



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 26, 2011**

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

16-11

DAL:dal

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, July 26, 2011, at 9:36 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 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

Supervisor Penelope A. Gross, Mason District, arrived at 9:50 a.m.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:37 a.m.)

Chairman Bulova noted that this is the last Board meeting before the Board recesses for August.

Chairman Bulova asked everyone to keep in thoughts the family of Ms. Joan Cross who died recently. She was a former member of the Fairfax City Council. Ms. Cross was also a very active member of the Central Fairfax Chamber of Commerce. The viewing for Ms. Cross will be held tomorrow, from 6–9 p.m. at the Everly Funeral Home in Fairfax, Virginia. The funeral service will be on Thursday, July 28, at 10 a.m. at the Stacy Sherwood Community Center in Fairfax, Virginia.

Supervisor Hudgins asked everyone to keep in thoughts the family of Evan Soggins, who died in a horse riding accident. He was 12 years old. He was a theater performer and a member of the Reston Raiders Hockey Club. She noted that his club members have established a scholarship in his name to recognize all of his involvement in the community and to recognize his life.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Bill Cole who died recently. Mr. Cole was the founder and past president of the Occoquan Watershed Coalition. He was the founder of Clifton Tips, which is an aging in place organization. Mr. Cole was committed to the Clifton area and all the environmental standards and he participated in the downzoning of the Occoquan Watershed many years ago. He had a 28 year military career and lived in the Clifton area.

Supervisor Frey asked everyone to keep in thoughts the family of Master Police Officer Julius Pearl who died recently. He was a 15 year veteran of the Police Department. Supervisor Frey asked everyone to also keep in thoughts the police family.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE SOUTH COUNTY SECONDARY SCHOOL BASEBALL TEAM** (9:41 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to members of the South County Secondary School baseball team for numerous accomplishments. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE McLEAN HIGH SCHOOL GIRLS' SOCCER TEAM** (9:51 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the McLean High School girls' soccer team for winning the Virginia Group AAA State championship. Supervisor McKay seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LANGLEY HIGH SCHOOL BOYS' LACROSSE TEAM** (9:56 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to members of the Langley High School boys' lacrosse team for winning the Virginia High School League State tournament. Supervisor Herrity, Supervisor Hyland, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE MOUNT VERNON DISTRICT VISIONING TASK FORCE** (10:02 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to members of the Mount Vernon District Visioning Task Force for service and the report providing a vision of where the district should be in 25 years. Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION FOR MS. PAOLA AND MR. ROBERT PIZZANO** (10:15 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to Mr. Robert Pizzano for a contribution from the Joey Pizzano Memorial Foundation to assist with funding for the Our Special Harbor sprayground and the Make a Splash program. Supervisor Gross seconded the motion and it carried by unanimous vote.

(Ms. Paola Pizzano was unable to attend.)

7. **RESOLUTION OF RECOGNITION POSTHUMOUSLY PRESENTED TO MR. JOHN HARVEY ARIAIL, JR.** (10:25 a.m.)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Ms. Leslie Ariail posthumously recognizing Mr. John Harvey Ariail, Jr. for his vision, dedication, leadership, and significant contributions to the Lorton Arts Foundation Workhouse Arts Center and the County. Supervisor Foust seconded the motion and it carried by unanimous vote.

8. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JOHN MONSUL AND THE CREW OF "COMMUNICATING TODAY"** (10:39 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to Mr. John Monsul and the crew of "Communicating Today" — a program seen on Fairfax Public Access Cable Channel 10 — for its six hundredth broadcast. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor McKay being out of the room.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. NANCY MERCER AND MS. JILL EGLÈ** (10:51 a.m.)

Supervisor Cook moved approval of the Certificates of Recognition presented to Nancy Mercer and Jill Eglè for their years of service at The Arc of Northern Virginia for residents of the County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

10. **PROCLAMATION DESIGNATING SEPTEMBER 2011 AS "DIRECT SUPPORT PROFESSIONALS APPRECIATION MONTH" IN FAIRFAX COUNTY** (11:07 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate September 2011 as "Direct Support Professionals Appreciation Month" in Fairfax County. Supervisor Smyth and Vice-Chairman Gross jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

EBE:ebe

11. **ORDERS OF THE DAY** (11:19 a.m.)

Chairman Bulova announced that there was a revised agenda with a revised Action Item A-9 – Board Endorsement of the Strategy Outlined by the US Secretary of Transportation Related to Dulles Corridor Metrorail Project Phase II and Authorization of the County Executive to act as the Board's Agent in Negotiating a Phase II Project Memorandum of Understanding that will be discussed in closed session and considered when the Board reconvenes in open session. Chairman Bulova also stated that when the Board recesses for lunch it will immediately proceed into closed session.

12. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:19 a.m.)

(APPTS)
(BACs)

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

Supervisor Foust asked to amend the motion to include the reappointment of Mr. Michael Horwatt to the Economic Advisory Commission, and this was accepted.

Supervisor Cook asked to amend the motion to include the reappointments of Mr. William Hanks as the Braddock District Representative to the Barbara Varon Volunteer Award Selection Committee and Ms. Jennifer Bishop as the Braddock District Representative to Human Services Council, and this was accepted.

With reference to her written motion, Supervisor Hudgins asked to amend the motion to confirm Mr. Bob Riedel as the Alliance for Reston Clusters Homeowners Representative, and update the membership list to indicate the resignation of Mr. Steve Cerny, Ms. Stephanie Cortelyou, and Ms. Anne Strange, and this was accepted.

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

Appointments 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.

ATHLETIC COUNCIL

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. William Hanks as the Braddock District Representative.

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Providence District Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of Mount Vernon District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Appointment of:

- Dr. David P. Hess-Linkous as the Providence District Representative.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

The Board deferred the appointment of the Braddock District Representative.

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Dirck Hargraves as the Fairfax County Resident #5 Representative.

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

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Mr. Michael Horwatt as the Economic Development Authority Representative.

ECONOMIC DEVELOPMENT AUTHORITY

Reappointment of:

- Mr. Mark Lowham as the At-Large #6 Citizen Representative.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointment of the Springfield District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Dawn Kaye as a Long Term Care Provider Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointments of:

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

The Board deferred the appointment of the At-Large #3 Representative.

HEALTH SYSTEMS AGENCY BOARD

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

HUMAN SERVICES COUNCIL

Reappointment of:

- Ms. Jennifer Bishop as the Braddock District Representative.

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Mr. Michael Beattie as the Providence District Representative.

LIBRARY BOARD

Reappointment of:

- Mr. Charles Fegan as the At-Large Chairman's Representative.

RESTON MASTER PLAN SPECIAL STUDY TASK FORCE

Confirmation of:

- Mr. Bob Riedel as the Alliance for Reston Clusters Homeowners Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

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

TRAILS AND SIDEWALKS COMMITTEE

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

DET:det

13. **ADMINISTRATIVE ITEMS** (11:21 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 5 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Independent Living Facilities for Low Income Residents and a Modification to the Definitions of “Dwelling Unit” and “Independent Living Facility.”

Supervisor Smyth asked to amend the motion to include the following language in the proposed addition to 9-306 Additional Standards for Independent Living Facilities, Item #2:

- “And shall consider any specific facility maintenance and operating needs to ensure that the facility meets the needs of the occupants and **is compatible with the neighborhood.**”

This was accepted.

Discussion ensued concerning the concentration of by-right group homes in specific neighborhoods, with input from Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning.

Supervisor Foust called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 2012 Revised Budget Plan.

Chairman Bulova stated that the:

- Authorization is for a public hearing to be held on September 13, 2011.
- County was ending the FY in the black.
- Positive balance was due in great part to savings achieved during the budget year.

Supervisor Foust read from a list of questions that were directed to the School Board, a copy of which had been given to staff, and asked unanimous consent that the Board direct staff to respond. Without objection, it was so ordered.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that questions regarding Carryover be given to Susan Datta, Chief Financial Officer, and that the questions and answers be shared with the entire Board. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Herrity called the Board's attention to Admin 10 – Authorization to Advertise a Public Hearing on the Interim Agreement (Laurel Hill) Between the Board and The Alexander Company, Under the Provisions of the Public-Private Education and Infrastructure Act of 2002.

Discussion ensued concerning the status of the project since the last briefing, specifically concerning the projected funding and shortfall, with input from Len Wales, Financing Advisor, Department of Management and Budget, regarding the gap.

The question was called on the motion, as amended, 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 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution authorizing installation of “Watch for Children” signs on the following roads in the Springfield District:
 - Harwood Place
 - Jansen Drive
 - Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SPRINGFIELD DISTRICT)

- Endorsed the following traffic calming measures as part of RTAP:
 - Three speed tables on Poplar Tree Road (Springfield District)
- Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON NORTHBOURNE DRIVE AND CABELLS MILL DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (SULLY DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2011, at 4 p.m.** to consider endorsing Northbourne Drive and Cabells Mill Drive between Stringfellow Road and Walney Road, to be included in the RTAP for a through truck traffic restriction.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON BACKLICK ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MOUNT VERNON DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2011, at 4 p.m.** to consider endorsing Backlick Road between Fairfax County Parkway and Richmond Highway, to be included in the RTAP for a through truck traffic restriction.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING INDEPENDENT LIVING FACILITIES FOR LOW INCOME RESIDENTS AND A MODIFICATION TO THE DEFINITIONS OF “DWELLING UNIT” AND “INDEPENDENT LIVING FACILITY”

- (R) (A) (Note: Earlier in the meeting, the Board took action regarding this item. See page 8.)

Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 15, 2011, at 8:15 p.m. and before the Board on **October 18, 2011, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding independent living facilities for low income residents and a modification to the definitions of “dwelling unit” and “independent living facility.”

ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Butler Property Lot 1 (1916 Beulah Road)	Hunter Mill	Beulah Road (Route 675) (Additional ROW Only)
Fairfax County Redevelopment and Housing Authority (Mondloch House Number One)	Lee	Lockheed Boulevard (Route 723) (Additional ROW Only)
Rolling Oaks	Mount Vernon	Oak Field Court Rolling Road (Route 638) (Additional ROW Only)
Land Master Corporation (Hill Street Property)	Springfield	Hill Street (Route 720) (Additional ROW Only)

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2012 REVISED BUDGET PLAN

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

Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2011, at 10:45 a.m.** to increase the FY 2012 appropriation level. The advertisement encompasses both the County and the Schools' FY 2011 Carryover Reviews.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE JEFFERSON MANOR CONSERVATION PLAN (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 27, 2011, at 4 p.m.** regarding proposed amendments to the Jefferson Manor Conservation Plan.

ADMIN 9 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 2006-SP-011, VIRGINIA ELECTRIC AND POWER COMPANY (VEPCO) (SPRINGFIELD DISTRICT)

- (AT) Approved the request for 12 months of additional time to establish the use for Special Exception Application SE 2006-SP-011 to July 1, 2012, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE INTERIM AGREEMENT (LAUREL HILL) BETWEEN THE BOARD AND THE ALEXANDER COMPANY, UNDER THE PROVISIONS OF THE PUBLIC-PRIVATE EDUCATION AND INFRASTRUCTURE ACT OF 2002

- (A) (Note: Earlier in the meeting, the Board discussed this item. See page 9.)

Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2011, at 4:30 p.m.** regarding the Interim Agreement between the County and The Alexander Company for the purpose of The Alexander Company pursuing Land Use Entitlement Approvals for the Adaptive Reuse of the Lorton Reformatory and Penitentiary, per the “Master Plan for the Laurel Hill Adaptive Reuse Site” approved by the Board in May 2010.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTION OF A NEW APPENDIX S TO THE CODE OF THE COUNTY OF FAIRFAX, REGARDING THE LOCAL PROPERTY TAX EXEMPTION OF THE NORTHERN VIRGINIA COALITION (NOVACO)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2011, at 4:30 p.m.** regarding a proposed amendment to the Code of the County of Fairfax, to consider adoption of a new Appendix S, exempting NOVACO, pursuant to Chapter 4 (Taxation and Finance), Article 27, contingent on certification from the Department of Housing and Community Development (HCD).

ADMIN 12 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR AND ACCEPT A ASSISTANCE TO FIREFIGHTERS GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY (DHS)

Authorized FRD to apply for and accept funding, if received, in an amount of \$293,876 from the DHS Fiscal Year 2011 Assistance to Firefighters Grant Program, including the required 20 percent local cash match of \$58,775.

14. **A-1 – AUTHORIZATION OF FUNDING FROM THE ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT PROJECT COMPLETION FUND FOR SPOT WIDENING PROJECTS** (11:35 a.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and approve the release of \$6 million from the Route 28 District Project Completion Fund for the preparation of final design plans for four priority sections of Route 28 widening. Supervisor Frey and Supervisor Herrity jointly seconded the motion.

Discussion ensued concerning whether Loudoun County had addressed this issue, with input from Noelle Dominguez, Transportation Planner III, Coordination and Funding Division, Department of Transportation, who noted that it was approved by Loudoun County on June 7.

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

15. **A-2 – APPROVAL OF A PARKING REDUCTION FOR MOSAIC DISTRICT – PARCELS I & J OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (11:37 a.m.)

Supervisor Smyth moved to defer consideration of this item until after the public hearing on Proffered Condition Amendment Application PCA 2005-PR-041-02. Supervisor Hyland seconded the motion and it carried by unanimous vote.

(Note: Later in the meeting, this item was considered. See Clerk's Summary Item #60.)

16. **A-3 – APPROVAL OF AN AMENDED PARKING REDUCTION FOR RESTON TOWN CENTER URBAN CORE – PHASE I (HUNTER MILL DISTRICT)** (11:37 a.m.)

On motion of Supervisor Hudgins, jointly seconded by Supervisor Hyland and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the following:

- A reduction of 28.0 percent (1,126 fewer parking spaces) in required parking for the existing uses prior to commencement of construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston.
- A temporary reduction of 32.0 percent (1,288 fewer parking spaces) in required parking for the existing uses during construction of the proposed office building on Block 4 and Parcel 1, Section 91A Reston.
- A reduction of 29.7 percent (1,385 fewer parking spaces) in required parking for the uses existing upon completion of the proposed office building on Block 4 and Parcel 1, Section 91A Reston.

for Reston Town Center Urban Core – Phase I, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, paragraph 4(B), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions outlined in the Board Agenda Item dated July 26, 2011.

17. **A-4 – FENCE HEIGHT MODIFICATION FOR THE McLEAN POLICE AND GOVERNMENTAL CENTER RENOVATION AND EXPANSION PROJECT (DRANESVILLE DISTRICT)** (11:38 a.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and approve the additional height of the proposed security fence that will surround the secured police parking area of the McLean Police Station and Governmental Center and the additional height of the standard chain link fence that runs along the property line adjacent to Langley School, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 10-104, paragraph 3G. Supervisor Hyland seconded the motion.

Discussion ensued concerning the process involved in seeking fence height modifications, with input from Chris Smith, Senior Engineer II, Planning and Design Division, Department of Public Works and Environmental Services, regarding a 2232 public facilities application and the expansion of the station.

Discussion continued regarding the applicable ordinance, with input from Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, regarding Board modification.

Following additional discussion, with input from Mr. Smith, regarding dimensions of a non-climbable fence and the installation of such at other facilities, Anthony H. Griffin, County Executive, noted that installation was budget dependent.

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

18. **A-5 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 12006 AND APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDING FOR THE DULLES CORRIDOR BICYCLE AND PEDESTRIAN IMPROVEMENTS (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (11:45 a.m.)

(SAR) (R) Supervisor Hudgins moved that the Board concur in the recommendation of staff and:

- Adopt a Resolution authorizing the Standard Project Administration Agreement, in substantial form, between DOT and the Virginia Department of Transportation (VDOT).
- Approve SAR AS 12006 for DOT to accept funding from VDOT to administer the Dulles Corridor bicycle and pedestrian improvements project.

The total funding of \$9.8 million consists of \$8,640,000 in Congestion Mitigation and Air Quality funding and a required local cash match of \$1,160,000. The local cash match will be met using either Fund 102, Federal/State Grant Fund, or Fund 124, County and Regional Transportation Projects, based on available fund balances.

Supervisor Smyth seconded the motion.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information concerning the projected usage of these facilities. 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.”

19. **A-6 – ADOPTION OF AN AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 6 (WEAPONS), SECTION 6-1-2.1, RELATING TO PNEUMATIC GUNS** (11:47 a.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of the Board's intent to consider a proposed amendment to the Code of the County of Fairfax, Chapter 6 (Weapons), was duly advertised in that newspaper in the issues of July 15 and July 22, 2011.

Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt an amendment to the Code of the County of Fairfax, Chapter 6 (Weapons), Section 6-1-2.1, repealing the prohibition on traversing a public school ground or a public park while in possession of a pneumatic gun. Supervisor Cook and Supervisor Herrity jointly seconded the motion.

Discussion ensued concerning the referral of this matter to the Legislative Committee for review, with input from David P. Bobzien, County Attorney.

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,"

20. **A-7 – APPROVAL OF FISCAL YEAR (FY) 2011 YEAR-END PROCESSING** (11:48 a.m.)

(SAR) (Note: Earlier in the meeting, the Board approved the advertisement of a public hearing to amend the current appropriation level in the FY 2012 revised budget plan.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," the Board concurred in the recommendation of staff and:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2011 for the interim period from July 1 until the Board approves the FY 2011 Carryover Review, which is scheduled for action on September 13, 2011.
- Approved Supplemental Appropriation Resolution (SAR) AS 11155 for the one County and one School Board fund requiring an additional appropriation for FY 2011.

21. **A-8 – AUTHORIZATION TO FILE COMMENTS REGARDING ACCELERATION OF BROADBAND DEPLOYMENT: EXPANDING THE REACH AND REDUCING THE COST OF BROADBAND DEPLOYMENT BY IMPROVING POLICIES REGARDING PUBLIC RIGHTS OF WAY AND WIRELESS FACILITIES SITING (WC DOCKET NUMBER 11-59)**

(11:49 a.m.)

On motion of Supervisor Hudgins, jointly seconded by Supervisor Gross and Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to file comments with the Federal Communications Commission explaining the benefits of the County's practices in encouraging broadband deployment and opposing industry proposals for federal preemption of local authority over local government property.

22. **A-9 – BOARD ENDORSEMENT OF THE STRATEGY OUTLINED BY THE US SECRETARY OF TRANSPORTATION RELATED TO DULLES CORRIDOR METRORAIL PROJECT PHASE II AND AUTHORIZATION OF THE COUNTY EXECUTIVE TO ACT AS THE BOARD'S AGENT IN NEGOTIATING A PHASE II PROJECT MEMORANDUM OF UNDERSTANDING**

(Note: Earlier in the meeting, Chairman Bulova announced that this item has been revised. See Clerk's Summary Item #11.)

(Note: Later in the meeting, this item was considered. See Clerk's Summary Item #53.)

23. **C-1 – APPEAL BY METRO PARK 6, LLC, OF A PROFFER INTERPRETATION FOR REZONING APPLICATION RZ 1998-LE-048, PROFFERED CONDITION AMENDMENT APPLICATION PCA 98-LE-048-3, AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 1998-LE-048-1-3 (LEE DISTRICT)** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2011, regarding an appeal by Metro Park 6, LLC, of a proffer interpretation for Rezoning Application RZ 1998-LE-048, Proffered Condition Amendment Application PCA 98-LE-048-3, and Final Development Plan Amendment Application 1998-LE-048-1-3. The proffer interpretation determined that the proposed remote child care center play area to be located adjacent to a parking garage was not in substantial conformance with the governing proffers and Conceptual Development Plan Amendment/Final Development Plan Amendment.

Supervisor McKay moved that the Board overturn the June 20, 2011, proffer interpretation by Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning, acting as agent of the Zoning Administrator in this case. Supervisor Foust seconded the motion.

Discussion ensued concerning planned development commercial (PDC) zoning and the concern for greater flexibility in mixed use. Supervisor Smyth asked unanimous consent that the Board direct staff to review the PDC zoning category to determine:

- Whether there is something else that should be reviewed in the Zoning Ordinance to allow more flexibility in how PDCs are done.
- How to surmount contradictory obstacles in old zonings.

Without objection, it was so ordered.

Discussion continued, with input from Ms. Berlin, concerning who can make determinations, creativity, and Americans with Disabilities Act (ADA) concerns.

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

24. **I-1 – QUARTERLY STATUS REPORT ON THE BOARD’S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:04 p.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2011, regarding the quarterly status report on the Board’s Second Four-Year Transportation Program.

Supervisor Herrity noted that the last four-year plan was approved in 2007 and inquired as to plans for the next four-year plan. Anthony H. Griffin, County Executive, stated that the Board should expect a report in January.

Discussion ensued concerning the:

- Use of the HOT (high occupancy toll) lanes on Interstate 495 (I-495) for transportation congestion reduction in Tysons Corner
- Time frame of the next four-year plan
- Walkway projects in Mason District

Discussion continued concerning drop-off points in Tysons for buses, car pools, and sluggers, and ensuing pedestrian connections from those areas, with input from Rollo Axton, Chief, Transit Services Division, Department of Transportation.

25. **I-2 – BASE REALIGNMENT AND CLOSURE (BRAC)/SOUTH COUNTY SERVICE PLAN FOR THE FAIRFAX CONNECTOR ROUTES TO BE IMPLEMENTED IN SEPTEMBER 2011** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2011, requesting authorization for staff to implement changes for the BRAC/South County Service Plan for the Fairfax Connector Routes in September 2011.

Chairman Bulova noted that the plan is being funded with County money and is a major undertaking regarding expansion of buses, new buses, new bus routes, and realignment of existing routes.

Discussion ensued concerning involvement of Fort Belvoir in the proposed changes, with input from Rollo Axton, Chief, Transit Services Division, Department of Transportation, concerning:

- Fort Belvoir's reaction to the proposed changes
- Alternative drop-off points to the South Gate entrance of Fort Belvoir
- Changes to access to Fort Belvoir over the past year
- Proposed linkages

Supervisor McKay noted that the hospital at Fort Belvoir has unconventional shift work and the Metro Board, in tandem with County efforts, expanded the hours of operation to accommodate that work to ensure that the thousands of workers at the hospital have that transit option.

Chairman Bulova noted that the County would be broadly publicizing the new transit opportunities.

The staff was directed administratively to proceed as proposed.

26. **I-3 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2011, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts during the period between the July meeting and the first meeting in September. Whenever a contract exceeds the estimate by ten percent, it will be discussed with the Board Member in whose district the project

is located and the Chairman of the Board before action is taken. The Board will receive notification of all contracts awarded.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

27. **ORDERS OF THE DAY** (12:18 p.m.)

Chairman Bulova announced that the Board would proceed with the presentation of Board Matters, but that the Board would recess in time to hold closed session at 1 p.m.

28. **REQUEST FOR PROCLAMATIONS** (12:19 p.m.)

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

- Invite representatives of the Department of Family Services and the adoption community to appear before the Board to accept a proclamation declaring November as “*Adoption Awareness Month*,” in Fairfax County.
- Help publicize the thirtieth Annual Substance Abuse Awareness Week Conference hosted by the Community Services Board. It will take place at the Government Center on Friday, October 14, 2011.
- Prepare a proclamation for this event recognizing “*Substance Abuse Awareness Week*” in Fairfax County.

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

29. **UTILIZATION OF DRANESVILLE DISTRICT WALKWAY CONTINGENCY FUNDS** (12:19 p.m.)

Supervisor Foust said that for over 15 years, the Greater McLean Chamber of Commerce (GMCC) and the McLean Volunteer Fire Department have maintained and decorated a holiday tree at a small traffic island located at the intersection of Chain Bridge Road and Old Chain Bridge Road. The tree has become a focal point of McLean’s holiday celebration. Unfortunately, during the years, three trees have died due to insufficient watering. Instead of continuing to replace trees

at a considerable expense, GMCC decided to solve the problem by installing an irrigation system.

Supervisor Foust noted that GMCC representatives have set about to raise the funds for the project. A grant from the McLean Citizens Foundation will cover the cost of a 12-14 foot spruce tree and new sodding. The McLean Revitalization Corporation contributed \$7000 for the cost of connecting to Falls Church Water. Mike Wheat of Wheat's Landscaping has volunteered to install the irrigation system. The Monett Foundation paid over \$3000 to have the engineering plans prepared.

Supervisor Foust said that one of the Virginia Department of Transportation's requirements for the project is the installation of a drainage system. He noted that recently the GMCC asked for his help in defraying some of the drainage system costs. To ensure that a permanent tree is installed this year, he proposed to use \$5000 from the Dranesville District Walkway Contingency Fund administered by the Department of Public Works and Environmental Services.

Therefore, Supervisor Foust moved that the Board direct staff to dedicate \$5000 from the Dranesville District Walkway Contingency Fund (W2060) to the GMCC, subject to the terms of an agreement to be drafted by the County Attorney's office and executed between the County Executive and GMCC. Supervisor McKay seconded the motion and it carried by unanimous vote.

30. **MULLIGAN ROAD CONNECTOR (LEE AND MOUNT VERNON DISTRICTS)** (12:21 p.m.)

In a joint written Board Matter with Supervisor Hyland, Supervisor McKay announced that he learned this morning that the awarding of the contract for Phase II of Mulligan Road is being protested by another bidder. He asserted that with the Base Realignment and Closure (BRAC) on the horizon, the County cannot afford for any delays in projects that might help mitigate the traffic that is coming. One such project that has seen delays is the Mulligan Road Connector, and the widening of Telegraph Road from Beulah to Leaf. This project is a critical connection for the South County area especially with the impacts expected from BRAC. Construction must commence as soon as possible to take advantage of the 2011 construction season.

Supervisor McKay reported, however, that the Department of Transportation staff was informed this morning that a bid protest has been filed with the Government Accounting Office (GAO) by one of the unsuccessful contractors bidding on the Mulligan Road Phase II Project. The contractor is disputing a two-step process that the Federal Highway Administration (FHWA) has been using: first evaluating technical abilities and experience of contractors, then opening cost proposals only for those who scored a certain number on technical competence.

As noted in the written Board Matter, the GAO of the federal government has decided that the Mulligan Road project, Phase II must go through an administrative review of bidding procedures. The GAO decision is due October 28, 2011. FHWA may be restricted from issuing the Notice to Proceed to Construction to the contractor until this is resolved. This will create a delay to the completion of this important project. The entire construction season of late summer and early fall 2011 could be lost.

Accordingly, jointly with Supervisor Hyland, Supervisor McKay moved that the Board direct staff to prepare a letter to the Northern Virginia Congressional Delegation requesting assistance in either making sure this pivotal project is not delayed any further or a plan is created to make up any lost time on this project so that it can be completed on schedule in the interest of moving traffic in and around Fort Belvoir. Supervisor Hyland seconded the motion.

Following discussion regarding the key role of this road, the protracted length of time for this project, and the importance of a stern letter, the question was called on the motion, and it carried by unanimous vote.

31. **BRIDGE WALK (LEE DISTRICT)** (12:25 p.m.)

With reference to his written Board Matter, Supervisor McKay announced that on Tuesday, August 30, at 7:30 p.m., members of the Springfield community will march over Veterans Bridge in the heart of the Springfield revitalization district and hold the tenth annual community celebration at the American Legion end of the bridge. The celebration will feature music, food from local restaurants, and, possibly, a few notables will feel the urge to say a few words.

Supervisor McKay invited the Board to join him on August 30 to experience how the community celebrates in Lee District, and he asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

32. **JEFFERSON DEVELOPMENT (LEE DISTRICT)** (12:26 p.m.)

Supervisor McKay stated that Jefferson Development, LLC (the “applicant”) owns approximately 36,000 square feet of land located on the south side of Castlewellan Drive (Route 8693) to the east of its intersection with South Van Dorn Street (Route 613) in the Lee District. The property is identified as Tax Map reference 81-4 ((1)) 56A (the “subject property”) and is zoned to the R-1 District. The applicant currently operates as the Jefferson Funeral Chapel, pursuant to Special Exception Application SE 97-L-059 that was approved on January 12, 1998.

Supervisor McKay said that the applicant is currently processing Rezoning Application RZ 2011-LE-015 on the subject property that proposes a rezoning from the R-1 to the C-6 District to allow a change of use from a funeral chapel to

a funeral home. The funeral home use will allow an additional service on the subject property for the convenience of the applicant's patrons. The applicant proposes no site modifications or additional intensity in conjunction with the rezoning application. The application is currently scheduled for a hearing before the Planning Commission on September 21, 2011. Based on the relatively minor nature of this application, Supervisor McKay stated his belief that an expedited Board hearing is appropriate.

Therefore, Supervisor McKay moved that the Board direct the staff of the Department of Planning and Zoning to schedule a public hearing for Rezoning Application RZ 2011-LE-015 to be held before the Board on September 27, 2011. He noted that 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 Smyth seconded the motion, which carried by unanimous vote.

33. **BUCKMAN ROAD DEVELOPMENT (LEE DISTRICT)** (12:27 p.m.)

Supervisor McKay stated that the property identified as Tax Map reference 101-2 ((1)) 19 (the "subject property") is located on the north side on Buckman Road (Route 836) in the northwest quadrant of the intersection of Richmond Highway (Route 1) and Buckman Road in the Lee District. Zoned to the R-20 District, the subject property is owned by Buckman Road Development LLC (the "applicant"), an entity affiliated with the Community Preservation Development Corporation (CPDC), a non-profit corporation specializing in the development and operation of affordable housing. The subject property contains approximately 10.33 acres and is developed with 204 multi-family dwelling units that are located in several separate buildings previously known as Buckman Road Apartments and now called Stony Brook Apartments. The apartments have recently been renovated and a community center has been added to the subject property.

Supervisor McKay said that on October 24, 2001, the Board of Zoning Appeals approved Special Permit Application SP 01-L-042, to allow a private school of special education for less than 100 students daily on the subject property. The special permit allows the school to operate in units 103 and 104 within the multi-family development. The applicant now proposes to relocate the school to the new community center. Because schools of special education are now permitted only with approval of a special exception, in lieu of a special permit, the applicant requests approval of a special exception to modify the operations of the existing school. The existing school offers classes to residents of the complex and surrounding residents to provide English training, computer training, after school programs, and general enrichment programs.

No site modifications, improvements, or additional intensity is proposed in conjunction with the special exception application. The applicant simply requests

the ability to move the private school of special education from two former apartment units to the newly constructed community center. To meet federal funding requirements, Supervisor McKay stated his belief that expedited processing is appropriate.

Therefore, Supervisor McKay 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 Buckman Road Development LLC and to schedule a public hearing to be held before the Board on November 1, 2011. 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 Smyth seconded the motion, which carried by unanimous vote.

34. **CLARIFICATION OF APPOINTMENTS TO BURGUNDY VILLAGE COMMUNITY CENTER OPERATIONS BOARD (LEE DISTRICT)**
(12:30 p.m.)

(APPTS) Supervisor McKay reported that he learned that information provided by the Burgundy Village Community Center Operations Board regarding its 2011 preference poll was incorrect. This Board Matter brings the information up-to-date and corrects his Board Matter of July 12.

Supervisor McKay clarified that the Burgundy Village Community Center 2011 preference poll selected Ms. Eleanor “Joyce” Hearst (not Mr. Ronald Hearst). Other members selected by this poll were Ms. Shirley Magalis and Ms. Carol Shazer. He also noted that Ms. Frances Wilkerson and Mr. Jim Robb were selected in the 2009 preference poll. Supervisor McKay moved the aforementioned confirmation in lieu of those on July 12. Supervisor Foust and Supervisor Herrity seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

35. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA Q. SMYTH** (12:31 p.m.)

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

36. **RECOGNITION OF MR. BEN ETTLEMAN (MOUNT VERNON DISTRICT)** (12:31 p.m.)

Supervisor Hyland noted the ninetieth birthday of Ben Ettleman, Chief Executive Officer of Davis Industries, Incorporated, on August 11 and described his achievements and continuing community service as noted in the written Board matter.

Therefore, Supervisor Hyland asked unanimous consent that the Board:

- Direct staff to invite Mr. Ettleman to appear before the Board at the first meeting in September to be recognized for his community service.
- Proclaim August 11, 2011, as “*Ben Ettleman Day*” in Fairfax County and encourage all residents to wish Ben a happy ninetieth birthday.

Without objection, it was so ordered.

PMH:pmh

37. **POSSIBLE PARKING RESTRICTIONS ALONG VALE ROAD (HUNTER MILL DISTRICT)** (12:32 p.m.)

Supervisor Hudgins said that recently a constituent brought to her attention a safety concern regarding off-street parking on the south side of Vale Road across from 10202 Vale Road. She said that “No Parking” signs would be appropriate along the shoulder of Vale Road from the portion of the roadway on the approach to Stryker Avenue where the shoulder is too narrow for a vehicle to park and be completely out of the travel lane of the roadway to the area where vehicles would have to clear line-of-sight after the curve in the road.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Transportation to install “No Parking” signs along the shoulder and as appropriate in this area. Supervisor Gross seconded the motion and it carried by unanimous vote.

38. **HUNTER MILL DISTRICT SKATE PARK ON WHEELS** (12:33 p.m.)

Supervisor Hudgins said that on Saturday, September 3, the Hunter Mill District office and the Town of Vienna Department of Parks and Recreation are co-hosting a skate park on wheels at the Vienna Volunteer Fire Department from 1 p.m. until 4 p.m. The event will feature a portable skateboard facility complete with ramps, rails, and jumps, geared for beginners through novices, ages six and older. This free event is made possible through the contribution of American Inline Skating.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information about the event on September 3 at Vienna Volunteer Fire Department, 400 Center Street in Vienna. Without objection, it was so ordered.

39. **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) NAMING POLICY PUBLIC HEARING** (12:33 p.m.)

Supervisor Hudgins said that WMATA has adopted a revised station naming policy. The new policy was developed as a result of outreach to riders and other stakeholders using the transit system. It introduces primary and secondary names for greater clarity of station locations. The new policy will be used in developing the new Metro map as Metro makes changes, including the Dulles expansion.

Supervisor Hudgins explained that the successful outreach process by WMATA provides an opportunity to refine the Dulles Corridor Metrorail station names by working with the WMATA Communications Department, the Metrorail stakeholders groups, and communities.

Therefore, Supervisor Hudgins moved that the Board direct staff to work with WMATA to facilitate one or more public meetings using the revised station naming policy to refine the Dulles Metrorail Station names. Supervisor McKay seconded the motion.

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

40. **2011 APPROVAL OF HEAD START COMPLIANCE REQUIREMENTS** (12:37 p.m.)

Supervisor Hudgins said that changes in federal regulations as a result of the Head Start Act of 2007 (Act) require that the Board, as the County's governing body, approve the following items:

- The Head Start program's annual self-assessment, which ensures the program's effectiveness and progress in meeting program goals and objectives and in implementing federal regulations [45 CFR 1304.51(i)(i)]
- The Bylaws for the Head Start parent Policy Council, which provides a formal structure of shared governance through which parents can participate in policy making and other decisions about the program [45 CFR 1304.50]
- A response to the federal on-site monitoring review of the County's Head Start and Early Head Start program conducted from February 13, 2011, to February 18, 2011, [45 CFR 1304.61 (b)]

As the Chairman of the Board's Human Services Committee, and thus the designated liaison between the Board and staff in the Department of Family Services, Office for Children (OFC), Supervisor Hudgins said that she has worked with OFC to develop the above-referenced documents.

Supervisor Hudgins noted that the Board must approve the above bulleted items to satisfy the compliance requirements of the Act.

Therefore, Supervisor Hudgins moved approval of the above-bulleted items and staff's continued work with her as the Chair of the Human Services Committee on behalf of the Board. Supervisor Gross seconded the motion.

Discussion ensued regarding:

- Future items coming to the Board as an agenda item
- Clarity on what action is being asked of the Board
- Deferral of this item
- Due date of the item
- Legal review of the item
- Deferral of the federal review

Following input from Anne-Marie Twohie, Director, OFC; David P. Bobzien, County Attorney; and Anthony H. Griffin, County Executive; Chairman Bulova announced that this item would be deferred until later in the day or until the September 13 Board meeting.

(NOTE: This item will be considered by the Board in September.)

41. **INTRODUCTION OF A SOUTH LAKES HIGH SCHOOL STUDENT (HUNTER MILL DISTRICT)** (12:56 p.m.)

Supervisor Hudgins introduced Allison Skowronski, a South Lakes High School Senior who has been working in her office, and warmly welcomed her to the Board Auditorium.

42. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (12:57 p.m.)

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

43. **INTRODUCTION OF AN INTERN FROM WEST SPRINGFIELD HIGH SCHOOL (SPRINGFIELD DISTRICT)** (12:57 p.m.)

Supervisor Herrity introduced Vince Ciro, a West Springfield High School student who has been interning in his office, and warmly welcomed him to the Board Auditorium.

44. **PROJECT UPDATES** (12:57 p.m.)

Supervisor Herrity asked unanimous consent that the Board direct staff to report with an update on the time table of the following projects:

- Defined Benefit versus Defined Contribution Study
- Tysons Transportation Plan
- Phase II of Dulles Rail
- The Fairfax County Parkway
- Route 1
- Base Realignment and Closure (BRAC) implementation needs
- The corresponding funding requirements and the expected timing of these needs
- FOCUS Project

Without objection, it was so ordered.

45. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)**
(1:01 p.m.)

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

46. **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. *Mary Getts Bland v. Fairfax County, Virginia*, Case No.1:10cv01030 (E.D. Va.)
2. *Application of Washington Gas Light Company*, PUE-2010-00139 (Va. State Corp. Comm'n) (County-wide)
3. *Jermaine Ridgley v. Fairfax County Department of Family Services*, Record No. 110201 (Va. Sup. Ct.)
4. *Diana Konadu v. Fairfax County Department of Family Services*, Case No. 0760-11-4 (Va. Ct. App.)
5. *Louise Root v. Pamela Schmoll, Michel Bodart, Sue Gilbert, John Colwell, and County of Fairfax*, Case No. CL-2008-0005303 (Fx. Co. Cir. Ct.)
6. *MR Commons LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0015905 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. SCI Virginia Funeral Services, Inc.*, Case No. CL-2010-0004119 (Fx. Co. Cir. Ct.) (Providence District)
8. *Norma Bostick Hartwell, Elizabeth Ann Bostick, Warren E. Bostick, and Wycliffe on the Potomac Homeowners Association, Inc. v. The County of Fairfax and the Board of Supervisors of Fairfax County*, Case No. CL-2011-0003349 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2008-0014600 (Fx. Co. Cir. Ct.) (Mason District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Idalia Cruz and Nelzar Gallo*, Case No. CL-2010-0014776 (Fx. Co. Cir. Ct.) (Hunter Mill District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones*, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farah Sharifi*, Case No. CL-2010-0017146 (Fx. Co. Cir. Ct.) (Mason District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donna K. Stone and Loudean Chrisman*, Case No. CL-2011-0002381 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Syed Sharafat Ali and Syed Parveen Ali*, Case No. CL-2011-0003808 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad E. Azim*, Case No. CL-2011-0003524 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph E. Slattery and Ida L. Slattery*, Case No. CL-2011-0008871 (Fx. Co. Cir. Ct.) (Sully District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo Severich and Maria A. Severich*, Case No. CL-2011-0009177 (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. James J. Hodges*, Case No. CL-2011-0009176 (Providence District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *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)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mark Bailey and Gemma Bailey*, Case No. CL-2011-0009565 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonel Arias, Bertila Arias, and Manfredo Ayala*, Case No. CL-2011-0009566 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nahid Amiri*, Case No. CL-2011-0009631 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Milton R. Ortega*, Case No. CL-2011-0009857 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Long Phi Van and Trang Thi Nguyen*, Case Nos. GV11011794 and GV11011795 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chung Kim and Hyunkil H. Kim*, Case Nos. GV11007714 and GV11007715 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miriam Yvette Sullivan*, Case Nos. GV11009792 and GV11009793 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- Federal Tax Treatment of Members of County Boards, Authorities, and Commissions
- *Board of Supervisors v. D and J Real Estate, LLC, and L & M Body Shop, Incorporated*
- Proposed Fairfax County Code Section 82-5-37.1, Restricted Parking in Non-Residential Areas
- Title Insurance for Property Interests Conveyed to Fairfax County
- The Agreement to Fund the Capital Cost of Construction of Metrorail in the Dulles Corridor of July 2007

Supervisor Gross seconded the motion.

A brief discussion ensued, with input from David P. Bobzien, County Attorney, regarding the legal basis for having the discussion of Dulles Rail in closed session.

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

DAL:dal

At 2:54 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ADDITIONAL BOARD MATTER

47. **STAR-SHAPED CHOCOLATES** (2:54 p.m.)

Supervisor Gross called the Board's attention to the foil covered star-shaped chocolates which she distributed around the dais. She said that they were milk chocolates from the Euphoria Chocolate Company in Eugene, Oregon, which she brought back from her trip.

ACTIONS FROM CLOSED SESSION

48. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:55 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 Hyland 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. **AUTHORIZATION TO APPEAL THE JUDGMENT IN *BLAND V. FAIRFAX COUNTY, VIRGINIA*** (2:55 p.m.)

Supervisor Hyland moved that the Board authorize an appeal to the United States Court of Appeals for the Fourth Circuit from the judgment in *Bland v. Fairfax County, Virginia*, Civil Action Number 1:10-cv-1030, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor McKay seconded the motion and it carried by unanimous vote.

50. **AUTHORIZATION TO FILE TESTIMONY IN THE RATE CASE FILED BY WASHINGTON GAS LIGHT COMPANY** (2:56 p.m.)

Supervisor Hyland moved that the Board authorize the Department of Cable and Consumer Services and the Office of the County Attorney to file testimony in the rate case filed by Washington Gas Light Company, PUE-2010-00139, as outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by unanimous vote.

51. **APPOINTMENT OF MR. FRED SELDEN TO THE POSITION OF DIRECTOR, DEPARTMENT OF PLANNING AND ZONING (DPZ)** (2:57 p.m.)

Supervisor Gross moved the appointment of Mr. Fred Selden to the position of Director, DPZ, with an annual salary of \$158,733 effective August 1, 2011. Chairman Bulova seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board formally congratulated Mr. Selden on his appointment. See Clerk's Summary Item #54.)

52. **AUTHORIZATION TO TAKE APPROPRIATE LEGAL ACTION TO REMOVE VEHICLES PARKED ON COUNTY-OWNED PROPERTY** (2:58 p.m.)

Supervisor McKay moved that the Board authorize the Office of the County Attorney to take appropriate legal action on behalf of the Board to permanently remove any and all motor vehicles that have been parked on County-owned property located at 7245 Fullerton Road and 7936 Alban Road and to seek other appropriate remedies against the parties responsible for such activity, as outlined by the County Attorney in closed session. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEM

53. **A-9 – BOARD ENDORSEMENT OF THE STRATEGY OUTLINED BY THE US SECRETARY OF TRANSPORTATION RELATED TO THE DULLES CORRIDOR METRORAIL PROJECT PHASE II AND AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ACT AS THE BOARD’S AGENT IN NEGOTIATING A PHASE II PROJECT MEMORANDUM OF UNDERSTANDING (MOU) (2:59 p.m.)**

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk’s Summary Item #22.)

Anthony H. Griffin, County Executive, gave a presentation regarding this item.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and endorse the principal provisions of the proposal strategy with the conditions as outlined in the Board Agenda Item dated July 26, 2011. Supervisor McKay seconded the motion.

Supervisor Frey raised a question regarding the cost estimate of the project and discussion ensued, with input from Mr. Griffin.

Following further discussion regarding the project, Supervisor Foust expressed his hopes that the County Executive will keep the Board informed throughout the process regarding the issues and the cost.

Supervisor Herrity raised a question regarding the Metropolitan Washington Airports Authority’s (MWAA) plans to invoke a project labor agreement (PLA). Therefore, he moved to amend the motion to add a section that MWAA commit to not invoke a mandatory PLA, and, instead, repeat the success of the voluntary PLA proposed by the winning contractor as in Phase I.

Vice-Chairman Gross ruled that the amendment to the motion was out-of-order because it was not germane to the motion on the floor.

Following discussion, with input from Mr. Griffin, regarding the amendment, Supervisor Hyland raised a question regarding point of order.

Supervisor Cook moved to challenge the ruling of Vice-Chairman Gross. Supervisor Herrity seconded the motion.

A query was made regarding whether discussion is allowed on the motion to challenge, with input from David P. Bobzien, County Attorney, who noted that discussion is allowed, but cannot be amended, and requires a majority.

Following discussion regarding the motion to challenge, the question was called on the motion and it **FAILED** by a recorded vote of six, Supervisor Cook, Supervisor Frey, Supervisor Herrity, and Supervisor Smyth voting “**AYE.**”

Discussion continued, regarding the main motion, and Supervisor Herrity raised questions, with input from Mr. Griffin, regarding:

- The anticipated timing of a final decision on this project
- The outcome if the outlined strategy is not endorsed today

Following a lengthy discussion regarding the project, the question was called on the main motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Herrity voting “**NAY.**”

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

54. **CONGRATULATIONS TO FRED SELDEN ON HIS APPOINTMENT AS DIRECTOR, DEPARTMENT OF PLANNING AND ZONING (DPZ)**
(3:52 p.m.)

(NOTE: Earlier in the meeting, this appointment was announced. See Clerk’s Summary Item #51.)

Supervisor Gross recognized the presence of Mr. Fred Selden in the Board Auditorium, and noted that he was not present earlier in the meeting when she announced his appointment as Director of DPZ. On behalf of the Board, she acknowledged and congratulated him.

AGENDA ITEMS

55. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-032 (HILLBROOK REAL ESTATE HOLDINGS, LLC) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-031 (HILLBROOK REAL ESTATE HOLDINGS, LLC) (MASON DISTRICT)
(3:52 p.m.)

(NOTE: On July 12, 2011, the Board deferred this public hearing until July 26, 2011.)

The application property is located at 6701 Little River Turnpike, Annandale, 22003, Tax Map 71-2 ((1)) 32 pt.

Ms. Ina Stagg reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed that Annandale Office Center LC, which is not a party to this application, has leased office space to the Gross for Supervisor Campaign. Andrew J. Summerville, III, listed in paragraph 1A of the affidavit as an agent for the applicant, has no ownership interest in Annandale Office Center LC, however he does assist the company in the management and leasing of space.

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Ms. Stagg 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. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2010-MA-031, subject to the development conditions dated June 22, 2011.
- Approval of Special Exception Application SE 2010-MA-032, subject to the development conditions dated June 22, 2001 (sic). (NOTE: Later in the meeting, the date was corrected. See below.)
- Modification of the transitional screening and a waiver of the barrier requirements to the south, in favor of the treatment depicted on the SE Plat, and as conditioned.
- Modification of the trail requirements on Little River Turnpike, in favor of the right-of-way dedication, and as conditioned.

Supervisor McKay seconded the motion.

Following a brief discussion, with input from Mr. O'Donnell, regarding the date of the development conditions for Special Exception Application SE 2010-MA-032, Supervisor Gross clarified that the development conditions are dated June 22, 2011.

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

56. **3 P.M. – SPECIAL EXCEPTION APPLICATION SE 2010-MA-028 [WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)] (MASON DISTRICT)** (4:01 p.m.)

The application property is located at 6851-6853 Industrial Road, Springfield, 22151, Tax Map 80-2 ((1)) 32.

Ms. Anabela Talaia reaffirmed the validity of the affidavit for the record.

Supervisor Hudgins disclosed that she is a principal director with WMATA.

Supervisor McKay disclosed that he is an alternate director with WMATA.

William O'Donnell, 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 Mr. O'Donnell, regarding large equipment vehicle parking along the industrial drive portion of the property.

Ms. Talaia 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. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2010-MA-028, subject to the development conditions dated May 19, 2011.
- Modification of the interior and peripheral parking lot landscaping requirements to that shown on the SE Plat.

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

(NOTE: On Thursday, July 7, 2011, the Planning Commission approved Public Facilities Application 2232-M11-2, as meeting the criteria of location, character, and extent as specified in Section 15.2-2232 of the *Code of Virginia* and in substantial accord with the provisions of the Comprehensive Plan.)

EBE:ebe

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-DR-030 (SHELTER DEVELOPMENT, LLC) (DRANESVILLE DISTRICT)**
(4:08 p.m.)

The application property is located at 10200 Colvin Run Road, Great Falls, 22066 Tax Map 12-4 ((1)) 32.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

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

- Stephen W. Robinson, McGuire Woods LLP

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

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

Suzianne Zottl, 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.

Supervisor Foust submitted items for the record.

Following the public hearing, which included testimony by 26 speakers, Ms. Zottl presented the staff and Planning Commission recommendations.

A brief discussion ensued, with input from Mr. Riegle, regarding the facility's relationship with surrounding hospitals and access to a hospital near the facility.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2010-DR-030, subject to the development conditions dated July 21, 2011.
- Modification of the transitional screening and barrier requirement for the western property lines to allow the existing and

supplemental landscaping and barrier location as shown on the SE Plat.

- Waiver of the barrier requirement and a modification of the transitional screening requirement to the western portion of the northern property line to allow existing vegetation to remain.
- Pursuant to Zoning Ordinance Section 9-003 a modification of additional standard 6 to allow this use to be located on 3.56 acres.
- Pursuant to Zoning Ordinance Section 9-003 a modification of additional standard 5 which states that no building shall be located closer than 100 feet to any lot line which abuts an R-A through R-4 District.

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

58. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-SU-004 (INOVA HEALTH CARE SERVICES (SULLY DISTRICT))**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-SU-032-03 (INOVA HEALTH CARE SERVICES) (SULLY DISTRICT)

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-C-076-09 (INOVA HEALTH CARE SERVICES) (SULLY DISTRICT)
(6:24 p.m.)

(Os) The Rezoning Application RZ 2011-SU-004 property is located on the southeast side of Ox Trail approximately 1200 feet west of its intersection with West Ox Road, Fairfax, 22033 Tax Map 45-2 ((2)) 51 A1.

The Proffered Condition Amendment Application PCA 2000-SU-032-03 property is located on the southeast side of Ox Trail approximately 1200 feet west of its intersection with West Ox Road, Fairfax, 22030, Tax Map 45-2 ((1)) 41B1, 41L, 41L3, 41L4, 41L5; 45-2 ((2)) 38, 39A, 39B, 46A1 and 51A1.

The Special Exception Amendment Application SEA 84-C-076-09 property is located at 3575, 3600, 3620 and 3750 Joseph Siewick Drive; 3801 and 3807 Rugby Road, and 12603 Ox Trail, Fairfax, 22033, Tax Map 45-2 ((1)) 41B1, 41L, 41L3, 41L4, 41L5; 45-2 ((2)) 38, 39A, 39B, 46A1 and 51A1.

Mr. Tim Samson reaffirmed the validity of the affidavit for the record.

Supervisor Frey disclosed that he is a member of the Inova Health Care Services Board and also received a gift of baseball tickets having a value in excess of \$100 from Mr. W. James Scott, an employee of the Inova Health Care System.

Supervisor Hudgins disclosed that Inova Health Care Foundation provided complimentary tickets to the 2010 Annual Gala for herself and her spouse having a value in excess of \$100.

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

- Jon Peterson, Member of the Inova Health Care Services Board
- Michael Frey, Member of the Inova Health Care Services Board

Supervisor Hyland disclosed that he is a member of the Inova Health Systems Services Board and contributed in excess of \$100 to Chairman Bulova for Chairman Campaign.

Supervisor Gross disclosed that she represents the County as a trustee of the Inova Health System Foundation Board and attended the 2010 Annual Gala with complimentary tickets having a value in excess of \$100.

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

- Jon Peterson, Member of the Inova Health Care Services Board

Supervisor McKay disclosed that he had received complimentary tickets having a value in excess of \$100 to attend the Inova Health System Foundation's 2010 Annual Gala with his spouse.

Supervisor Herrity disclosed that he had received complimentary tickets having a value in excess of \$100 to attend the Inova Health System Foundation's 2010 Annual Gala with his spouse.

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

- Supervisor Gerald Hyland
- Supervisor Penelope Gross
- Stephen M. Cumbie, NVC Commercial (not a party to this application)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Samson 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 one speaker, discussion ensued, with input from Mr. Samson regarding the silt and stormwater flowing through the Carroll property and what has been done in the past to correct the problem.

Mr. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-SU-004, from the R-1 District to the C-3 District, subject to the proffers dated June 6, 2011. Supervisor Herrity 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."

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 2000-SU-032-03, subject to the proffers dated June 6, 2011. Supervisor Foust and Supervisor Herrity 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."

Supervisor Frey moved approval of Special Exception Amendment Application SEA 84-C-076-09, subject to the development conditions dated June 22, 2011, with language added to Development Condition 7, listed in the handout distributed to the Board dated July 26, 2011. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Frey moved:

- Reaffirmation of the modification of the transitional screening requirements and a waiver of the barrier requirement in favor of that shown on the GDP/SEA Plat and further described in the proffers.
- Reaffirmation of the modification of the loading space requirement in favor of that shown on the GDP/SEA Plat.

Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

59. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-041-02 [ESKRIDGE (E&A), LLC]**
(6:52 p.m.)

(O) The application property is located on the east side of Eskridge Road approximately 350 feet north of its intersection with Williams Drive and the south side of Route 29, Fairfax, 22031, Tax Map 49-3 ((37)) C, D, F, G, and J.

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

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

- Stephen W. Robinson, McGuire Woods LLP
- Francis McDermott, Hunton & Williams LLP
- John McGranaham, Jr., Hunton & Williams LLP
- Thomas Murphy, Hunton & Williams LLP

Supervisor Foust disclosed that he is a member of the Mosaic District Community Development Authority (CDA) Board and received a campaign contribution in excess of \$100 from the following:

- Francis McDermott, Hunton & Williams LLP

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

- Francis McDermott, Hunton & Williams LLP

Supervisor Smyth disclosed that she is a member of the Mosaic District CDA Board.

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

- Carson Lee Fifer, Jr., McGuire Woods LLP
- Jonathan P. Rak, McGuire Woods LLP
- Gregory A. Riegle, McGuire Woods LLP
- Francis McDermott, Hunton & Williams LLP

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Discussion ensued, with input from Mr. Teets, regarding the availability and location of parking spaces for the relocated movie theatre.

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

Supervisor Smyth submitted items for the record.

Following the public hearing, which included testimony by one speaker, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2005-PR-041-02, subject to the proffers dated July 18, 2011.
- Approval of Conceptual Development Plan Amendment Application CDPA 2005-PR-041-02, subject to the development conditions dated June 22, 2011.
- Reaffirmation of all previously approved waivers and modifications associated with Rezoning/Final Development Plan Application RZ/FDP 2005-PR-041 and PCA/FDPA 2005-PR-041 for the current applications.
- Modification of the private street limitations of Section 11-302 of the Zoning Ordinance.
- Modifications of the loading space requirements for Multi-Family dwelling units and office space in favor of that depicted on the CDPA/FDPA.
- Modification of the transitional screening and a waiver of the barrier requirements to the south, east and internal to the site in favor of the treatments depicted on the CDPA/FDPA.
- Modification of the transitional screening and a waiver of the barrier requirements between uses within the site zoned PDC and PRC in favor of the treatments depicted on CDPA/FDPA.

- Waiver of the four foot peripheral parking lot landscaping requirement north of Parcel G, West of Parcel C and E, and along the southerly and easterly property lines.
- Waiver to include underground facilities for all residential development, subject to Waiver #0561-WPFM-002-3.
- Waiver of the service drive along the Lee Highway frontage.
- Directive to the Director of Department of Public Works and Environmental Services (DPWES), to approve a modification of the parking geometric standards to allow for 75 degree angled parking spaces within parking structures.
- Modification of Paragraph 3 of Section 18-201 of the Zoning Ordinance which would require the provisions of further inter-parcel access in addition to that indicated on the CDPA/FDPA.
- Modification of Paragraph 4 of Section 17-201 of the Zoning Ordinance for dedication and construction of widening for existing roads on new alignments, and proposed roads along Lee Highway as indicated in the Comprehensive Plan or as required by the Director to that shown on the CDPA/FDPA and as proffered.
- Modification of the proposed trail along Lee Highway shown on the Comprehensive Plan Trails Map to that shown on CDPA/FDPA.
- Directive to the Director of DPWES to approve a modification of the PFM and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more than 4 percent of the stall area, of structural columns into parking stalls in parking structures.
- Directive to the Director of DPWES to waive the PFM onsite stormwater detention requirements, in favor of providing stormwater management off-site in the Merrifield Town Center vault.
- Modification to allow residential as a secondary use consisting of up to 63 percent of the principal uses in the PDC District pursuant to Section 6-206 of the Zoning Ordinance.

- Modification of the 200 square foot minimum privacy yard requirement for single family attached dwellings in favor of that shown on the CDPA/FDPA.

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

(NOTE: On July 7, 2011, the Planning Commission approved Final Development Plan Amendment Application FDPA 2005-PR-041-02, subject to the development conditions dated June 22, 2011.)

60. **A-2 – APPROVAL OF A PARKING REDUCTION FOR MOSAIC DISTRICT – PARCELS I & J OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (7:11 p.m.)

(NOTE: Earlier in the meeting, this item was deferred. See Clerk’s Summary Item #15.)

On motion of Supervisor Smyth, seconded by Supervisor McKay, and carried by a vote of eight, Supervisor Cook and Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and approved a parking reduction of 20 percent and require parking for the Mosaic District’s Parcels I and J of the Merrifield Town Center, pursuant of paragraph 5, Section 11-102, of the Chapter 112 of Zoning Ordinance of the County of Fairfax, Virginia, based on the analysis of the parking requirements for each use on parking site and a parking reduction study, Number 0561-PKS-02-1, on the conditions outlined in the Board Agenda Item dated July 26, 2011.

61. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-MV-011 (MEMORIAL VENTURE, LLC) (MOUNT VERNON DISTRICT)** (7:12 p.m.)

Supervisor Hyland moved to defer the public hearing for Rezoning Application RZ 2010-MV-011 until **September 13, 2011, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Frey, Supervisor Herrity, and Supervisor Hudgins being out of the room.

62. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-038-05 [FAIRFAX COUNTY BOARD OF SUPERVISORS (CONTRACT PURCHASER)] (PROVIDENCE DISTRICT)** (7:13 p.m.)

- (O) The application property is located in the southeast quadrant of the intersection of Arlington Boulevard and Williams Drive, Tax Map 49-3 ((1)) 141.

Ms. Ellen vanHully-Bronson reaffirmed the validity of the affidavit for the record.

Supervisor McKay disclosed that he had received complimentary tickets having a value in excess of \$100 to attend the Inova Health System Foundation's 2010 Annual Gala with his spouse.

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

- Jon Peterson, Member of the Inova Health Care Services Board

Supervisor Gross disclosed that she represents the County as a trustee of the Inova Health System Foundation Board and attended the 2010 Annual Gala with complimentary tickets having a value in excess of \$100 with her spouse.

Supervisor Hyland disclosed that he is a member of the Inova Health Systems Services Board.

Supervisor Herrity disclosed that he had received complimentary tickets having a value in excess of \$100 to attend the Inova Health System Foundation's 2010 Annual Gala with his spouse.

Chairman Bulova disclosed that she had received complimentary tickets to attend the Inova Health Systems Foundation Board 2010 Annual Gala and had received campaign contributions in excess of \$100 from the following:

- Supervisor Gerald Hyland
- Supervisor Penelope Gross
- Stephen M. Cumbie, NVC Commercial (which is not a party to this application)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Ms. vanHully-Bronson 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.

Discussion ensued, with input from Ms. vanHully-Bronson, regarding the notification process and the times of the testing of the generators to be done during normal business hours.

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 87-P-038-05, subject to the proffers dated June 20, 2011.
- Reaffirmation of a modification of transitional screening and waiver of the barrier requirements along the south and east property lines in favor of that shown on the GDP.
- Reaffirmation of a waiver of the service drive requirement along Route 50 (Arlington Boulevard).
- Modification of the loading space requirement for office uses to permit a maximum of three loading spaces per building shown on the GDP.

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

63. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2011-PR-003 (GRANT 1651 OLD MEADOW ROAD, LLC) (PROVIDENCE DISTRICT)**
(7:24 p.m.)

The application property is located at 1651 Old Meadow Road, Tysons Corner, 22102, Tax Map 29-4 ((6)) 102.

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

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

- Keith Turner, Cityline Partners LLC

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 Smyth moved:

- Approval of Special Exception Application SE 2011-PR-003, subject to the development conditions dated July 1, 2011.
- Modification of the transitional screening and barrier requirements along the project's eastern boundary line, in favor of that depicted on the SE Plat dated June 16, 2011.
- Modification of the loading space requirement in favor of that depicted on the SE Plat dated June 16, 2011.
- Waiver of the interior and peripheral parking lot landscaping requirements, in favor of the existing landscaping depicted on the SE Plat dated June 16, 2011.
- Modification of the tree cover requirements, in favor of the existing landscaping depicted on the SE Plat dated June 16, 2011.

Supervisor Herrity seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Chairman Bulova being out of the room.

64. **4 P.M. – PH ON REZONING APPLICATION RZ 2010-MA-017 (UPIA, LLC) (MASON DISTRICT) (7:30 p.m.)**

Vice-Chairman Gross relinquished the Chair to Acting-Chairman Foust and moved to defer the public hearing on Rezoning Application RZ 2010-MA-017 until **September 13, 2011, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Chairman Bulova being out of the room.

Acting-Chairman Foust returned the gavel to Vice-Chairman Gross.

65. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-V-012-06 (INOVA HEALTH CARE SERVICES) (MOUNT VERNON DISTRICT) (7:31 p.m.)**

The application property is located at 2501 Parkers Lane, Alexandria, 22306, Tax Map 102-1 ((1)) 4 pt.

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

Supervisor Herrity disclosed that he had received complimentary tickets having a value in excess of \$100 to attend the Inova Health System Foundation's 2010 Annual Gala with his spouse.

Supervisor McKay disclosed that he had received complimentary tickets having a value in excess of \$100 to attend the Inova Health System Foundation's 2010 Annual Gala with his spouse.

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

- Jon Peterson, Member of the Inova Health Care Services Board

Supervisor Hyland disclosed that he is a member of the Inova Health Systems Services Board and contributed in excess of \$100 to Chairman Bulova for Chairman Campaign.

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

- Jon Peterson, Member of the Inova Health Care Services Board
- Michael Frey, Member of the Inova Health Care Services Board

Supervisor Frey disclosed that he is a member of the Inova Health Care Services Board.

Supervisor Gross disclosed that she represents the County as a trustee of the Inova Health System Foundation Board and attended the 2010 Annual Gala with complimentary tickets having a value in excess of \$100 with her spouse.

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

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

Discussion ensued, with input from Ms. Hall, regarding:

- The option of providing a light on Holland Road and Sherwood Hall Lane.
- Anticipated additional trips generated.
- The estimated amount of money committed to transportation improvement.

Following the public hearing, which included testimony by two speakers, a brief discussion ensued, with input from Ms. Queenie Cox, Speaker One, regarding the effects of the expansion of the hospital on the Gum Springs Community and whether that community supports the application with the conditions that have been presented.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

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

- Supervisor Gerald Hyland, Member of the Inova Health Services Board
- Supervisor Penelope Gross, Trustee on the Inova Health System Foundation Board
- Stephen M. Cumbie, NVC Commercial (not a party to this application)

Supervisor Hudgins disclosed that Inova Health Care Foundation provided complimentary tickets to the 2010 Annual Gala for herself and her spouse having a value in excess of \$100.

Supervisor Hyland submitted items for the record.

Ms. Grayson presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of Special Exception Amendment Application SEA 82-V-012-06, subject to the development conditions dated July 26, 2011, with the following modifications:

- Delete development condition number 31 and replace it with the following language: “With the first phase of development, the applicant shall replace any dead or dying trees in that area between Holland Road and three parking lots to the east of Holland Road with native trees of the caliper of at least 2 ½ inches. At such time as the main travel way on the applicant property is realigned, the applicant shall install the four foot high wood fence shown on the SEA plat and install several supplemental native trees the caliper of at least 2 ½ inches in that area between Holland Road and the three parking lots to the east of Holland Road.”

- At the beginning of development condition number 34, insert the following language: “The applicant’s employees, visitors, contractors, vendors, suppliers and all other personnel shall not park on Holland Road.”

Supervisor Hyland further moved approval of the modification of the:

- Transitional screening and barrier requirement along the southern and western perimeter of the site to that shown on the SEA plat.
- Loading space requirement to that shown on the SEA plat.

Supervisor McKay seconded the motion.

Following further comments on the application, the question was called on the motion and it carried by unanimous vote.

Supervisor Hyland expressed his appreciation to staff for their hard work on this issue.

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2 AND 3, REGARDING CHANGES IN THE SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY RETIREMENT BENEFITS FOR THE UNIFORMED AND EMPLOYEES’ RETIREMENT SYSTEMS** (8:15 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 July 8 and July 15, 2011.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) Articles 2 and 3, for the purpose of changing the level of service-connected disability benefits as outlined in the Board Agenda Item dated July 26, 2011. Supervisor Hyland and Supervisor McKay 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.”

67. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), AND APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE), REGARDING CONSERVATION PLAN FOR LAND DISTURBING ACTIVITIES 2500 – 5000 SQUARE FEET** (8:21 p.m.)

(Os) 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 July 8 and July 15, 2011.

John Friedman, Director, Code Analysis Division, Land Development Services, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued, with input from James Patteson, Director, DPWES, regarding the fiscal impact on the applicants and the cost and types of variations with the grading plans.

Further discussion ensued, with input from Mr. Friedman, with reference to a letter received from the Fairfax Chapter of the Northern Virginia Building Industry Association and its view on the outfall requirements and the compliance of the State regulations, and the measurement issues which applies to residential additions and structures.

Supervisor Herrity and Supervisor Foust submitted items for the record.

Following the public hearing, which included testimony by one speaker, a brief discussion ensued, with input from Mr. Patteson, regarding the testimony presented, in terms of the requirements of the regulations and the level of review.

Mr. Friedman presented the staff and Planning Commission recommendations.

Supervisor Frey moved adoption of the following proposed amendments to the Code of the County of Fairfax as contained in the Board Agenda Item dated July 26, 2011:

- Chapter 104 (Erosion and Sedimentation Control)
- Chapter 112 (Zoning Ordinance)
- Appendix Q (Land Development Services Fee Schedule dated June 7, 2011.)
- Amendments will become effective at 12:01 a.m. on July 27, 2011.

Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Discussion ensued, with input from Mr. Patteson, regarding run off during construction, the impact of infield development on neighboring houses, and the cost of grading plans.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Foust voting "NAY."

ADDITIONAL BOARD MATTER

68. **APPROVAL OF A LETTER REGARDING THE COUNTY'S TRIPLE-A BOND RATING** (8:55 p.m.)

Chairman Bulova announced that a draft letter was distributed to Board Members and would be discussed at the end of the meeting.

(NOTE: Later in the meeting the Board discussed this item. See Clerk's Summary Item #78.)

AGENDA ITEMS

69. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-37.1 (RESTRICTED PARKING IN NON-RESIDENTIAL AREAS)** (8:56 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 July 8 and July 15, 2011.

Maria Turner, Transportation Planner, Department of Transportation, presented the staff report.

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

Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-37.1, Restricted Parking in Non-Residential Areas. Supervisor Gross seconded the motion.

Supervisor Gross expressed her appreciation to Robert Otten, Traffic Enforcement Supervisor, Police Department, and Ms. Turner for their hard work on this issue.

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."

70. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-13, GOLF CART USAGE, RELATED TO THE OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS** (9:10 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 July 8 and July 15, 2011.

Selby Thannikary, Chief, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, Mr. Thannikary referred to the proposed amendment and noted that staff was recommending a modification to the following language:

- Page 419, Section 1.1, Enforcement and Penalties: change "*shall* issue a summons" to "*may* issue a summons."

Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-13, Golf Cart Usage, and as modified by staff. Supervisor Hyland seconded the motion.

Following discussion regarding the limitations of the proposed amendment, Supervisor Herrity moved to amend the motion to delete Section 1.3 (e) from the proposal. Supervisor McKay seconded the motion.

Following an inquiry from Chairman Bulova, Pamela K. Pelto, Assistant County Attorney, said that the amendment to the motion would be outside the scope of the advertisement.

Supervisor Herrity withdrew his motion.

Following a brief discussion regarding the efforts of staff, the question was called on the main 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 Herrity moved that the Board direct staff to report at a meeting of the Board's Transportation Committee, or other appropriate committee, with the implications, both benefits and detriments, of eliminating Section 1.3 (e) for consideration at a future Board meeting. Supervisor Hyland seconded the motion.

Supervisor Foust asked to amend the motion to direct staff to review the entire ordinance for its implications, and this was accepted.

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

71. **5 P.M. – PH ON REZONING APPLICATION RZ 2011-MV-001 (SUMMIT OAKS SECTION 2, LLC) (MOUNT VERNON DISTRICT)** (9:23 p.m.)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-MV-020 (SUMMIT OAKS SECTION 2, LLC) (MOUNT VERNON DISTRICT) (9:23 p.m.)

- (Os) The application property is located on the south side of Richmond Highway approximately 400 feet east of its intersection with Lorton Road, Lorton, 22079, Tax Map 108-3 ((1)) 16A.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

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

- Mr. Stephen W. Robinson, McGuire Woods, LLP
- Mr. F. Gary Garczynski, National Capital Land and Development

Supervisor Cook noted that National Capital Land and Development is not a party to this matter.

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

- Mr. F. Gary Garczynski

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

- Mr. F. Gary Garczynski, Summit Oaks Section 2, LLC

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

- Mr. Carson Lee Fifer, McGuire Woods, LLP
- Mr. Jonathan P. Rak, McGuire Woods, LLP

- Mr. Gregory A. Riegle, McGuire Woods, LLP

Bob Katai, 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, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Chairman Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 2002-MV-020, subject to the proffers dated June 7, 2011.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-MV-001, from the R-3 and HD Districts to the PDH-3 and HD Districts, and approval of the associated conceptual development plan, subject to the proffers dated June 7, 2011.
- Waiver of the major paved trail along the property's Richmond Highway frontage.
- Waiver of the on-road bike route along the property's Richmond Highway frontage.
- Waiver of the service drive along Richmond Highway.

Supervisor Herrity and Supervisor McKay 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."

(NOTE: On June 16, 2011, the Planning Commission approved Final Development Plan Application FDP 2011-MV-001, subject to the development conditions dated June 2, 2011.)

72. **5 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 85-C-088-02 (SOUTH OF MARKET LOT 16 LLC) (HUNTER MILL DISTRICT)** (9:28 p.m.)

The application property is located in the northwest quadrant of the intersection of Bluemont Way and Explorer Street, Reston, 20190, Tax Map 17-3 ((10)) 16.

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

Mr. Brian Winterhalter 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 one speaker, Ms. Grayson presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Planned Residential Community Application PRC 85-C-088-02, subject to the development conditions dated July 26, 2011. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

73. **5 P.M. – PH ON REZONING APPLICATION RZ 2010-LE-018 (WV/B PALISADES DEVELOPMENT LLC) (LEE DISTRICT)** (9:42 p.m.)

(O) The application property is located on the east side of Hayfield Road approximately 600 feet north of its intersection with Kingstowne Village Parkway, Alexandria, 22315, Tax Map 91-3 ((1)) 73.

Mr. Charles F. Dunlap reaffirmed the validity of the affidavit for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Dunlap 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. Williams presented the staff and Planning Commission recommendations.

Supervisor McKay moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2010-LE-018, be amended from the R-1 District to the PDH-4 District, subject to the proffers dated June 24, 2011. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity,

Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room.

(NOTE: On June 16, 2011, the Planning Commission approved Final Development Plan Application FDP 2010-LE-018.)

74. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-P-040 (RP MRP TYSONS, LLC) (PROVIDENCE DISTRICT)**
(9:48 p.m.)

The application property is located at 7940 Jones Branch Drive, Tysons Corner, 22102, Tax Map 29-2 ((15)) C2.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

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

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

Following the public hearing, Ms. Zottl presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 94-P-040, subject to the development conditions dated July 18, 2011.
- Waiver of the front yard bulk standards for section 2-418 along all front yards to that shown on the SEA Plat.
- Waiver of the transitional screening and barrier requirements, in favor of what is shown on the SEA Plat.
- Waiver of the trail depicted in the Comprehensive Plan along the Dulles International Airport Access Highway and I-495.
- To direct the Director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target, as identified in the Public Facilities Manual.
- Modification of the loading space requirement shown on the SEA Plat.

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

75. **5 P.M. – PH TO CONVEY BOARD-OWNED PROPERTY TO THE PARK AUTHORITY** (9:56 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 issue of July 15, 2011.

Marguerite Guarino, Assistant Director, Real Estate Division, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Resolution authorizing the conveyance of Board-owned property to the Park Authority. Supervisor Herrity, Supervisor Hudgins, and Supervisor McKay 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.”

76. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS** (9:59 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 July 15 and July 22, 2011.

Edgardo Cortés, General Registrar, presented the staff report and noted that revised detailed precinct descriptions (which corrected typographical errors within the scope of the advertisement) were distributed around the dais.

Supervisor Gross called the Board’s attention to Attachment 3 of the Board Agenda Item dated July 26, 2011, and asked unanimous consent that the Board direct staff to provide the number of projected registered voters for the Edsall and Weyanoke Precincts, respectively. Following input from Mr. Cortés, without objection, it was so ordered.

Following the public hearing, which included testimony by three speakers, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Relating to Election Precincts. Supervisor Hyland seconded the motion.

Following an inquiry regarding the County Executive’s recommendation and the Skyline and Glen Forest Precincts, Erin Ward, Assistant County Attorney, clarified that one motion will adopt both ordinances.

Supervisor Smyth asked to amend the motion to establish the polling place for Hunters Branch Precinct at Regents Park Clubhouse, 9333 Clocktower Place, Fairfax, VA 22031. This was accepted.

Further discussion ensued, with input from Mr. Cortés, regarding:

- Sufficient parking at the polling place at Hunt Valley Elementary School.
- The creation of a University Precinct at George Mason University.

The question was called on the motion, as amended, 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.”

77. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (10:27 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 8 and July 15, 2011.

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

The public hearing was called and there were no speakers.

ADDITIONAL BOARD MATTERS

78. **APPROVAL OF A LETTER REGARDING THE COUNTY’S TRIPLE-A BOND RATING** (10:28 p.m.)

Chairman Bulova called the Board’s attention to a draft letter to the County’s Congressional Delegation regarding the potential negative impact of the current federal fiscal impasse on the County’s triple-A bond rating that was circulated around the dais, and she read it aloud.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize her to send the letter on behalf of the Board. This motion was multiply seconded.

Noting that the letter was being sent to each member of the Northern Virginia delegation to Congress, Supervisor Hyland asked to amend the letter to also send it to the US President, with a copy to David Agnew, Deputy Director of Intergovernmental Affairs for the White House. This was accepted.

Anthony H. Griffin, County Executive, briefed the Board on communication he had with Moody's Rating Service which precipitated the letter. The federal government's impasse on raising the national debt limit could have a domino effect on local governments and their credit worthiness.

Vice-Chairman Gross relinquished the Chair to Acting-Chairman Hyland and asked to amend the letter to send copies of the letter to all members of the Virginia Congressional Delegation, and this was accepted.

Acting-Chairman Hyland returned the gavel to Vice-Chairman Gross.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

79. **SAFE SUMMER WISHES** (10:37 p.m.)

Chairman Bulova wished everyone a safe summer and noted that the Board would next meet in September.

80. **BOARD ADJOURNMENT** (10:37 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-4
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	5-8
Items Presented by the County Executive	
Administrative Items	8-13
Action Items	13-17, 34-35, 45
Consideration Items	17-18
Information Items	18-20
Board Matters	
Chairman Bulova	2, 20, 60-61
Supervisor Cook	n/a
Supervisor Foust	20-21
Supervisor Frey	2
Supervisor Gross	n/a
Supervisor Herrity	2, 27-28
Supervisor Hudgins	2, 25-27
Supervisor Hyland	21-22, 24-25
Supervisor McKay	21-24
Supervisor Smyth	n/a
Actions from Closed Session	32-33
Public Hearings	35-60