- Mr. Richard Warrick as the Great Falls Basketball Representative
- Ms. Ayannah Arrington as the Gum Springs Community Center Representative
- Mr. Eric Cooksey as the Herndon Optimist Club Representative
- Mr. Chris Watari as the Herndon Optimist Club Alternate Representative
- Mr. Jimmy Bernardez as the James Lee Community Center Representative
- Ms. Kim Thompson as the Lee District Basketball Representative
- Mr. Dennis McMinn as the Lee District Basketball Alternate Representative
- Mr. Barton Phillips as the Mercer-Lunsford Basketball League Representative

- Mr. Tim Stanley as the Mercer-Lunsford Basketball League Alternate Representative
- Mr. Jeff Goettman as the McLean Youth Incorporated Representative
- Mr. Gerry Megas as the McLean Youth Incorporated Alternate Representative
- Mr. Russell Ray as the Mount Vernon Youth Athletic Association Representative
- Mr. Mitch Kalman as the Reston Youth Basketball League Representative
- Ms. Iris Kalman as the Reston Youth Basketball League Alternate Representative
- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Dermot Cashman as the Springfield-South County Youth Club Representative
- Mr. Chris Spera as the Springfield-South County Youth Club Alternate Representative
- Mr. Mike Mastrota as the Turnpike Basketball Club Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative
- Ms. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative
- Mr. Brian Sale as the Lee Mount Vernon Sports Club Representative

12. **ADMINISTRATIVE ITEMS** (11:38 a.m.)

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

Supervisor Cook called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Appendix M, to Amend the Large Area Community Parking Districts

(CPD) to Reflect 2011 Redistricting of Election/Magisterial Districts and asked unanimous consent that the Board direct staff to develop a plan to notify the affected communities through the civic and homeowner associations regarding the changes. Without objection, it was so ordered.

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

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (PROVIDENCE DISTRICT)**

(R) Approved the request that the following street be accepted into the State System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Quail Creek	Providence	Mallard Creek Trail

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (DRANESVILLE AND PROVIDENCE DISTRICTS)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **November 1, 2011, at 4 p.m.** to consider the following changes to small and local sanitary districts for refuse/recycling and/or leaf 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 6 Within Dranesville District (Wemberly Way)	Enlarge	Refuse, Recycling	Approve
Local District 1A61 Within Dranesville District (Elliott Avenue)	Enlarge	Refuse, Recycling, Leaf	Approve
Local District 1A61 Within Dranesville District (MacArthur Drive)	Enlarge	Refuse, Recycling, Leaf	Approve
Small District One Within Providence District (Idylwood Road)	Enlarge	Refuse, Recycling, Leaf	Approve

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO AMEND THE LARGE AREA COMMUNITY PARKING DISTRICTS (CPD) TO REFLECT 2011 REDISTRICTING OF ELECTION/MAGISTERIAL DISTRICTS**

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 14–15.)

Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2011, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to amend the Lee, Mount Vernon, Springfield, and Reston CPDs to reflect 2011 redistricting of election/magisterial district boundaries in accordance with the large area CPD restrictions.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE SUNSET MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 18 (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2011, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Sunset Manor RPPD, District 18. The proposed district expansion includes Scoville Street from Paul Street to Dannys Lane.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ZION COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2011, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Zion CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- *Berrywood Court (Route 7749)*  
From Grovewood Way to cul-de-sac east and west inclusive
- *Brigantine Way (Route 5100)*  
From Zion Drive to cul-de-sac inclusive
- *Burke Chase Court (Route 8134)*  
From Zion Drive to cul-de-sac inclusive

- *Groveswood Way (Route 7750)*  
From Zion Drive to Berrywood Court
- *Hilliard Lake Road (Route 6000)*  
From Zion Drive to cul-de-sac inclusive
- *Hollie Bowling Lane (Route 8135)*  
From Burke Chase Court to the end
- *Kennington Place (Route 7751)*  
From Groveswood Way to cul-de-sac inclusive
- *Zion Drive (Route 654)*  
From Jib Lane to Guinea Road

**ADMIN 6 – RESOLUTION FOR ENDORSEMENT OF FARMINGTON DRIVE, FORT DRIVE, AND EDGEHILL DRIVE TO BE CONSIDERED FOR CUT-THROUGH MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE DISTRICT)**

- (R)
- Adopted a Resolution endorsing the following streets for cut-through measures as part of RTAP:
    - Farmington Drive (between Telegraph Road and North Kings Highway)
    - Fort Drive (between Edgehill Drive and North Kings Highway)
    - Edgehill Drive (between Monticello Road and Jefferson Drive)

**ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY DISTRICT)**

- Endorsed the following traffic calming measures for Folkstone Drive as part of RTAP:
  - Two speed tables
- Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

**ADMIN 8 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-P96-57-1	Sprint Antenna collocation on existing water tank 1766 Chain Bridge Road Providence District	November 27, 2011
2232-D10-18	NewPath Networks LLC/New Cingular Wireless PCS LLC/ Sprint-Nextel Communications Modify three existing DAS nodes in the Great Falls area Dranesville District	November 28, 2011
FS-Y11-21	Sprint 14708 Mount Olive Road Antenna collocation on existing tower Sully District	December 3, 2011
FS-H11-25	AT&T Mobility/Verizon Wireless Antenna collocation on Dominion Virginia Power (DVP) static pole 11975 Lake Newport Road – DVP electrical substation Hunter Mill District	December 10, 2011
FS-D11-28	AT&T Mobility Antenna collocation on existing tower 9916 Georgetown Pike Great Falls Fire Station Dranesville District	December 12, 2011
FSA-D97-61-1	AT&T Mobility Antenna collocation on existing tower 11000 Leesburg Pike Dranesville District	December 15, 2011

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232A-D99-13-1	AT&T Mobility Antenna collocation on stealth bell tower 1089 Liberty Meeting Court Dranesville District	December 16, 2011
FSA-P00-81-1	AT&T Mobility Antenna collocation on building rooftop 11250 Waples Mill Road Providence District	December 16, 2011
FS-D09-208	District of Columbia Water and Sewer Authority Odor Control Facility in Great Falls area Dranesville District	April 9, 2012

**ADMIN 9 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-L-074-6, HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED (LEE DISTRICT)**

- (AT) Approved the request for 24 months of additional time to establish the use for Special Exception Amendment Application SEA 78-L-074-6 to September 9, 2013, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 10 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2005-LE-027, HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED (LEE DISTRICT)**

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Amendment Application SEA 2005-LE-027 to September 9, 2013, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON PART OF THE RIGHT-OF-WAY OF WILLARD ROAD (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 1, 2011, at 4 p.m.** regarding a proposal to abandon part of the right-of-way of Willard Road.

**ADMIN 12 – BOARD APPROVAL OF THE DISTRIBUTION OF A PLAIN ENGLISH INFORMATION STATEMENT FOR THE 2011 SCHOOL BOND REFERENDUM**

Authorized the preparation and printing of a plain English statement for the school bond referendum.

13. **A-1 – APPROVAL OF REVISIONS TO CHAPTERS 2, 4, 5, 7, 8, 10, 14, AND 17 OF THE FAIRFAX COUNTY PERSONNEL REGULATIONS TO ALIGN WITH FEDERAL LAW, FOCUS SYSTEM, FAIR LABOR STANDARDS ACT, AND THE DEPARTMENT OF JUSTICE REQUIREMENTS, AND TO INCORPORATE ADMINISTRATIVE UPDATES** (11:41 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approved revisions to Chapters 2, 4, 5, 7, 8, 20, 14, and 17 of the County Personnel Regulations, with the following exceptions:

- Proposed revisions to Chapter 10.22 regarding Family and Medical Leave will be referred to staff for further discussions with employee groups regarding their concerns. It is recognized that those concerns are primarily related to the implementation of the regulations rather than the actual content of the regulations, but further discussion might yield options for addressing the implementation concerns.
- Withdraw the proposed change to Chapter 10.33, which is duplicative of another section, but to address some of the issues that were raised by employee groups, it will remain in two places.
- Withdraw the proposed change to Chapter 17.4-1d, which was clarification language and is not inconsistent with State law.

Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Discussion ensued regarding the motion.

Further discussion ensued, with input from Cynthia L. Tianti, Deputy County Attorney, Office of County Attorney, and Susan Woodruff, Director, Department of Human Resources, regarding the proposed changes, the legal requirements for Civil Service Commission recommendations, and the limited nature of the revisions.

Supervisor Foust asked to amend the motion to remove Chapter 10 from the revisions and refer it to staff for review, and this was accepted.

Following a brief inquiry to Ms. Woodruff regarding the effect that removing Chapter 10 might have on the rest of the changes, Supervisor Gross asked unanimous consent to defer action on this item until later in day. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #17.)

14. **A-2 – COMMENT ON THE PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM (FCIP) – NATIONAL CAPITAL REGION, FISCAL YEARS (FY) 2012-2017** (12:03 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and authorize staff to submit comments to the National Capital Planning Commission concerning the proposed FCIP FYs 2012-2017. The majority of the projects identified in the County which are recommended for funding are located at Fort Belvoir. The comments state that the County remains concerned about the magnitude and pace of growth at Fort Belvoir and insists that the nature, location, and extent of projects be identified and fully evaluated for impacts on the surrounding area before any commitment to these projects is made. The comments support the following projects recommended in the Program:

- Pedestrian Bridge over Dulles Access and Toll Road
- Rehabilitation and Reconstruction of the Virginia Route 123 Interchange of the George Washington Parkway

Supervisor Foust seconded the motion.

Discussion ensued, with input from Fred Selden, Director, Department of Planning and Zoning, regarding the projects on the list and which projects are funded. Further discussion ensued, regarding the result of the comments and the impact that testimony has with the commission.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to provide information as to the process, what has been the experience with the National Capital Planning Commission (NCPC) weighing in, and the effect it has on whether the project goes forward or how it is changed. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Herrity asked unanimous consent that the Board direct staff to include in the draft letter to NCPC some positive feedback on the transportation improvements on the Fairfax County Parkway, the ramp off Interstate 395, the National Geospatial-Intelligence Agency Building, and the 585 jobs that resulted. Without objection, it was so ordered.

Supervisor McKay amended his motion to remove the second sentence from the last paragraph on page 254 of the draft letter that reads: “while Fairfax County has no particular objection to these specific projects,” and this was accepted.

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

15. **A-3 – COMMENTS ON DESIGN PLANS FOR THE I-95 HIGH OCCUPANCY TOLL (HOT) LANES PROJECT (MASON, LEE, AND MOUNT VERNON DISTRICTS)** (12:18 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and offer conditional concurrence with the design plans for constructing HOT Lanes on I-95/395, generally as presented at the September 26, 28, and 29, 2011, public hearings, subject to the modifications, comments, and requests for additional coordination to ensure that the project remains fully in conformance with the Board’s Environmental Agenda and the Comprehensive Plan as outlined in the Board Agenda Item dated September 27, 2011. Supervisor Gross seconded the motion.

Discussion ensued, with input from Eric Teitelman, Chief, Capital Projects and Operations Division, Department of Transportation (DOT), regarding the process to be used to address the necessity of sound walls and the policy involved in establishing sound walls.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide information on the new policy and its impact in deciding where the sound walls are established. Without objection, it was so ordered.

Further discussion ensued regarding the cost of the project and the source of funding, as well as the public and private shares of the project, and the need for transparency of the project with the public.

Discussion continued, with input from Tom Biesiadny, Acting Director, DOT, regarding the process and what happens after the letter is sent to the Virginia Department of Transportation (VDOT), the cost associated with each project, and whether the Board will have an opportunity to see how VDOT responds to the Board’s comments.

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

16. **A-4 – CONSUMER PROTECTION COMMISSION (CPC) REPORT ON ITS COMPREHENSIVE REVIEW OF THE CITY OF FALLS CHURCH’S WATER RATEMAKING PROCESS** (12:30 p.m.)

(BAC’s) Chairman Bulova acknowledged the presence of John T. Fee, Chairman of the CPC, and some of the members, and warmly welcomed them to the Board Auditorium.

Jointly with Supervisor Foust, Supervisor Hudgins, Supervisor Gross, and Chairman Bulova, Supervisor Smyth moved that the Board:

- Approve the CPC Report on its comprehensive review of the City of Falls Church’s Water Ratemaking Process (Report) dated September 20, 2011.
- Accept the Report, adopt the findings set forth on pages 28 through 30 of the Report, and endorse the recommendations made by the CPC as set forth on page 31 of the Report.
- Refer this matter to staff of the Department of Public Works and Environmental Services (DPWES) to implement the CPC’s recommendations endorsed by the Board, and that staff of DPWES work with staff of the Fairfax County Water Authority (FCWA) to establish a process whereby the FCWA can determine whether it is able to furnish water to a given location, and that DPWES staff return to the Board at its October 18, 2011, meeting with ways to implement the recommendations.

Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

A brief discussion ensued regarding the need for outreach to affected and potential customers.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked to amend the motion, with the last bulleted item to read as follows:

- “...staff of the Fairfax County Water Authority (FCWA) to establish a process **including outreach to potentially affected stakeholders including the Tysons Partnership and** whereby...”

This was accepted.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Cook asked to amend the motion, with the last bulleted item to read as follows:

- Refer this matter to staff of the DPWES, to **consider implementation of** the CPC's recommendations endorsed by this Board, and that staff of DPWES work with staff of the Fairfax County Water Authority (FCWA) to establish a process whereby the FCWA can determine whether or not it is able to furnish water to a given location, and that DPWES staff return to the Board at its October 18, 2011, meeting with **recommendations on** ways to implement the recommendations.

Discussion ensued, with input from Cynthia L. Tianti, Deputy County Attorney, and Anthony H. Griffin, County Executive, regarding the impact on water provisions in the County, equity amongst residents, water rates, recommendations on implementation as it pertains to the CPC's report, and a universal approach to the service provision to all providers.

Supervisor McKay asked unanimous consent that the Board direct staff to provide information concerning avoiding a redundancy of systems of capital improvements that service some of these properties and ways of preventing that. Without objection, it was so ordered.

Following a query regarding whether Supervisor Cook's amendment was accepted, Supervisor Smyth clarified the amended motion as follows:

- "Refer this matter to staff of the DPWES, **for recommendations** to implement the CPC's recommendations endorsed by this Board..."

Supervisor Cook suggested that staff send a formal letter to both the City of Fairfax and George Mason University informing them of the Board's action including a copy of the CPC's report and inviting them to begin the dialogue process.

Discussion ensued, with input from Mr. Griffin, regarding outreach efforts.

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

17. **A-1 – APPROVAL OF REVISIONS TO CHAPTERS 2, 4, 5, 7, 8, 10, 14, AND 17 OF THE FAIRFAX COUNTY PERSONNEL REGULATIONS TO ALIGN WITH FEDERAL LAW, FOCUS SYSTEM, FAIR LABOR STANDARDS ACT, AND THE DEPARTMENT OF JUSTICE REQUIREMENTS, AND TO INCORPORATE ADMINISTRATIVE UPDATES** (1:15 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #13.)

Supervisor Gross moved approval of revisions to Chapters 2, 4, 5, 7, 8, 10, 14, and 17 of the County Personnel Regulations, with the following exceptions:

- Chapter 10 will be referred to staff, as discussed earlier, with the exception of sections where changes are needed to meet policy and procedure changes related to the FOCUS System, specifically:
  - 10.8-1 and 10.17-1 – clarify that employees in two part time merit positions will accrue both sick and annual leave in both positions not to exceed what is allowable for a full time merit position.
  - 10.8-6 and 10.17-4 – revising leave accrual and usage accounting to the calendar year rather than the current “leave year” methodology.
- Proposed changes to Chapter 17 and Section 10.33 are withdrawn.

Supervisor Smyth seconded the motion.

Following a brief discussion, the question was called on the motion, and it carried by unanimous vote.

18. **I-1 – SUBMISSION OF TESTIMONY IN THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR A GENERAL INCREASE IN RATES AND CHARGES, AND TO REVISE ITS TERMS AND CONDITIONS FOR GAS SERVICE, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2010-00139** (1:18 p.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2011, announcing that the hearing in this case begins November 16, 2011 in Richmond, Virginia, and staff from the Public Utilities Branch, and the County Attorney's office will represent the County at the hearing.

NV:nv

19. **ORDERS OF THE DAY** (1:19 p.m.)

Noting the lateness of the hour, and in consultation with David P. Bobzien, County Attorney, regarding the expected length of the closed session, Chairman Bulova announced that the Board would proceed to lunch followed by closed session at 2 p.m.

19. **RECESS/CLOSED SESSION** (1:20 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. Claim of Alicia Maldonado Torres (Mount Vernon District)
  2. Claim of Alan and Brenda Smith (Hunter Mill District)
  3. *James Darden v. Colonel David M. Rohrer, Officer Christian J. Chamberlain, Officer Mohammed S. Oluwa, and Fairfax County*, Case No. 1:11cv828 (E.D. Va.)
  4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Eller and Barbara D. Eller*, Record No. 111252 (Va. Sup. Ct.) (Providence District)

5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marlon Carballo*, Case No. CL-2011-0008690 (Fx. Co. Cir. Ct.) (Lee District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmed R. Bizri*, Case No. CL-2011-0004073 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *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)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Denzal L. Williams and Lucille M. Williams*, Case No. CL-2011-0005856 (Fx. Co. Cir. Ct.) (Lee District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Su Yong Kong and Kyung N. Kong*, Case No. CL-2011-0009508 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael P. Savage*, Case No. CL-2008-0000541 (Fx. Co. Cir. Ct.) (Lee District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0017148 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo Severich and Maria A. Severich*, Case No. CL-2011-0009177 (Dranesville District)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Loc D. Le and Dung N. Le*, Case No. CL-2011-0004305 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge F. Landivar and Patricia J. Landivar*, Case No. CL-2011-0006715 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victoriano Zurita, Charles Fredy Zurita Martinez, Sandro Zurita Martinez, Guido Zurita Martinez, Orlex Alexander Zurita Martinez, and Wilmer Genry Zurita Martinez*, Case No. CL-2011-0005998 (Fx. Co. Cir. Ct.) (Mason District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ruth S. Wong*, Case No. CL-2010-0005963 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ransell Property, LLC*, Case No. CL-2010-0014720 (Fx. Co. Cir. Ct.) (Providence District)
20. *In Re: July 27, 2011, Decision of the Board of Zoning Appeals of Fairfax County*, Case No. CL-2011-0012444 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tariq Ahmad and Ata Ul Qayyum*, Case No. CL-2011-0012293 (Fx. Co. Cir. Ct.) (Lee District)

22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Placido Amurrio and Lourdes Amurrio*, Case No. CL-2011-0012637 (Fx. Co. Cir. Ct.) (Mason District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. KLM and Mary Ellen Talbert*, Case No. CL-2011-0012724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Canh Van Nguyen and Khanh T. Huynh Nguyen*, Case No. CL-2011-0012719 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charilene N. Lucas, a.k.a. Christine N. Lucas*, Case No. CL-2011-0012915 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nehemias O. Salvador*, Case No. CL-2011-0012880 (Fx. Co. Cir. Ct.) (Mason District)
28. *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)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Margaretha Carroll McGrail, Trustee under the Margaretha Carroll McGrail Revocable Trust*, Case No. CL-2011-0013323 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Accotink Creek Total Maximum Daily Load
- Religious Land Use and Institutional Persons Act of 2000
- FHA Financing of Affordable Dwelling Units

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

**DAL:dal**

At 3:32 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

**ACTIONS FROM CLOSED SESSION**

20. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:32 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 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."

21. **DENIAL OF CLAIM FOR PROPERTY DAMAGES AT 8040 PANTANO PLACE, ALEXANDRIA, VIRGINIA** (3:33 p.m.)

Supervisor Hyland moved that the Board deny the claim for property damages by Alicia Maldonado Torres, 8040 Pantano Place, Alexandria, Virginia, for the reasons outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

22. **DENIAL OF CLAIM FOR PROPERTY DAMAGES AT 2521 FALLON DRIVE, HERNDON, VIRGINIA** (3:33 p.m.)

Supervisor Hyland moved that the Board deny the claim for property damages by Alan and Brenda Smith, 2521 Fallon Drive, Herndon, Virginia, for the reasons outlined by the County Attorney in closed session. Supervisor Gross seconded the motion and it carried by unanimous vote.

**AGENDA ITEMS**

23. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-MV-011 (MEMORIAL VENTURE, LLC) (MOUNT VERNON DISTRICT)**  
(3:34 p.m.)

- (O) (NOTE: On July 26, 2011, the Board deferred the public hearing on this item until September 13, 2011. On September 13, 2011, the Board deferred the public hearing on this item until September 27, 2011.)

The application property is located at the southeast quadrant of the intersection of East Lee Avenue and Richmond Highway, Tax Map 93-1 ((18)) (D) 117, 126, 130 and 138.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Rafat Mahmood, a managing member and agent for Memorial Venture, LLC

Supervisor McKay disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Rafat Mahmood, a managing member and agent for Memorial Venture, LLC

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

A brief discussion ensued, with input from Ms. Goddard-Sobers, regarding a turn lane into the property.

Ms. Mariska 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, which included testimony by one speaker, Ms. Goddard-Sobers presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-MV-011,

from the PRM, CRD, and HC Districts to the C-8, CRD, and HC Districts, subject to the proffers dated September 26, 2011.

- Modification of the transitional screening and barrier requirements along the eastern and southern property lines.
- Modification of the peripheral parking lot landscaping requirements in favor of the landscaping shown on the Generalized Development Plan (GDP).
- Modification of the Richmond Highway Commercial Revitalization District streetscape requirements along Richmond Highway and East Lee Avenue, in favor of that shown on the GDP.
- Approval of a deviation from the tree preservation target requirement to that shown on the GDP.
- Waiver of the minimum lot width requirement.
- Waiver of construction of the service drive requirement along Richmond Highway.

Supervisor Foust seconded the motion.

Discussion ensued regarding the application, with input from Ms. Mariska.

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.”

24. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-014-A (GEORGELAS GROUP, LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON REZONING APPLICATION RZ 2010-PR-014-B (GEORGELAS GROUP, LLC) (PROVIDENCE DISTRICT)** (3:48 p.m.)

- (O) The Rezoning Application RZ 2010-PR-014-A property is located on the east side of Leesburg Pike and south of Spring Hill Road, approximately 250 feet west of its intersection with Greensboro Drive, Tax Map 29-3 ((1)) 48D.

The Rezoning Application RZ 2010-PR-014-B property is located on the north side of Spring Hill Road directly opposite its intersection with Greensboro Drive, Tax Map 29-3 ((1)) 60C.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

With regard to Rezoning Application RZ 2010-PR-014-A, Supervisor Smyth disclosed a campaign contribution in excess of \$100 which she had received from the following:

- Tysons West Assemblage LLC, which is not a party to this application; however, some of its members/managers are the same as those listed for Georgelas Group LLC, the applicant, and/or the title owners, Tysons Telecom Center, LC; JBD Springhill, LLC; and TSD Springhill LLC

With regard to Rezoning Application RZ 2010-PR-014-B, Supervisor Smyth disclosed a campaign contribution in excess of \$100 which she had received from the following:

- Tysons West Assemblage LLC, which is not a party to this application; however, some of its members/managers are the same as those listed for Georgelas Group LLC, the applicant, and/or the title owners, Tysons/Springhill Limited Partnership

With regard to both Rezoning Applications RZ 2010-PR-014-A and RZ 2010-PR-014-B, Supervisor Herrity disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Theodore J. Georgelas

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

- Tysons West Assemblage LLC, which is not a party to this application; however, some of its members/managers are the same as those listed for Georgelas Group LLC, the applicant, and/or the title owners, Tysons Telecom Center, LC; JBD Springhill, LLC; and TSD Springhill LLC
- WDG Architecture, PLLC

Supervisor Cook disclosed a campaign contribution in excess of \$100 which he had received from the following:

- Mr. Theodore J. Georgelas

Following a brief discussion regarding the disclosures, Chairman Bulova clarified that her previous disclosure was regarding Rezoning Application RZ 2010-PR-014-A.

With regard to Rezoning Application RZ 2010-PR-014-B, Chairman Bulova disclosed campaign contributions in excess of \$100 which she had received from the following:

- Tysons West Assemblage LLC, which is not a party to this application; however, some of its members/managers are the same as those listed for Georgelas Group LLC, the applicant, and/or the title owners, Tysons/Springhill Limited Partnership
- WDG Architecture, PLLC

Supervisor Cook also clarified that his disclosure was in regard to both Rezoning Applications RZ 2010-PR-014-A and RZ 2010-PR-014-B.

Tracy Strunk, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Ms. Baker introduced Aaron J. Georgelas, Georgelas Group, LLC, who gave a presentation.

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

Supervisor Herrity raised a question regarding the capital cost of the 20 percent affordable housing which was proffered, with input from Ms. Baker.

Further discussion ensued, with input from Ms. Baker and Mr. Georgelas, regarding workforce housing and transportation funding.

Following the public hearing, which included testimony by five speakers, Chairman Bulova stated that she had items for the record.

Ms. Baker presented rebuttal.

Discussion ensued, with input from Ms. Strunk and Andrea Dorlester, Planning and Development Division, Park Authority, regarding open and athletic space.

Ms. Strunk presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-PR-014-A, from the I-5 District to the PTC District, subject to the proffers dated September 20, 2011.

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-PR-014-B, from the I-5 District to the PTC District, subject to the proffers dated September 20, 2011, and to Conceptual Development Plan (CDP) development conditions dated September 20, 2011.

She further moved approval of the following waivers and modifications which apply to Rezoning Applications RZ 2010-PR-014-A and RZ 2010-PR-014-B:

- Modification of all trails and bike trails, in favor of the streetscape and on-road bike lane system shown on the plans.
- Waiver of Section 17-201, Paragraph 3, of the Zoning Ordinance, to provide any additional interparcel connections to adjacent parcels beyond that shown on the Plans, and as proffered.
- Waiver of Section 17-201, Paragraph 4, of the Zoning Ordinance, requiring any further dedication and construction for widening of existing roads to address Comprehensive Plan requirements beyond that which is indicated in the plans and proffers.
- Waiver of Section 6-506, Paragraph 1, of the Zoning Ordinance, requiring a minimum district size of ten acres in the Planned Tysons Corner (PTC) District.
- Waiver of Section 11-102, Paragraph 8, of the Zoning Ordinance, requiring a one-foot setback from the property line for underground parking garages.
- Modification of Section 7-0802.2 of the Public Facilities Manual (PFM) to allow for the projection of structural columns into parking stalls to no more than four percent of the stall area.
- Modification of Section 7-0800 of the PFM to allow the use of tandem parking spaces with valet service to be counted as required parking.
- Waiver to allow the use of underground stormwater management and best management practices in a residential development, subject to Waiver Number 8158-WPFM-001-2.
- Modification of the ten year tree canopy requirements and the tree preservation target, in favor of that shown on the plans, and as proffered.

- Modification of Section 12-0702 1B (2) of the PFM to permit the reduction of the minimum planter opening area for trees used to satisfy the tree cover requirement, in favor of that shown on the plans as proffered.

Supervisor Hudgins seconded the motion.

Following a lengthy discussion regarding a transportation funding plan the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

(NOTE: On September 21, 2011, the PC approved Final Development Plan FDP 2010-PR-014-A, subject to the development conditions dated September 20, 2011.)

25. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-MV-002 (MUHAMMAD T. BUTT) (MOUNT VERNON DISTRICT)** (5:25 p.m.)

The application property is located at 8740 Talbott Farm Drive, Alexandria, 22309, Tax Map 110-1 ((27)) 11A.

Mr. Muhammad T. Butt reaffirmed the validity of the affidavit for the record.

Nicholas Rogers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Butt 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, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Hudgins, and Supervisor McKay being out of the room.

Supervisor Hyland moved approval of Special Exception Application SE 2011-MV-002, subject to the development conditions dated September 20, 2011. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Hudgins, and Supervisor McKay being out of the room.

26. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-BR-020 (T-MOBILE NORTHEAST LLC AND COMMONWEALTH SWIM CLUB, INCORPORATED) (BRADDOCK DISTRICT)** (5:30 p.m.)

The application property is located at 9800 Commonwealth Boulevard, Tax Map 69-3 ((5)) B.

Mr. James R. Michal reaffirmed the validity of the affidavit for the record.

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

- Mr. James R. Michal

Miriam Bader, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Following the public hearing, which included testimony by three speakers, Supervisor Cook submitted items for the record.

Mr. Michal presented rebuttal.

Ms. Bader presented the staff and Planning Commission (PC) recommendations.

Supervisor Cook moved:

- Approval of Special Exception Application SE 2009-BR-020, subject to the development conditions dated July 20, 2011.
- Reaffirmation of the previously approved modifications of the transitional screening and barrier requirements to allow the existing vegetation to remain and in favor of the supplemental plantings depicted on the SE/SP Plat.

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

(NOTE: On July 20, 2011, the PC approved Public Facilities Application 2232-B08-7, as meeting the criteria of character, location, and extent as specified in Section 15.2-2232 of the *Code of Virginia* and being in accord with the adopted Comprehensive Plan.)

27. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-LE-015 (JEFFERSON DEVELOPMENT LLC) (LEE DISTRICT)** (6:02 p.m.)

- (O) The application property is located on the south side of Castlewellan Drive approximately 250 feet east of its intersection with South Van Dorn Street, Tax Map 81-4 ((1)) 56A.

Ms. Sara V. Mariska reaffirmed the validity of the affidavit for the record.

Nicholas Rogers, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Ms. Mariska 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, Mr. Rogers 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 2011-LE-015, from the R-1 District to the C-6 District, subject to the proffers dated September 3, 2011.
- Modification of the transitional screening requirements and waiver of the barrier requirements along all property boundaries, in favor of maintaining the existing screening with supplemental landscaping provided in accordance with the proffers.
- Modification of the interior parking lot landscaping requirement, in favor of maintaining the existing parking lot landscaping shown on the plat.
- Waiver of the use limitation, as required in Part B (*sic*)\*, Section 4-605, of the Zoning Ordinance, to allow continued use of the existing curb cut.

Supervisor Smyth seconded 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.

(\*NOTE: Later in the meeting, Supervisor McKay clarified his motion. See Clerk’s Summary Item #37.)

28. **4 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC A-502-02 (FAIRWAYS I RESIDENTIAL, LLC AND FAIRWAYS II RESIDENTIAL, LLC) (HUNTER MILL DISTRICT)** (6:08 p.m.)

The application property is located at 11555 and 11627 North Shore Drive, southwest corner of North Shore Drive and Fairways Drive and east of intersection of North Shore Drive and Wainwright Drive, Tax Map 17-2 ((18)) 1 and 17-2 ((19)) 2A.

Supervisor Hudgins moved to defer the public hearing on Planned Residential Community Application PRC A-502-02 until January 10, 2012. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

29. **4 P.M. – PH ON THE ADOPTION OF THE PROPOSED AMENDMENTS TO THE JEFFERSON MANOR CONSERVATION PLAN (LEE DISTRICT)** (6:09 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, 2011.

Robert C. Fields, Interim Associate Director, Real Estate Finance and Grants Management Division, Department of Housing and Community Development, presented the staff report.

Following the public hearing, Supervisor McKay moved adoption of the Resolution approving the amendments to the Jefferson Manor Conservation Plan, as shown in Attachment 3 of the Board Agenda Item dated September 27, 2011. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey, Supervisor Herrity, and Supervisor Hyland being out of the room.

NV:nv

### **ADDITIONAL BOARD MATTERS**

30. **RECOGNIZING MR. RON CHRISTIAN** (6:12 p.m.)

- (BACs) Chairman Bulova said that for over a decade Mr. Ron Christian has served on the Fairfax County Redevelopment and Housing Authority (FCRHA) and he is now stepping down. She said that Mr. Christian's dedication to, and leadership in, affordable housing issues and his community service has touched almost every walk of life and sector of the community. She

referred to her written Board Matter which outlined more of Mr. Christian's accomplishments.

Accordingly, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite Mr. Christian to appear before the Board at an appropriate time to be recognized for his years of service to FCRHA. Without objection, it was so ordered.

31. **SUPPORT FOR REGIONAL COMMUTER FERRY STUDY** (6:13 p.m.)

Chairman Bulova said that recently her office received a request for support from the Northern Virginia Regional Commission (NVRC) for a study on creating a regional ferry as a new transit option for the DC Metro area. Conceptually, ferry service would take commuters off the road using local waterways to provide affordable efficient transportation to key area destinations.

Chairman Bulova noted that NVRC has asked for financial support for a study that is needed to determine how viable this service would be. The study would identify the potential market for this service and evaluate any cross competition and other existing transit options. Several other jurisdictions have already committed to support this study as noted in her written Board Matter.

Chairman Bulova explained that funding in the amount of \$25,000 is available in Fund 119, the Contributory Fund as a result of savings from previous years. Fund 119 is designed to support nonsectarian, non-profit, or quasi-governmental agencies that promote the general welfare of the community, and County support for the NVRC comes from this fund. This funding can be used to support the ferry study requirement with a corresponding adjustment to be made as part of the Fiscal Year (FY) 2012 Third Quarter Review.

Therefore, Chairman Bulova moved the Board direct that \$25,000 of the savings from Contributory Fund 119 in FY 2012 be applied to meet this request. She said that it is her understanding that this request does not compete against other transportation needs. Supervisor Hyland seconded the motion.

Following discussion regarding express buses, time efficiency, cost effectiveness, and stops in the County, the question was called on the motion, which carried by unanimous vote.

32. **COMMENDATION OF STAFF** (6:18 p.m.)

Chairman Bulova shared with the Board a note she had received from Dale Zehner, Chief Executive Officer, Virginia Railway Express (VRE), who commended the exceptional efforts of County staff who stepped up to help VRE during the week when the County experienced record rain resulting in flooding that closed both roads and railroads and resulted in five stranded trains and the thousands of people on them. He especially recognized Thomas J. Biesiadny,

Acting Director, Department of Transportation (DOT), and Rollo Axton, Chief, Transit Services Division, DOT, for providing buses to move VRE passengers from the Franconia-Springfield Station to their final destination.

Supervisor Hudgins also commended staff that assisted residents in getting home when their cars were flooded at the park-and-ride lot at Sunset Hills.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, another Board Matter was presented regarding the flooding. See Clerk's Summary Item #49.)

33. **SCHEDULING OF REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2006-PR-027 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-P-050 - FAIRFAX RIDGE CONDOMINIUM UNIT OWNERS ASSOCIATION (PROVIDENCE DISTRICT)** (6:20 p.m.)

Supervisor Smyth said TCR MidAtlantic Properties, the applicant of Rezoning/Final Development Plan Applications RZ/FDP 2006-PR-027 and Special Exception Amendment Application SEA 00-P-050, has requested date certain scheduling of its Board public hearing.

With reference to the details in her written Board Matter, Supervisor Smyth moved that the Board direct the Director of the Department of Planning and Zoning and the Clerk's Office to schedule a public hearing to be held before the Board on November 1, 2011, regarding Rezoning/Final Development Plan Applications RZ/FDP 2006-PR-027 and Special Exception Amendment Application SEA 00-P-050. This motion does not relieve the applicant(s) from compliance with the provisions of all applicable ordinances, regulations, or adopted standards, nor does it prejudice in any way the consideration of the pending rezoning and concurrent special exception amendment. Supervisor Foust seconded the motion and it carried by unanimous vote.

34. **PLANNING COMMISSION (PC) INTERIM REPORT TO THE BOARD ON TYSONS RELATED ACTIVITIES (PROVIDENCE DISTRICT)** (6:21 p.m.)

(BACs) (NOTE: Earlier in the meeting, the Board noted the PC's interim report.)

As outlined in Supervisor Smyth's written Board Matter, at its meeting on March 29, the Board requested that the PC develop an inclusive process to address a number of Tysons follow-on-motions related to such issues as infrastructure financing, affordable housing provision, and the Initial Development Level (IDL). The Board further requested that the PC, in September of this year, provide the Board with its recommendations on how best to address those issues.

In response to the Board's request, the PC reconstituted its Tysons Committee, which is chaired by At-Large Commissioner Walter Alcorn. Through September, this committee met seven times and adopted a process/schedule that has a final report and recommendations to be presented to the Board in March 2012. On September 21, the PC approved an interim report. The full report has been posted online on the Department of Planning and Zoning website.

Therefore, Supervisor Smyth moved that the Board:

- Accept the PC interim report and refer it to the Board's Community Revitalization and Reinvestment Committee for discussion at its next meeting, scheduled for October 25.
- Direct staff to draft language incorporating a request for funding for priority Tysons Corner transportation projects into the Board's 2012 State and Federal Legislative Programs and present that language to the Board's Legislative Committee for consideration at an upcoming committee meeting.

Supervisor Foust and Chairman Bulova jointly seconded the motion.

Discussion ensued about the timeline and taxing component.

Supervisor Herrity asked to amend the motion to direct the PC to provide a range of options and to provide the report earlier than March 2012, but this was not fully accepted.

Supervisor Smyth amended her motion to request the PC to accelerate any part of the transportation discussion separate from the rest of the items, and this was accepted.

Discussion continued regarding the PC's involvement with the Capital Improvement Plan, with input from Anthony H. Griffin, County Executive, and discussions planned for upcoming Board committee meetings.

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

35. **RESOLUTION TO DESIGNATE THE FAIRFAX COUNTY PARKWAY AND THE FRANCONIA-SPRINGFIELD PARKWAY AS PRIMARY HIGHWAYS (LEE DISTRICT)** (6:31 p.m.)

- (R) In a joint Board Matter with Chairman Bulova and Supervisor Herrity, Supervisor McKay noted that the Board had directed staff to investigate the possibility of converting the Fairfax County Parkway and Franconia-Springfield Parkway from a secondary road to a primary road. At the September 20 meeting of the Board's

Transportation Committee, the Board was advised that both of these roads meet a majority of the criteria that have been established by the Virginia Department of Transportation (VDOT) to warrant such a transfer. He said that it is his understanding that VDOT has indicated that the best way of documenting this request is through a resolution of the Board, which can then be officially transmitted to VDOT.

Therefore, Supervisor McKay moved that the Board adopt the Resolution which officially requests that VDOT take the necessary actions to designate the Fairfax County Parkway and Franconia-Springfield Parkway as primary highways, and to work with County staff to implement any associated actions that may be required to make this transfer. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Discussion ensued about a timetable for designating other roads, such as Braddock Road, with input from Anthony H. Griffin, County Executive, and Thomas J. Biesiadny, Acting Director, Department of Transportation.

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."

36. **REZONING APPLICATIONS FOR OAKWOOD ROAD (LEE DISTRICT)**  
(6:36 p.m.)

Supervisor McKay stated that the following two rezoning applications have been filed for properties located on Oakwood Road in Lee District:

- Rezoning Application RZ 2011-LE-007 for the property located at 5520 Oakwood Road
- Rezoning Applilcation RZ 2011-LE-020 for the properties located at 5512 and 5516 Oakwood Road

Supervisor McKay said that both applications are requests to rezone the subject sites from the Industrial/Institutional (I/I) District to the medium intensity industrial I-4 District to bring the sites into compliance with the Zoning Ordinance standards and permit the existing contractor's offices to remain on the sites. Both application properties were reduced in size in 1958 as a result of the construction of the Capital Beltway and are not in compliance with the I/I District regulations. Both applications do not propose any new construction and all existing trees on the sites will remain. Rezoning Application RZ 2011-LE-020 is currently scheduled for a Planning Commission (PC) public hearing on October 13 and Rezoning Application RZ 2011-LE-007 is scheduled for a PC public hearing on October 27.

Accordingly, Supervisor McKay moved that the Board authorize the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously schedule and advertise public hearings for Rezoning Applications RZ 2011-LE-007 and RZ 2011-LE-020 to be held before the Board on November 1. This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion, which carried by unanimous vote.

37. **CLARIFICATION OF MOTION FOR REZONING APPLICATION RZ 2011-LE-015 (LEE DISTRICT)** (6:38 p.m.)

(NOTE: Earlier in the meeting, the Board took action on Rezoning Application RZ 2011-LE-015. See Clerk's Summary Item #27.)

Supervisor McKay noted that it had been called to his attention that in his motion for Rezoning Application RZ 2011-LE-015, he stated a waiver as required in **Part B** of Section 4-605, of the Zoning Ordinance. He meant to say Part **5B**.

Accordingly, with input from Cynthia L. Tianti, Deputy County Attorney, Supervisor McKay moved waiver of the use limitation, as required in Part 5B, Section 4-605, of the Zoning Ordinance (to allow continued use of the existing curb cut). Supervisor Gross seconded the motion, which carried by unanimous vote.

38. **TEXT CAPABILITY FOR 911** (6:39 p.m.)

In a joint Board Matter with Supervisor Hyland, Supervisor Herrity noted that cell phone technology has increased in scope and has become more sophisticated over the last few years. Most phones today come standard with video and audio recording technology, internet capabilities, and SMS text messaging. The advantages of these were quite clearly seen during the recent earthquake and hurricane where residents who were unable to use their phones to call, because all of the lines were busy, were still able to let loved ones and friends know that they were okay through text messages and even social media such as Facebook and Twitter (via their phones' internet capabilities). This is possible because data entries will queue and be sent when capability is available. With voice, callers just get unavailable circuits or busy signals.

Contacting emergency services in the County, and most 911 systems in the country, can only be accomplished through voice. In some situations, calling 911 is just not an option, such as during the recent earthquake and hurricane, and also, and more tragically, during the Virginia Tech shooting where many of the students in the classrooms were sending text messages to 911 thinking that they would get to the police. Unfortunately, those messages went into cyberspace.

Supervisor Herrity stated that to his knowledge there are already jurisdictions that have upgraded their 911 technology to allow text messages. He noted that Black Hawk County in Iowa and some counties in Texas, as well as many emergency services in the United Kingdom, have text capability. He also noted that the Federal Communications Commission says that 70 percent of all emergency calls now come from cellular phones.

Supervisor Herrity asserted that cell phones play a daily role in the lives of many people, and with their increasing popularity it would seem like now would be a prudent time to look into their evolving role with the County's emergency services. Accordingly, jointly with Supervisor Hyland, he moved that the Board direct:

- The County's emergency services personnel to examine and report with its findings on the feasibility of receiving text messages and/or pictures or video through 911, including both the advantages, disadvantages, costs, and results from other jurisdictions that are currently using the technology and a potential timetable for implementation in the County.
- Staff to contact the surrounding jurisdictions on their plans, if any, for text 911.

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

39. **BOARD'S OWN MOTION - AUTHORIZATION AND CONCURRENCE FOR THE TEMPORARY BAILEY'S CROSSROADS VOLUNTEER FIRE STATION (MASON DISTRICT)** (6:41 p.m.)

Supervisor Gross said that the Department of Public Works and Environmental Services (DPWES) is currently working on construction plans for the replacement of the existing Bailey's Crossroads Volunteer Fire Station, which sustained heavy damage during the major snow storm of 2010. A temporary fire station off-site is required to keep the station functioning while a new station is constructed on the existing site. An interim site has been identified at 3521 Moncure Avenue, [Tax Map 61-2 ((19)) 5A], which is a vacant property that is currently owned by the Board. The property is zoned C-8 and is located in the Bailey's Crossroads Commercial Revitalization District, which allows all applications/plans to automatically receive expedited and concurrent review; but it is also subject to Special Exception Application SE 87-M-103, which requires a special exception amendment to be filed to permit any development. Consequently, a Board's Own Motion application for a special exception amendment is being prepared by staff, to allow the temporary fire station use on this site. The temporary facility needs to be bid, constructed, and completely operational prior to the commencement of construction of the new permanent facility.

Therefore, Supervisor Gross moved that the Board:

- Authorize and concur in the filing of any and all necessary zoning applications/permits, including the determination under Section 15.2-2232 of the Code of Virginia, to facilitate the construction of this facility.
- Designate staff from DPWES to act on behalf of the Board as its representative agent to file and process these applications with the Department of Planning and Zoning.

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

40. **PAGE CHEVROLET - 6500 LITTLE RIVER TURNPIKE (MASON DISTRICT)** (6:43 p.m.)

Supervisor Gross said that Page Little River Turnpike, LLC (the "applicant") is the owner of property identified as tax map reference 72-I(1) 23A (the "subject property") that is zoned to the C-6 and Highway Corridor Overlay Districts. By way of background, on August 4, 1970, the Board of Zoning Appeals approved Special Permit Application S 133-70 for an automobile dealership with used car sales on the subject property. Subsequently, on February 27, 1997, the Board of Supervisors approved Special Exception Application SE 96-M-026, with development conditions, for the continued use of the subject property as a vehicle sales, rental, and ancillary service establishment and to permit building additions and site renovations. The approval replaced and superseded the previously approved special permit. The subject property has not been used as a vehicle sales, rental, and service establishment for over two years and thus the previous special exception has expired.

Supervisor Gross said that the applicant intends to file a special exception application in the next week to establish a new vehicle sales, rental, and service establishment on the subject property. The applicant intends to renovate and use the existing buildings. No new buildings or additions are proposed. The applicant proposes no site modifications, increases in density, nor site disturbance on the subject property. The applicant's proposal will improve and revitalize an underutilized vacant site and create an employment center in the Mason District. Given the minor nature of the proposal, and the prior use of the subject property, Supervisor Gross expressed her belief that expedited and concurrent processing is appropriate.

Therefore, Supervisor Gross moved that:

- The Board direct the Director of the Zoning Evaluation Division, Department of Planning and Zoning, to expeditiously process the special exception application filed on behalf of Page Little River Turnpike, LLC on the subject property.
- Should a site plan or minor site plan be required in conjunction with the application, the Board direct the Director of the Department of Public Works and Environmental Services to concurrently and simultaneously process a site plan or minor site plan.

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

**PMH:pmh**

41. **TYSONS METRORAIL STATION ACCESS MANAGEMENT STUDY (TMSAMS)** (6:46 p.m.)

Supervisor Hudgins said that the Board authorized a study of alternative methods of transportation to and from the Tysons Corner Metrorail stations. Over the last year, TMSAMS reviewed pedestrian, bicycle, and bus transit improvements in Tysons Corner and the surrounding communities. There were community meetings held in each magisterial district in the Tysons Corner area. In conjunction with the community meetings, a survey was implemented and over 1200 people participated over a span of four days.

The final TMSAMS community meeting will be held on October 4 at Freedom Hill Elementary School (1945 Lord Fairfax Road, Vienna, Virginia 22182) from 7 p.m. until 9 p.m. Staff will be presenting the results of the survey and reading excerpts of the preliminary final report. It is another opportunity for the public to weigh in on Tysons Corner and its future.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the TMSAMS community meeting. Without objection, it was so ordered.

42. **LIFE TIME FITNESS (LTF) REAL ESTATE COMPANY, INCORPORATED, CONCURRENT PROCESSING REQUEST (HUNTER MILL DISTRICT)** (6:47 p.m.)

Supervisor Hudgins said that LTF Real Estate Company, Incorporated (the "applicant") is the contract purchaser of a parcel of land located at the end of Business Center Drive within the Lake Fairfax Business Center, and identified as Tax Map 18-3 ((8)) Parcel 6A3 (the "property"). The applicant is pursuing approval of a special permit to allow a premier, full-service, and family oriented health and fitness center on the Property. The applicant has worked diligently with staff, in addition to meeting with representatives of the adjacent Equestrian Park community. The Board of Zoning Appeals' public hearing is scheduled for November 16, 2011, and the applicant is eager to submit a site plan for the proposed health club.

Therefore, Supervisor Hudgins moved that the Board direct the Director of the Department of Public Works and Environmental Services to process the site plan and other associated plans concurrently with Special Permit Application SP 2011-HM-056. Approval of this motion shall not relieve the applicant of the requirement to comply with all applicable ordinances and regulations affecting the development of the property, and does not prejudice the County staff review of the application. Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

43. **INTERNATIONAL WALK TO SCHOOL DAY** (6:48 p.m.)

Supervisor Hudgins announced that October 5 is International Walk to School Day, and she asked unanimous consent that the Board proclaim October 5 as "*International Walk to School Day*," in Fairfax County and direct staff publicize the event. Without objection, it was so ordered.

44. **PENNYWISE THRIFT STORE FIFTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (6:49 p.m.)

Supervisor Hudgins said that 50 years ago, the Church of the Holy Comforter in Vienna began accepting donations of clothing and household items for its new-venture.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the coordinators of the Pennywise Thrift Store and staff from the Church of the Holy Comforter in Vienna to appear before the Board at the November 1 meeting to be recognized for their golden anniversary and years of service. Without objection, it was so ordered.

45. **OAK HILL MANSION OPEN HOUSE (BRADDOCK DISTRICT)**  
(6:49 p.m.)

Jointly with Chairman Bulova, Supervisor Cook said that the Board is working closely with the Park Authority, and will be co-sponsoring the Oak Hill History Day. In 2004, Seville Homes, the Northern Virginia Conservation Trust, the Park Authority and the Board agreed to a historic conservation easement. The easement ensures that the privately-owned Oak Hill home and property, including that the 200-year-old boxwood trees are historically preserved.

Supervisor Cook referred to the written Board Matter which outlined the history of Oak Hill and the celebration of local history, which is scheduled for Saturday, October 15, from Noon until 5 p.m. at the historic Oak Hill Mansion, located at 4716 Wakefield Chapel Road in Annandale. Parking will be offsite at 4414 Holborn Avenue at the Nancy Sprague Technology Center in Annandale. A free shuttle bus service will provide visitors with convenient transportation. This year's program focuses on the Civil War in the County.

Supervisor Cook asked unanimous consent that the Board direct the the Office of Public Affairs and the Park Authority to publicize this event, and that the Park Authority provide support and assistance in running this program as done every year. Without objection, it was so ordered.

46. **WORLD POLICE AND FIRE GAMES ATHLETES** (6:51 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Herrity, and Supervisor Hyland, Supervisor Frey announced that at the end of August, several Board Members were able to attend the 2011 World Police and Fire Games in New York City.

Supervisor Frey asked unanimous consent that the Board direct staff to invite all who represented the County to appear before the Board for recognition. Without objection, it was so ordered.

47. **RECOGNITION FOR THE KOREAN UNITED METHODIST CHURCH OF GREATER WASHINGTON ON ITS SIXTIETH ANNIVERSARY (DRANESVILLE DISTRICT)** (6:53 p.m.)

Supervisor Foust referred to his written Board Matter and outlined the history of the Korean United Methodist Church. He asked unanimous consent that the Board direct staff to prepare a certificate to be signed by both the Chairman and him congratulating the Korean United Methodist Church of Greater Washington on its sixtieth anniversary. He noted that he will present the certificate at the anniversary celebration on October 9. Without objection, it was so ordered.

48. **SEPTEMBER 2011 QUARTERLY REPORT OF THE OFFICE OF FINANCIAL AND PROGRAM AUDIT** (6:53 p.m.)

(BACs) Supervisor Foust announced that the Board has received the Office of Financial and Program Audit's Quarterly Report as of September 2011. Study areas addressed in the Auditor's report include the following:

- Dulles Metrorail Project
- Telecommunications Billing Review
- Retirement System Investments in the County
- Affordable Housing – Eligibility
- Transportation Grants – Status of Projects
- Prior Studies Follow-up

Supervisor Foust noted that the Auditor's findings and recommendations are set forth in detail in the report.

Therefore, Supervisor Foust moved adoption of the September 2011 Quarterly Report of the Office of Financial and Program Audit, including the recommendations set forth therein. Supervisor McKay seconded the motion.

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

- Report on how the franchise cable operating fees would be spent
- Recap some of the Board's discussions regarding Channel 10, wiring of schools, et cetera
- Report with information regarding declining fees

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

Discussion ensued regarding cost efficiency regarding the Head Start Program, and Supervisor Hudgins asked unanimous consent that the Board direct staff to report with information on how the Audit Committee sets its priorities. Without objection, it was so ordered.

Supervisor Gross asked to amend the motion to postpone item number seven on the assigned study areas (Head Start) until next year. Supervisor Hyland seconded the motion.

Following discussion of the amendment to the motion, Supervisor Hudgins asked to amend the amendment to the motion to also refer the issue of the Head Start Program to the Human Services Committee, and this was accepted.

The question was called on the amendment to the motion, and it **CARRIED** by a recorded vote of six, Supervisor Foust, Supervisor Herrity, Supervisor McKay, and Supervisor Smyth voting “NAY.”

Chairman Bulova commended staff for its work and Mr. Griffin also recognized Chris Pietsch, Internal Auditor, and his staff for their work.

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

49. **REQUEST TO RECOGNIZE RESCUE AND RECOVERY PERSONNEL AND ORGANIZATIONS OF THE 2011 HUNTINGTON FLOOD (MOUNT VERNON DISTRICT)** (7:16 p.m.)

(NOTE: Earlier in the meeting, another Board Matter was presented regarding flooding. See Clerk’s Summary Item #32.)

Supervisor Hyland said that on September 8, heavy rains flooded the Huntington community. Over the last three weeks, the County Fire and Rescue, Police, Sheriffs, Emergency Management, Public Works, Neighborhood and Community Services, the Red Cross, Volunteer Fairfax, the County Attorney’s Office, and many other public and non-profit organizations have all partnered to help the community get back on their feet. There were numerous acts of courage rescuing residents and acts of kindness during the recovery that highlight County employees at their best during the worst of circumstances.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite first responders, emergency management personnel and the several non-profits who all assisted with the rescue and recovery of the Huntington Community and other areas of the County, to appear before the Board at its October 18 meeting. Without objection, it was so ordered.

50. **REQUEST TO RENAME THE NEWLY REHABILITATED DOGUE CREEK WASTEWATER PUMPING STATION AFTER FORMER COUNTY EMPLOYEE UWE FREUND (MOUNT VERNON DISTRICT)** (7:18 p.m.)

Supervisor Hyland said that among the many achievements in his 28 plus years of service, Uwe Freund was a champion in the field of pumping station management and electrical troubleshooting. Supervisor Hyland referred to his written Board Matter which outlined Mr. Freund’s many accomplishments and moved that the Board rename the newly rehabilitated Dogue Creek Pumping Station the “Uwe

Freund Wastewater Pumping Station.” Supervisor Cook seconded the motion and it carried by unanimous vote.

51. **BOSTON RED SOX** (7:19 p.m.)

After making a series of puns, Supervisor Hyland predicted that the Boston Red Sox will win the American League wild card race.

(Clerk’s Note: The Sox lost.)

52. **BOARD ADJOURNMENT** (7:20 p.m.)

The Board adjourned.

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