



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
January 24, 2012**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, January 24, 2012, at 9:34 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; Denise A. Long, Deputy Clerk to the Board of Supervisors; Dianne E. Tomasek and Ekua Brew-Ewool, Administrative Assistants, Office of Clerk to the Board of Supervisors.

AGENDA ITEMS

1. **PROCLAMATION DESIGNATING JANUARY 2012 AS "MENTORING MONTH" IN FAIRFAX COUNTY** (9:36 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate January 2012 as "*Mentoring Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

2. **PROCLAMATION DESIGNATING JANUARY 27, 2012, AS "EARNED INCOME TAX CREDIT AWARENESS DAY" IN FAIRFAX COUNTY** (9:43 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate January 27, 2012, as "*Earned Income Tax Credit Awareness Day*" in Fairfax County. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING FEBRUARY 2012 AS "AFRICAN-AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate February 2012 as "*African American History Month*" in Fairfax County. Supervisor Foust and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING FEBRUARY 19-25, 2012, AS "ENGINEERS WEEK" IN FAIRFAX COUNTY** (10:07 a.m.)

Supervisor Gross moved approval of the Proclamation to designate February 19-25, 2012, as "*Engineers Week*" in Fairfax County. Supervisor Hudgins and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

5. **10:30 A.M. – PRESENTATION OF THE DON SMITH AWARD** (10:16 a.m.)

Randy R. Creller, Chairperson, Employee Advisory Council (EAC), presented the history of the Don Smith Award.

Ellen Gilchrist, EAC Representative, presented:

- The Don Smith Award to **Mark Dale**, Police Department, K-9 Unit

- An honorable mention award to Judith Uhrmacher, Circuit Court

The following nominees received certificates of appreciation at an earlier ceremony:

- Kathy Herr, McLean Community Center
- Patricia Hine, Community Services Board
- Sahana Karpoor, Woodburn Mental Health Center
- Meredith King, Fire and Rescue
- Howard Mergler, Police Department

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6. **10:40 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:23 a.m.)

(APPTS)
(BACs)

Supervisor Hyland moved the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard January 24, 2012,” as distributed around the dais. Supervisor McKay seconded the motion, and it carried by unanimous vote.

Appointments are as follows:

A. HEATH ONTHANK AWARD SELECTION COMMITTEE

Reappointments of:

- Mr. Clifford L. Fields as the At-Large Chairman’s Representative
- Ms. Jane Gwinn as the Braddock District Representative
- Ms. Kerrie Wilson as the Dranesville District Representative
- Mr. Ronald Copeland as the Hunter Mill District Representative
- Mr. Joseph Blackwell as the Lee District Representative
- Ms. Eileen Garnett as the Mason District Representative
- Mr. John Byers as the Mount Vernon District Representative
- Ms. Ernestine Heastie as the Providence District Representative

- Mr. Philip Rosenthal as the Springfield District Representative

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

Confirmations of:

- Colonel David M. Rohrer as the Chief of Police Representative
- Honorable Raymond Morrogh as the Commonwealth Attorney Representative
- Mr. James F. Davis as the Fairfax Bar Association Representative

ATHLETIC COUNCIL

The Board deferred the appointments of the Diversity At-Large Principal and the Dranesville District Principal Representative.

AUDIT COMMITTEE

Appointment of:

- Mr. Chris Wade as the At-Large #1 Representative

Reappointment of:

- Mr. Michael Hershman as the At-Large #2 Representative

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Ms. Barbara Glakas as the Dranesville District Representative

Reappointment of:

- Mr. John Byers as the Mount Vernon District Representative

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

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

CIVIL SERVICE COMMISSION

Reappointments of:

- Honorable Rosemarie Annunziata as the At-Large #3 Representative
- Mr. Jason Fong as the At-Large #4 Representative

The Board deferred the appointment of the At-Large #11 Representative.

COMMISSION FOR WOMEN

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

COMMISSION ON AGING

Appointment of:

- Ms. Kay Larmer as the Dranesville District Representative

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Reappointments of:

- Mr. Karl Simon as the Hunter Mill District Representative
- Ms. Norma Jean Young as the Mason District Representative
- Ms. Dorothy O'Rourke as the Sully District Representative

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

Reappointments of:

- Mr. Ernest S. Wittich as the At-Large #4 Representative
- Mr. Michael Paukstitus as the Large #3 Representative

Appointment of:

- Mr. Gregory Trimmer as the At-Large #6 Representative

ECONOMIC ADVISORY COMMISSION

Reappointment of:

- Mr. Denton Kent as the At-Large #2 Chairman's Representative

Appointment of:

- Mr. Taylor Chess as the Braddock District Representative

Confirmation of:

- Honorable Grace H. Wolf as the Herndon Town Council Representative

The Board deferred the appointment of the Dranesville District Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Reappointment of:

- Mr. Glen R. White as the Mason District Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Mr. Tim Lavelle as the At-Large #2 Business Community Representative

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmations of:

- Mr. Paul Browne as a Community/Religious Leader Representative
- Mr. Thomas B. Bash as the Commission on Aging Representative

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #10 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #11 Representative.

HUMAN SERVICES COUNCIL

Reappointment of:

- Mr. Kevin Bell as the At-Large #1 Chairman's Representative

The Board deferred the appointment of the At-Large #1 Chairman's Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Reappointments of:

- Mr. Paul Langley as the Braddock District Representative
- Mr. Robert Marro as the Dranesville District Representative
- Mr. Brian Murray as the Lee District Representative

- Mr. Michael Beattie as the Providence District Representative
- Ms. Melissa Smarr as the Springfield District Representative

The Board deferred the appointment of the Mason District Representative.

LIBRARY BOARD

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

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY

Reappointments of:

- Mr. Gary Hurst as the Community Representative
- Honorable John Foust as the Dranesville District Representative

PARK AUTHORITY

Appointment of:

- Ms. Janyce Hedetniemi as the At-Large Chairman's Representative

ROAD VIEWERS BOARD

Reappointment of:

- Mr. Joseph Bunnell as the At-Large #1 Representative

SMALL BUSINESS COMMISSION

Reappointments of:

- Ms. Kelly Pride Hebron as the Braddock District Representative
- Mr. Joe Brooks as the Providence District Representative

The Board deferred the appointment of the Springfield District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

TENANT LANDLORD COMMISSION

Reappointment of:

- Ms. Angelina Panettieri as the Tenant Member #1 Representative

The Board deferred the appointment of the Tenant Member #3 Representative.

TRAILS AND SIDEWALKS COMMITTEE

Reappointments of:

- Mr. Thomas F. Kennedy as the Braddock District Representative
- Mr. Wade H. Smith as the Dranesville District Representative
- Mr. Jeffrey Anderson as the Hunter Mill District Representative
- Mr. Robert Michie as the Lee District Representative
- Mr. Jan Reitman as the Mason District Representative
- Mr. Peter Christensen as the Mount Vernon District Representative
- Mr. Roger Diedrich as the Providence District Representative
- Mr. Paul Kent as the Sully District Representative

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

WATER AUTHORITY

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

RESTON MASTER PLAN SPECIAL STUDY TASK FORCE

Confirmations of:

- Mr. Gregory Trimmer as the JBG Companies Primary Representative
- Mr. Matt Valentini as the JBG Companies Alternate Representative

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7. 10:50 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES
(10:23 a.m.)

(R) Supervisor McKay, Chairman of the Board's Legislative Committee, briefed the Board on the report distributed to Board Members at the dais from the committee meeting on Friday, January 20, 2012. He also briefed the Board on the status of select legislation initiated by the County.

Supervisor McKay announced that the next meeting of the Board's Legislative Committee will be held on Friday, January 27, 2012, at 4:30 p.m., in Government Center Conference Rooms 9 and 10. He also announced that the Board will host its annual legislative reception in Richmond on Tuesday, February 21, at 5:30 p.m. in Old City Hall.

Supervisor McKay moved adoption of 2012 Legislative Report Number One, with the inclusion of the suggested amendment to House Bill (HB) 33 and Senate Bill (SB) 242. Chairman Bulova seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to prepare an analysis of HB 1248 and provide it for discussion at the Board's next Legislative Committee meeting on Friday, January 27, 2012. Without objection, it was so ordered.

Following discussion regarding mandates, Supervisor Herrity raised a question regarding SB 237, Senator Colgan's emergency legislation to ratify the Metropolitan Washington Airports Authority (MWAA) Board changes per federal legislation.

Supervisor Herrity moved to amend the motion to include support for SB 237, Senator Colgan's emergency legislation to ratify the changes to the MWAA Board per federal legislation to add two new seats to the MWAA Board. Supervisor Cook seconded the motion.

Following a lengthy discussion regarding the proposed legislation, the question was called on the amendment and it **FAILED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "AYE."

The question was called on the main motion, and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting "NAY."

Supervisor McKay moved adoption of the Resolution regarding the general devolution of State responsibilities, as distributed around the dais. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Discussion ensued regarding the Resolution.

Supervisor Foust asked unanimous consent that the Board direct staff to provide information regarding the pending house bills on proposed amendments to *Virginia Code* Section 22.1-100, Unexpended School and Educational Funds, for discussion at the next Board's Legislative Committee meeting on January 27, 2012. 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."

Supervisor Frey asked unanimous consent that the Board direct staff to provide information on the status of HB 1077, regarding day labor centers. Without objection, it was so ordered.

Chairman Bulova said that there is a budget amendment regarding the Commonwealth's share of \$150 million for rail to Dulles which would be used to reduce the amount paid by motorists driving in the toll road as part of the funding for rail to Dulles. The budget amendment increases it to \$500 million.

Therefore, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to add this item to the agenda for discussion at the Board's next Legislative Committee meeting on January 27, 2012. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

EBE:ebe

8. **ADMINISTRATIVE ITEMS** (11:02 a.m.)

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

Supervisor Herrity called the Board's attention to Admin 6 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facilities Standards), Articles 1 and 3. Discussion ensued, with input from Catherine Sauer, Director, Community Education and Provider Services, Department of Family Services (DFS) regarding fiscal impact on providers and the estimated impact on the number of child care providers the County will lose as a result of the amendment.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information on the number of Child Care Specialists who do the inspections in relation to the State requirements. Without objection, it was so ordered.

Discussion ensued with input from Ms. Sauer and Anne-Marie D. Twohie, Director, Office for Children, DFS, regarding the language used in terms of corporal punishment, the use of portable wading pools for kids who are not toilet trained, and the proposed amendments being consistent with State regulations.

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 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12078 FOR THE OFFICE OF EMERGENCY MANAGEMENT (OEM) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUBGRANT AWARD FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (HSEMA)

- (SAR) Approved SAR AS 12078 for OEM to accept funding from DHS in the amount of \$500,000 to be used to enhance security and overall preparedness by implementing the project summarized in Attachment 1 of the Board Agenda Item dated January 24, 2012. The project will be implemented in accordance with the program guidance documents.

ADMIN 2 – STREET INTO THE SECONDARY SYSTEM (MOUNT VERNON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Laurel Overlook	Mount Vernon	Laurel Overlook Drive

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO CONSIDER EXPANDING THE NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC) RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 39 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 28, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the NVCC RPPD, District 39.

The proposed district expansion includes the following streets:

- Pulley Court (Route 4398), from Wakefield Chapel Road to the cul-de-sac inclusive
- Toll House Road (Route 4488), from the eastern boundary to the western boundary of 8454 Toll House Road; from the eastern boundary to the western boundary of 8460 Toll House Road; and from the western boundary of 8449 Toll House Road to Whistler Court
- Wakefield Chapel Road (Route 710), from Pulley Court to the northern boundary of 4411 Wakefield Chapel Road

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON PROVIDENCE FOREST DRIVE (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 28, 2012, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix R, establishing parking restrictions on the south side of Providence Forest Drive from Gallows Road to Hartland Road to prohibit commercial vehicles as defined in Section 82-5-7, recreational vehicles, and all trailers, from 9 p.m. to 6 a.m., seven days a week.

ADMIN 5 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MOUNT VERNON DISTRICT)

- (R)
- Adopted a Resolution authorizing installation of “Watch for Children” signs on Morningside Lane and Admiral Drive (Mount Vernon District).
 - Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL AND CHILD CARE FACILITIES STANDARDS), ARTICLES 1 AND 3

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

Authorized the advertisement of a public hearing to be held before the Board on **February 28, 2012, at 4:30 p.m.** to consider proposed amendments to the Code

of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Facilities Standards), Articles 1 and 3. The ordinance has been reviewed and revised to reflect current health and safety regulations, practices and codes; best practices in the field; update State home child care regulations; and to reorganize and reword the ordinance for clarity.

ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PUBLIC ENTERTAINMENT ESTABLISHMENTS

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 23, 2012, at 8:15 p.m., and before the Board on **March 6, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding public entertainment establishments.

ADMIN 8 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW (BRADDOCK, MASON, AND PROVIDENCE DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-P00-83-1	AT&T Mobility Corporation Antenna collocation on building rooftop 9451 Lee Highway, Fairfax Providence District	April 6, 2012
FSA-B09-38-1	AT&T Mobility Corporation Antenna collocation on an existing monopole/lightpole 5035 Sideburn Road, Fairfax Braddock District	April 7, 2012
2232-M11-22	Department of Public Works and Environmental Services Temporary fire station 3521 Moncure Avenue, Falls Church Mason District	August 5, 2012

9. **A-1 – APPOINTMENT OF MEMBERS TO THE SOLID WASTE AUTHORITY** (11:18 a.m.)

(BACs) On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and appointed Board Members to the Solid Waste Authority, as outlined in the Board Agenda Item dated January 24, 2012.

(NOTE: Later in the meeting, the Annual Meeting of the Solid Waste Authority was held. See Clerk's Summary Item #43.)

10. **A-2 – ENDORSEMENT OF THE COUNTY'S PRE-DISASTER RECOVERY PLAN** (11:19 a.m.)

(BACs) Supervisor McKay moved that the Board concur in the recommendation of staff and endorse the County's Pre-disaster Recovery Plan. Supervisor Hyland seconded the motion.

Supervisor Smyth called the Board's attention to the Pre-disaster Recovery Plan, Page IV-25(c), Northern Virginia Emergency Response System, and raised a question regarding the relationship between the Northern Virginia Emergency Response System (NVERS) and the Northern Virginia Regional Commission (NVRC). Discussion ensued, with input from Anthony H. Griffin, County Executive, who noted that when the Agenda Item was drafted the statement regarding the relationship was accurate. However, the statement is currently not accurate, but discussions are underway and it should be resolved soon.

Discussion continued, with input from Roy Shrouf, Deputy Coordinator, Office of Emergency Management, who noted that as conditions change, the document will be amended and updated to reflect the changes, and revised copies distributed to the appropriate individuals.

With regard to the second paragraph under section (c), Mr. Griffin suggested to delete the words "~~...under the governance of the Northern Virginia Regional Commission, engaging...~~" so that the sentence reads as "**NVERS operates as a collaborative partnership among local governments,...**"

Therefore, Supervisor Smyth asked to amend the motion to revise the paragraph, as recommended by Mr. Griffin, and this was accepted.

Supervisor Gross called the Board's attention to the Pre-Disaster Recovery Plan, page III-4, paragraph three, regarding the Recovery Policy Advisory Board, and raised a question concerning the number of appointees, and discussion ensued, with input from Mr. Griffin, regarding the process for appointing members.

Chairman Bulova complimented members of the task force and staff who worked on the plan and announced that the United States Economic Development

Administration is currently promoting the plan as a best practice on its national disaster recovery framework roll out tour.

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

11. **A-3 – AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO EXECUTE THE BLUE PLAINS INTER-MUNICIPAL AGREEMENT OF 2012 AMONG THE COUNTY; DISTRICT OF COLUMBIA (DC); DC WATER AND SEWER AUTHORITY (DCWSA); MONTGOMERY COUNTY, MARYLAND; PRINCE GEORGE’S COUNTY, MARYLAND; AND WASHINGTON SUBURBAN SANITARY COMMISSION**
(11:31 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the Chairman to execute the Blue Plains Inter-municipal Agreement of 2012 among the County; DC; the DCWSA; Montgomery County, Maryland; Prince George’s County, Maryland; and the Washington Suburban Sanitary Commission for conveyance of wastewater to the Blue Plains Wastewater Treatment Plant in the District. Supervisor Gross seconded the motion.

Discussion ensued, with input from Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services (DPWES) regarding, the difference in the peak flow capacity between the Potomac Interception and the Blue Plains Treatment Plant.

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

12. **A-4 – ENDORSEMENT OF COUNTY STAFF COMMENTS ON THE ENVIRONMENTAL ASSESSMENT FOR THE I-395 HIGH OCCUPANCY VEHICLE (HOV) RAMP AT SEMINARY ROAD IN ALEXANDRIA (MASON DISTRICT)** (11:35 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and:

- Endorse staff’s comments on the environmental assessment for the I-395 HOV ramp at Seminary Road.
- Authorize transmittal of the comments to the Federal Highway Administration.

Supervisor McKay seconded the motion.

Supervisor Gross clarified that none of the area is in the Mason District but rather borders it.

A brief discussion ensued, with input with from Laura Miller, Base Realignment and Closure (BRAC) Coordinator, Department of Transportation, regarding the creation of an auxiliary lane and whether it is separate project from the HOV ramp.

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

13. **A-5 – AUTHORIZATION TO MAKE A LOAN TO WESLEY MOUNT VERNON OWNER LLC, FOR THE ACQUISITION AND REHABILITATION OF THE 184-UNIT MOUNT VERNON APARTMENTS AS PART OF THE HOUSING BLUEPRINT (LEE DISTRICT)** (11:38 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and authorize the Fairfax County Redevelopment and Housing Authority to loan funds in an amount not to exceed \$4.8 million to Wesley Mount Vernon Owner LLC as part of the overall financing for the acquisition and rehabilitation of the 184-unit Mount Vernon Apartments. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Paula C. Simpson, Director, Department of Housing and Community Development (DHCD) and Aseem K. Nigam, Director, Real Estate Finance and grants Management Division, DHCD, regarding:

- Flexibility in working with existing tenants who may not qualify under the new income levels in finding additional housing
- Rehabilitation timeline
- \$5000 annual monitory fee and regular reporting
- Cash flow from deferred loans in the penny portfolio

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

14. **I-1 – ENDORSEMENT OF TYSONS CORNER URBAN DESIGN GUIDELINES (HUNTER MILL AND PROVIDENCE DISTRICTS)** (11:46 a.m.)

The Board next considered an item contained in the Board Agenda dated January 24, 2012.

Supervisor moved that the Board endorse the Tysons Corner Urban Design Guidelines dated January 14, 2012, with the changes set forth on the handout dated January 24, 2012, as distributed around the dais. Chairman Bulova seconded the motion.

Discussion ensued, with input from Barbara A. Byron, Director, Office of Community Revitalization (OCR), regarding the use and purpose of the guidelines and that it is not to be used alone by staff in reviewing applications that come before the Board.

Chairman Bulova announced that the guidelines can be found at: <http://www.fairfaxcounty.gov/tysons/design/>.

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

15. **I-2 – TRANSPORTATION PLAN MAP 2011 (REPRINT)** (11:56 a.m.)

The Board next considered an item contained in the Board Agenda dated January 24, 2012, announcing that staff has reprinted the Transportation Plan Map to reflect adopted transportation changes through September 13, 2011.

Discussion ensued, with input from Leonard Wolfenstein, Department of Transportation, regarding inconsistencies in the plan map and the tracking chart and how to correct them.

16. **I-3 – ANNUAL STATUS REPORT ON THE BOARD’S SECOND FOUR-YEAR TRANSPORTATION PROGRAM AND OTHER ACTIVE TRANSPORTATION PROJECTS (COUNTYWIDE)** (12:01 p.m.)

The Board next considered an item contained in the Board Agenda dated January 24, 2012, regarding the annual status report on the Board’s second four-year Transportation Program and other active transportation projects countywide.

Chairman Bulova announced that the next second four-year Transportation Plan is on the agenda for the Board’s retreat on February 6 and 7, 2012.

Discussion ensued with input from Tom Biesiadny, Director, Department of Transportation, regarding changes and updates to the annual status report on the Board’s second four-year Transportation Program and other active transportation.

BOARD MATTERS

17. **REQUEST FOR RECOGNITIONS** (12:04 p.m.)

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

- Office for Women and Domestic and Sexual Violence Services to appear before the Board to receive a proclamation recognizing Sexual Assault Awareness Month.

- Office for Women and Domestic and Sexual Violence Services to appear before the Board to receive a proclamation recognizing Women's History Month.
- Health Department to appear before the Board to receive a proclamation on February 28 declaring February as Tuberculosis Awareness Month.
- Health Department to appear before the Board to receive a proclamation recognizing Public Health Week.
- Health Department to appear before the Board to receive a proclamation recognizing Donate Life Month.

Without objection, it was so ordered.

18. **SISTERHOOD PARTNERSHIP WITH KECIOREN, TURKEY**
(12:05 p.m.)

Chairman Bulova said that the County, through the American Turkish Friendship Association, has been invited to become a "Sister" with Kecioren, a metropolitan district of Ankara in Turkey. A delegation from Kecioren will be visiting Richmond in February and plan to include the County in its itinerary.

Kecioren has a population of about 800,000 and covers about 73 square miles, with the Cubuk River running through the middle of the district. The current administration is particularly focused on revitalization and aesthetics by introducing features such as an artificial waterfall and other water features.

The American Turkish Friendship Association, located in Fairfax, has offered to provide support and resources for a Sisterhood Partnership program with Kecioren.

Chairman Bulova asked unanimous consent that the Board direct staff to express the County's interest in this partnership and learn more about what such a program could involve. It is understood that no County tax dollars will be used for this program, except for incidentals such as phone and fax costs. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

19. **SISTER CITY ARRANGEMENT WITH KARBALA PROVINCE, IRAQ (DRANESVILLE DISTRICT)** (12:07 p.m.)

In a joint matter with Chairman Bulova, Supervisor Foust said that the County has been invited to explore a Sister-city relationship with Karbala Province, Iraq. The Governor of Karbala has expressed interest in bringing a delegation to the County sometime in 2012. These communications have been facilitated by an Iraqi-American resident of the County, Colonel Aizen J. Marrogi, M.D.

Karbala Province has a population of approximately 1 million people and covers about 1,943 square miles, located about 62 miles north of Baghdad and 50 miles south of Najaf City. Karbala Province should not be confused with its capital city, Karbala, a holy city for Shi'ah Muslims. The province, particularly the capital city, is a religious tourist destination that attracts millions of visitors each year.

The Governor of Karbala Province has expressed an interest in partnering with a "well-run, efficient, and transparent" local government in the United States to serve as an example in the development of its local agencies and processes as the area redevelops, citing land use planning and coping with large numbers of tourists as two immediate interests. The County's reputation as a well-run, large county with both urban and suburban characteristics, as well as the proximity to Washington, DC and its tourist-friendly attractions makes the County an ideal partner for Karbala.

Supervisor Foust asked unanimous consent that the Board direct staff to express the County's interest in this relationship and learn more about what such a program could involve. It is understood that no County tax dollars will be used for this program, except for incidentals such as phone and fax costs. Without objection, it was so ordered.

20. **HONORING MAYOR ROBERT F. LEDERER FOR 30 YEARS OF SERVICE TO THE CITY OF FAIRFAX (SPRINGFIELD DISTRICT)** (12:10 p.m.)

In a joint matter with Chairman Bulova, Supervisor Cook, and Supervisor Smyth, Supervisor Herrity said that on December 21, 2011, Mayor Robert F. Lederer of the City of Fairfax announced that he would retire in June of this year after 30 years of public service.

Mayor Lederer was first elected to the City Council in 1982 and went on to serve as a Councilman for 8 years and Mayor for 10 years. During that time, the City underwent great changes and has become nationally recognized as one of the best places to live in the country by *Forbes* magazine. Thanks to his leadership, the City was able to maintain its triple-A bond rating through the recent recession and the City recently received a Gold Medal from the National Recreation and Parks Association.

Not only has Mayor Lederer been a leader for the City, he has been a great partner for the County. The City and County share many public services such as schools and libraries. The Mayor has been an ally and a cooperative partner to work with on a broad range of issues. His leadership in the City over the last 30 years, including the redevelopment and revitalization of Old Town Fairfax, has contributed to the growth and enrichment of not only the City but also the surrounding communities in the County. Residents are fortunate for his contributions to the community.

Therefore, Supervisor Herrity moved that the Board direct staff to invite Mayor Lederer to appear before the Board to receive a resolution honoring him for his service and for being an outstanding partner to the County over the last 30 years. Chairman Bulova seconded the motion, and it carried by unanimous vote.

21. **DULLES RAIL OPERATING EXPENSE PROJECTIONS** (12:12 p.m.)

Supervisor Herrity said that at its meeting last week, Loudoun County's Board of Supervisors approved a Northern Virginia Transportation Commission (NVTC) resolution that amends the terms and conditions of Loudoun's membership in NVTC effective when and if Loudoun chooses to fund Phase II of the Dulles Rail Project. Included with its approval was a request for NVTC and the Washington Metropolitan Area Transit Authority (WMATA) to provide sufficient information on the terms and conditions of Metrorail service to Loudoun County within 30 days after the completion of preliminary engineering for Phase II which is due to be finished late next month.

Supervisor Herrity stated his belief that, as Loudoun's staff continues to work with NVTC and WMATA to project what the ultimate financial obligations will be for the County before it commits to funding Phase II, it would be prudent for the County to follow their lead and do the same. He said that the Board needs to have as much information as possible on what the ongoing operating costs will be, if it is constructed, to make an educated decision on whether or not to fund Phase II.

Therefore, Supervisor Herrity moved that the Board direct staff to work with NVTC and WMATA to determine what the ongoing operating costs for both Phase I and Phase II are projected to be over the next 15 years and the projected source of funds. Two options should be included—one if Loudoun opts in, one if Loudoun opts out. The projections should also include additional capital requirements that are expected by WMATA and NVTC. This information should be provided a minimum of two weeks before the Board meeting where the opt in decision on Phase II will be made. Chairman Bulova and Supervisor Frey jointly seconded the motion.

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

- Operating cost
- Process and the public outreach efforts and input
- Process for the final decision
- Financial impact on the County should Loudoun opt out
- Impact on traffic

Supervisor Herrity asked unanimous consent that the Board direct staff to provide an update on when the study will be concluded. Without objection, it was so ordered.

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

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22. **PROCLAMATION RECOGNIZING THE CONTRIBUTIONS OF AFRICAN AMERICANS TO THE FAIRFAX COUNTY PUBLIC SCHOOL (FCPS) SYSTEM** (12:26 p.m.)

Supervisor Hyland said that in the County there are currently seven schools or centers named after African-Americans who were educators, writers, and Secretary of State, as follows:

- Louise Archer Elementary (Vienna)
- Lutie Lewis Coates Elementary (Herndon)
- Langston Hughes Middle School (Reston)
- Luther Jackson Middle School (Falls Church)
- Colin Powell Elementary (Centreville)
- Pulley Center (Alexandria)
- Quander Road School (Alexandria)

Their history also goes back in time to serving George Washington at Mount Vernon. This is an important initiative of the FCPS African Heritage Outreach. Supervisor Hyland stated his belief that these historical African-Americans should be recognized for their contributions to the County's vast school system.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to prepare a proclamation recognizing the accomplishments of the seven African Americans and their contributions to the FCPS system during February 20–25 of African-American History month. Without objection, it was so ordered.

23. **REQUEST FOR CONCURRENT PROCESSING FOR ST. LOUIS CATHOLIC CHURCH (MOUNT VERNON DISTRICT)** (12:27 p.m.)

Supervisor Hyland said that The Most Reverend Paul L. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia, and his successors in office (the applicant) recently submitted a special permit amendment application on St. Louis Catholic Church and School, Tax Map 93-1 ((1)) 6. The applicant proposes only an increase in enrollment of 40 children in the school so that a preschool program for three-and four-year-olds may be established. The existing building will accommodate the proposed preschool and there are no exterior modifications proposed to the existing improvements. Further, there are no changes proposed to the operation of the existing place of worship or the existing private school of general education. A site plan will not be required in conjunction with the establishment of a preschool, however, building plans must be approved prior to the issuance of building permits for interior work. The applicant is interested in opening the preschool this fall, and, therefore, has requested the opportunity to concurrently process building plans with the special permit amendment application.

Therefore, Supervisor Hyland moved that the Board direct the Director of the Department of Public Works and Environmental Services to concurrently and simultaneously process building plans with the pending Special Permit Amendment Application SPA 82-V-059-3. Supervisor McKay seconded the motion and it carried by unanimous vote.

24. **REQUEST TO AMEND THE HUNTINGTON CONSERVATION PLAN (MOUNT VERNON DISTRICT)** (12:29 p.m.)

Supervisor Hyland said that on January 26, 2009, the Board approved, with the support of the Huntington Community Association, an amendment to the Comprehensive Plan to permit a portion of Land Unit “T” adjacent to the Huntington Metro Station and bounded by Huntington Avenue, Biscayne Drive, Glendale Terrace, and Blaine Drive to redevelop with transit-oriented, mixed-use development up to a 3.0 floor area ratio (FAR), with a focus on high-density residential development. The property that was the subject of that amendment, however, is located within the boundaries of the Huntington Conservation Plan, which was put in place in 1976 when the Huntington Metro Station opened to ensure appropriate compatibility between existing neighborhoods and the metro station.

Supervisor Hyland said that while the Comprehensive Plan has since been amended to permit transit-oriented development within a portion of Land Unit T, the Huntington Conservation Plan has not. Further, the recent Comprehensive Plan amendment requires that any redevelopment be consistent with the Conservation Plan. Accordingly, developers and property owners wishing to implement the new Comprehensive Plan recommendations are precluded from doing so because it would not be in concert with the Huntington Conservation Plan's recommendations for the property. He stated that one developer is ready to file a rezoning application in furtherance of the Comprehensive Plan's recommendations, but has not done so because of the disconnect between the Comprehensive Plan and the Huntington Conservation Plan.

Supervisor Hyland said there has been a lot of discussion within the Huntington community about the future of that general area and the impact of the flooding that has occurred over the past five years. He stated his belief that the broader concerns about the future of the Huntington community should not prevent property owners whose properties were authorized for redevelopment under the 2009 Comprehensive Plan amendment from implementing the Plan's recommendations while discussions of the Huntington Conservation Plan's long-term future continue. This position is consistent with that of the Huntington Community Association, which was voted on December 1, 2011, to support amending the Conservation Plan to permit certain properties within Land Unit "T" to be removed from the Conservation Plan so that redevelopment may proceed in accordance with the Comprehensive Plan.

Therefore, Supervisor Hyland moved that the Board:

- Direct staff in the Department of Housing and Community Development and the Department of Planning and Zoning to draft appropriate amendments to the Huntington Conservation Plan to remove properties located within Land Unit "T" and bounded by Huntington Avenue, Biscayne Drive, Glendale Terrace, and Blaine Drive from the Conservation Plan and permit redevelopment in accordance with the Comprehensive Plan.
- Authorize public hearings to be held before the Redevelopment and Housing Authority and the Board of Supervisors on the proposed amendments, with the dates of such hearings being as soon as reasonably possible.

Supervisor McKay and Chairman Bulova jointly seconded the motion.

Following a brief discussion regarding the Conservation Plan, the question was called on the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

25. **MOUNT VERNON DISTRICT'S TWENTY-FIFTH ANNUAL TOWN MEETING** (12:33 p.m.)

Supervisor Hyland announced that on Saturday, February 4, 2012, he will host Mount Vernon's Twenty-fifth Annual Town Meeting. As in previous years, Chairman Bulova, County Executive Anthony Griffin, School Board Representative Dan Storck, and Fort Belvoir Base Commander Colonel John Strycula will address the attendees. He stated that, unfortunately, it will be Mr. Griffin's last as County Executive. The Town meeting will have over 66 groups providing information and resources in exhibit hall in the morning. The meeting will conclude with a virtual bus tour of the Mount Vernon District focusing on how the community can help partner with local government to implement the Mount Vernon Visioning Task Force's recommendations. Supervisor Hyland invited Board Members, County staff, and residents to attend.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to advertise the Town meeting on Channel 16, the County's website, and social media. Without objection, it was so ordered.

26. **BRUNSWICK STEW** (12:34 p.m.)

Supervisor Hyland distributed around the dais his recipe for Brunswick Stew, which he plans to prepare for the Board's upcoming retreat.

27. **LICENSE AGREEMENT BETWEEN THE COUNTY, FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS), AND FALLS CHURCH-MCLEAN CHILDREN'S CENTER (DRANESVILLE DISTRICT)** (12:35 p.m.)

Supervisor Foust said that in 2003, as part of the County's Capital Improvement Program (CIP), the County paid to FCPS approximately \$1.9 million for the renovation and construction of an approximately 8,900 square-foot child care center at the Lemon Road Elementary School. The County did this so that the Falls Church-McLean Children's Center would have permanent space to operate a child care facility in the County. The Falls Church-McLean Children's Center is a long-standing community partner that provides child-care services to low-income children enrolled in the Child Care Assistance Program.

In 2010, the School Board informed the Children's Center that, under certain circumstances, it might be necessary for the Children's Center to vacate the Lemon Road School space, and proposed that the Children's Center enter into a written agreement with the School Board that would set forth the rights and obligations of the parties if this were to become necessary. Supervisor Foust stated that this matter then came to his attention, and because the County had originally paid for the construction of the Lemon Road School space so that the Children's Center would have a place to operate, it seemed that the County should be a party to such an agreement, the School Board, and the Children's Center agreed.

Supervisor Foust noted that, as a result, the School Board executed an agreement, which he previously distributed to Board Members. The agreement was drafted by the County Attorney and counsel for the School Board. It sets forth the rights and responsibilities of the School Board and the Children's Center with respect to the use of the space at the Lemon Road School. With respect to the County, the agreement specifies that if the agreement is terminated for any reason other than a breach of the agreement by the Children's Center, the School Board must pay to the County, or at the direction of the County to the Children's Center, the fair market value of the Lemon Road School improvements the County paid for in 2003. Although this agreement does not provide that the Children's Center will be able to permanently occupy the space in the Lemon Road School, it does ensure that the Children's Center cannot be required to vacate the space unless the School Board makes certain findings regarding its need for the space and complies with certain notice requirements that would enable the Children's Center to carry on its activities while it searches for and secures alternative space. In the event the School Board requires the Children's Center to vacate the space, the agreement ensures that the County would recoup some or all of the money it paid to construct the space. Supervisor Foust stated that the agreement is acceptable to him, the Children's Center, the School Board, and the County Attorney. He stated his belief that it would be in the best interests of the County for the Board to be a party to the agreement.

Therefore, Supervisor Foust moved that the Board authorize and direct the County Executive to execute the agreement on its behalf. Supervisor Smyth seconded the motion.

Following discussion, regarding the proposed agreement, the question was called on the motion and it carried by unanimous vote.

28. **McLEAN GLEN – BOARD'S OWN MOTION, BOARD CONCURRENCE, AND REQUEST FOR EXPEDITED PROCESSING (DRANESVILLE DISTRICT)** (12:43 p.m.)

Supervisor Foust said that in 2006 the Board approved Rezoning Application RZ 2005-DR-009 to rezone 8.11 acres from the R-1 District to the PDH-4 District in the name of Winchester Homes to permit the development of 19 single-family detached units. The rezoning represented the consolidation of 13 lots and a portion of Gordon's Lane and Odrick's Lane which was intended to be vacated following the zoning approval. Following the zoning approval and prior to the vacation of the roadways Winchester Homes abandoned the project.

For over five years the property owners have been unable to make exterior modifications to the existing structures, such as build decks or additions, because such modifications would not be in substantial conformance with the approved Conceptual Development Plan/Final Development Plan which has been abandoned by the original developer. In addition, it is practically impossible for

the homeowners to market their properties since the individual lots are subject to the consolidated rezoning proffer commitments. Further, the homeowners have been unable to refinance their homes due to the rezoning action that has occurred but has not been pursued.

Supervisor Foust stated that, in consultation with staff from the Department of Planning and Zoning (DPZ) and the property owners, it has been determined that the best solution is to rezone the parcels that were subject to Rezoning Application RZ 2005-DR-009 back to their former R-1 District status without proffers. This would allow the parcels to return to the same development status that existed for each lot prior to the rezoning.

Therefore, Supervisor Foust moved that the Board:

- Concur in the filing of a portion of Gordon's Lane and Odrick's Lane in the filing of an application to rezone the land area that had been the subject of Rezoning Application RZ 2005-DR-009 back to the R-1 District.
- Authorize the filing of the zoning application as a Board's Own Motion rezoning application.
- Designate DPZ to act on behalf of the Board as its representative to expeditiously file and process this application.
- Authorize and direct the Director of the Zoning Evaluation Division of DPZ to expeditiously process the zoning application and schedule the necessary public hearings to occur on the earliest possible dates in 2012.

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

29. **REQUEST TO PROCLAIM FEBRUARY 2012 AS "TEEN DATING VIOLENCE PREVENTION AWARENESS MONTH" IN FAIRFAX COUNTY** (12:47 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust stated that the Safe Community Coalition, a part of the Unified Prevention Coalition in the County, works with the communities of Langley, McLean, Thomas Jefferson, and Madeira high schools to promote healthy living by the youth.

February is National Teen Dating Prevention and Awareness Month. It raises public awareness that approximately one in three teens in the US is a victim of physical, emotional, or sexual abuse by a dating partner.

Supervisor Foust said that to call attention to this problem, the Safe Community Coalition will sponsor, in partnership with the various high schools, an event called "What's Love Got to Do With It: Healthy Relationships and Dating" on February 9, 2012, at McLean High School. In addition to a live theatre presentation, and a guest speaker whose daughter was murdered by an ex-boyfriend, the event will include a community forum on healthy aspects of teen relationships and dating, as well as the early warning signs of an unhealthy relationship.

In recognition of its efforts to create awareness of the problem, the Safe Community Coalition has requested that the County designate February 2012 as Teen Dating Violence Prevention Awareness Month.

Therefore, Supervisor Foust moved that the Board proclaim February 2012 as "*Teen Dating Violence Prevention and Awareness Month*" in Fairfax County and direct the Office of Public Affairs to publicize the February 9 event. Chairman Bulova seconded the motion and it carried by unanimous vote.

PMH:pmh

30. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)** (12:49 p.m.)

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

31. **INTENT TO DEFER PUBLIC HEARINGS (MASON AND PROVIDENCE DISTRICTS)** (12:50 p.m.)

Supervisor Gross announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 87-M-103 due to an affidavit issue.

Supervisor Smyth announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 2008-PR-009 and Special Exception Amendment Application SEA 80-P-078-16.

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #44 and #46.)

32. **CONCURRENT FILING OF DORR AVENUE COUNTY OWNED PROPERTY/RIGHT-OF-WAY WITH PROSPERITY METRO LLC REZONING APPLICATION (PROVIDENCE DISTRICT)** (12:51 p.m.)

Supervisor Smyth said that in 2010 the Board granted Rezoning Application RZ 2009-PR-002, Tax Map 49-1 ((13)) 13A, in which Square 1400 LC proffered to extend Dorr Avenue north to Prosperity Avenue. To facilitate this road realignment and connection, the existing cul-de-sac is proposed to be vacated and abandoned. Due to the geometries of the realigned road the entire vacated cul-de-sac (approximately 10,865 square feet area of public right-of-way owned by the Board) would go to the property located on the east side of Door Avenue known as Prosperity Metro LLC.

Supervisor Smyth said that Prosperity Metro LLC proposes for the area to be incorporated into its soon-to-be submitted rezoning application, however, Board approval is required.

Therefore, Supervisor Smyth moved that the Board authorize the:

- Inclusion of the approximately 10,865 square foot area of public right-of-way located between the parcels identified above in a rezoning to be filed by Prosperity Metro LLC.
- County Executive to act as agent of the Board in connection with the pending rezoning application to be submitted by Prosperity Metro LLC.

This motion shall not be construed as favorable recommendation on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adoptive standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

33. **FAIRFAX COUNTY PARK FOUNDATION (FCPF) TO CELEBRATE ITS TENTH ANNIVERSARY** (12:53 p.m.)

Jointly with Chairman Bulova, Supervisor McKay explained that the FCPF is a private nonprofit corporation that supports the County Park Authority by raising private funds, obtaining grants, and creating partnerships that supplement tax dollars to meet the community's needs for park land, facilities, and services. The Foundation is celebrating its tenth anniversary and has already amassed a list of accomplishments.

Supervisor McKay referred to his written Board Matter which outlined accomplishments of the FCPF. He added that it has also received numerous awards.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite members of the County Park Foundation to appear before the Board on

February 28 to receive a proclamation recognizing the Foundation on its tenth anniversary and accomplishments. Without objection, it was so ordered.

34. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (12:54 p.m.)

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

35. **RECOGNIZING SOPHIE CHASE FOR EARNING ALL AMERICAN HONORS (BRADDOCK DISTRICT)** (12:54 p.m.)

Supervisor Cook noted that Lake Braddock Junior, Sophie Chase, has been named the 2011-2012 Gatorade Virginia Girls' Cross Country runner of the year in addition to her other awards.

Therefore, Supervisor Cook asked unanimous consent that the Board:

- Congratulate Miss Chase on her achievements.
- Direct staff to invite her to appear before the Board at a date to be determined to be formally recognized.

Without objection, it was so ordered.

36. **UPCOMING RETREAT WITH THE SCHOOL BOARD** (12:55 p.m.)

Supervisor Cook asked unanimous consent that the Board consider adding to the agenda for the retreat with the School Board the Adult Community Education programs.

Chairman Bulova asked that Supervisor Cook provide information to her regarding this issue so that she could discuss it with the School Board Chairman.

Without objection, the request was so ordered.

A brief discussion ensued regarding the retreat and the agenda.

37. **RECESS/CLOSED SESSION** (1:01 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. Consent Order with the State Water Control Board Resolving Enforcement Action Regarding Unpermitted Discharges from Fairfax County's Sanitary Sewer System (Mount Vernon District)
 - 2. *Chantilly Partners Limited Partnership v. Board of Supervisors of Fairfax County and Fairfax County, Virginia*, CL-2011-0018289 (Fx. Co. Cir. Ct.) (Springfield District)
 - 3. *Virginia Department of Labor and Industry v. Fairfax County Police Department*, Inspection No. 312648520 (Mount Vernon District)
 - 4. *Pflow Industries, Inc., and Anatares Monument, LLC, and Rim Pacific Management, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2010-18319 (Fx. Co. Cir. Ct.)
 - 5. *Alvin Mosier v. Commonwealth of Virginia, et al.*, Case No. 1:11cv1381 (E.D. Va.)
 - 6. *John David Cooper v. Raquel Perez, et al.*, Case No. CL-2011-0016520 (Fx. Co. Cir. Ct.)
 - 7. *Gerald Edward Preston v. MV Transportation and Fairfax County DOT*, Case No. GV11033431-00 (Fx. Co. Gen. Dist. Ct.)
 - 8. *Karen Rompalo v. Fairfax County Public Schools*, Case No. GV11020800-00 (Fx. Co. Gen. Dist. Ct.)
 - 9. *Latisa M. Head, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board*

- of Supervisors of Fairfax County, Virginia, and Vicki L. Dodge, Case No. CL-2011-0001752 (Fx. Co. Cir. Ct.) (Springfield District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)*
 11. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)*
 12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khalil Arbid, Case No. CL-2011-0003120 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
 13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)*
 14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)*
 15. *Eileen M. McLane, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., and Judith M. Shifflett, Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel J. Gueugneau, Case No. CL-2011-0006975 (Fx. Co. Cir. Ct.) (Mason District)*
 17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Le, Hien Thi Nguyen, and Johnny Le, Case No. CL-2011-0015039 (Fx. Co. Cir. Ct.) (Mason District)*

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Selim Eslaquit and Hamdi Eslaquit*, Case No. CL-2011-0010916 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eric R. Kenney*, Case No. CL-2011-0009050 (Fx. Co. Cir. Ct.) (Providence District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randy G. Curtis and Karen L. Curtis*, Case No. CL-2011-0010963 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wallace Lee Oden*, Case No. CL-2011-0010556 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case No. CL-2011-0000217 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert George Chatman and Patricia A. Chatman*, Case No. CL-2011-0017307 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kelly S. Mullaney*, Case No. CL-2011-0018023 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cornell S. Marschalko and Rose Marschalko*, Case No. CL-2011-0018096 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phillip Shane Blevins and Denise Clare Blevins*, Case No. CL-2011-0018229 (Fx. Co. Cir. Ct.) (Springfield District)

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tyron Barth and Elizabeth Ann Pennell*, Case No. CL-2011-0018335 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter H. Young*, Case No. CL-2012-0000077 (Fx. Co. Cir. Ct.) (Providence District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. William E. Hughes and Margaret Hughes*, Case No. CL-2012-0000159 (Fx. Co. Cir. Ct.) (Sully District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jan Forbes and Virginia Forbes*, Case No. CL-2012-0000223 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Jose Valle and Angelica Maria Valle*, Case No. CL-2012-0000224 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

- Draft Benthic Total Maximum Daily Load Development for Accotink Creek, Virginia
- *Kent Sinclair v. New Cingular Wireless PCS, LLC Et. Al* Virginia Supreme Court Record Number 101831

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

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At 4:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

38. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:05 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."

39. **CONSENT ORDER APPROVAL AS PROPOSED BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY** (4:06 p.m.)

Supervisor Gross moved that the Board approve the Consent Order as proposed by the Virginia Department of Environmental Quality regarding sanitary sewer overflow discharge violations according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

40. **AUTHORIZE THE ACQUISITION OF PROPERTY (MASON DISTRICT)** (4:06 p.m.)

Supervisor Gross moved that the Board authorize the acquisition of the property located at 6271 Lincolnia Road [Tax Map 72-2((1)) parcel 39] on the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

41. **SALARIES OF COUNTY CONSTITUTIONAL OFFICERS** (4:07 p.m.)

Supervisor Gross moved approval of the following salary for the four-year term of the Sheriff: \$160,193. Supervisor McKay seconded the motion. The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Cook, Supervisor Frey, and Supervisor Herrity voting "NAY."

Supervisor Gross moved approval of the following salary for the four-year term of the Clerk of Court: \$155,418. Supervisor Hyland and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the following salary for the four-year term of the Commonwealth Attorney: \$184,791. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

42. **SALARIES OF COUNTY EXECUTIVE AND COUNTY ATTORNEY**
(4:08 p.m.)

Supervisor Gross said that the Board has completed its annual performance evaluation of County Executive Anthony H. Griffin and County Attorney David Bobzien which were in-depth and comprehensive and represented input from all Board Members.

She noted that the County has been very well-served by these two outstanding employees, and the Board commends them for their leadership and exemplary work ethic. Inasmuch as Mr. Griffin will be retiring later this spring, no increase in compensation or changes to his contract are recommended by the Board.

Supervisor Gross moved that the Board approve a salary increase of 2.2 percent, effective January 30, 2012, for an annual salary of \$210,114 for County Attorney David Bobzien; other terms of his employment remain the same. Supervisor Hyland and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

43. **3 P.M. – ANNUAL MEETING OF THE SOLID WASTE AUTHORITY**
(4:10 p.m.)

(BACs) (NOTE: Earlier in the meeting, the Board appointed members to the Solid Waste Authority. See Clerk's Summary Item #9.)

At 4:10 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Bulova in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Sharon Bulova – Chairman
Chairman, Fairfax County
Board of Supervisors

Penelope A. Gross – Vice-Chairman
Vice-Chairman, Fairfax County
Board of Supervisors

Catherine A. Chianese – Secretary
Clerk to the Fairfax County
Board of Supervisors

Victor Garcia – Treasurer
Director, Office of Finance

David P. Bobzien – Attorney
County Attorney

Anthony H. Griffin – Executive Director
County Executive

Joyce M. Doughty – Authority Representative
Director, Division of Solid Waste
Disposal and Resource Recovery,
Department of Public Works and
Environmental Services (DPWES)

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

Supervisor Gross moved approval of the minutes from the January 25, 2011, meeting of the Fairfax County Solid Waste Authority. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the financial statements as contained in the Board Agenda Item dated January 24, 2012. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Gross moved to adjourn the Annual Meeting of the Fairfax County Solid Waste Authority. Supervisor Hyland seconded the motion and it carried by unanimous vote.

At 4:12 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-M-103 (BOARD OF SUPERVISORS) (MASON DISTRICT) (4:12 p.m.)**

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 87-M-103 until **February 28, 2012, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

45. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-DR-023-03 (TRINITY GROUP LLC) (DRANESVILLE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-D-006-04 (TRINITY GROUP LLC) (DRANESVILLE DISTRICT)
(4:13 p.m.)

(O) The Proffered Condition Amendment Application PCA 2004-DR-023-03 property is located in the northwest quadrant of the intersection of Georgetown Pike and Balls Hill Road, Tax Map 21-3 ((1)) 56A.

The Special Exception Amendment Application SEA 00-D-006-04 property is located at 850 Balls Hill Road, McLean, VA 22102, Tax Map 21-3 ((1)) 56A pt.

Mr. Gregory A. Riegle 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. Riegle 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, Mr. Rogers presented the staff and Planning Commission recommendations.

Supervisor Foust moved:

- Approval of Proffered Condition Amendment Application PCA 2004-DR-023-03, subject to the proffers dated January 19, 2012.
- Approval of Special Exception Amendment Application SEA 00-D-006-04, subject to the development conditions dated January 20, 2012.
- Reaffirmation of the previous approval to permit the modular classrooms to remain located 30 feet from Interstate 495 as shown on the Generalized Development Plan/Special Exception Amendment (GDP/SEA) Plat, until their removal no later than August 2, 2015.
- Reaffirmation of the previous approval of a modification of the transitional screening requirement along the eastern and southern

property lines to the existing landscaping as depicted on the GDP/SEA Plat.

- Reaffirmation of the previous approval of a waiver of the barrier requirement along the eastern and southern property lines.

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

46. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2008-PR-009 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-16 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)
(4:22 p.m.)

(NOTE: On January 10, 2012, the Board deferred this public hearing until January 24, 2012.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 2008-PR-009 and Special Exception Amendment Application SEA 80-P-078-16 until **February 28, 2012, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Herrity being out of the room

47. **4 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 7138 BEULAH STREET, ALEXANDRIA, VA 22315 (LEE DISTRICT)** (4:23 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2012.

Jeffrey L. Blackford, Director, Department of Code Compliance, introduced Victoria Dzierzek, Code Compliance Investigator III, who presented the staff report.

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

- Adoption of the Ordinance declaring 7138 Beulah Street blighted, constituting a nuisance.

- Approval of the blight abatement plan for 7138 Beulah Street.

Supervisor Foust seconded the motion.

Discussion ensued, with input from Mr. Blackford, concerning:

- Virginia Department of Transportation (VDOT) permits
- Streamlining the spot blight abatement process

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to include review of the spot blight abatement process at a future committee meeting date. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

48. **4 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 7209 NEUMAN STREET, SPRINGFIELD, VA 22150 (LEE DISTRICT)** (4:32 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2012.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

Following the public hearing, Supervisor McKay submitted an item for the record.

Supervisor McKay moved:

- Adoption of the Ordinance declaring 7209 Neuman Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7209 Neuman Street.

Supervisor Foust and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey,

Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

49. **4 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 6321 STEINWAY STREET, ALEXANDRIA, VA 22315 (LEE DISTRICT)** (4:36 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2012.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

Following the public hearing, Supervisor McKay moved:

- Adoption of the Ordinance declaring 6321 Steinway Street blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6321 Steinway Street.

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

50. **4 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 7130 LITTLE RIVER TURNPIKE, ANNANDALE, VA 22003 (MASON DISTRICT)** (4:39 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2012.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

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

- Adoption of the Ordinance declaring 7130 Little River Turnpike blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7130 Little River Turnpike.

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.”

51. **4:30 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 7010 OLD DOMINION DRIVE, MCLEAN, VA 22101 (DRANESVILLE DISTRICT)** (4:45 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2012.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

Following the presentation by Mr. William Burton, discussion ensued concerning:

- Land record transference since 2004
- Ownership

Following the public hearing, which included testimony by two speakers, Supervisor Foust moved:

- Adoption of the Ordinance declaring 7010 Old Dominion Drive blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7010 Old Dominion Drive.

Supervisor McKay 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.”

52. **4:30 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 7101 VELLEX LANE, ANNANDALE, VA 22003 (MASON DISTRICT)** (4:59 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2012.

Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance, presented the staff report.

Following the public hearing, which included testimony by two speakers, Chairman Bulova submitted an item for the record.

Supervisor Gross moved:

- Adoption of the Ordinance declaring 7101 Vellex Lane blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7101 Vellex Lane.

Supervisor McKay 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.”

53. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5, SECTIONS 32 THROUGH 32.2** (5:09 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2012.

David Reidenbach, Chief, Regulation and Licensing Branch, Department of Cable and Consumer Services, presented the staff report.

Following a presentation by Harold G. Belkowitz, Vice-Chairman, Consumer Protection Commission, discussion ensued concerning towing outside of the County and pending legislation in Richmond.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5, Sections 32 through 32.2, regarding trespass towing. Supervisor Hyland seconded the motion.

Discussion continued concerning legislation pending in Richmond.

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.”

54. **BOARD ADJOURNMENT** (5:25 p.m.)

The Board adjourned.

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