



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

TUESDAY
July 31, 2012

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).

15-12

DET:det

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, July 31, 2012, 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 Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

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

BOARD MATTERS1. **AUGUST RECESS** (9:36 a.m.)

Chairman Bulova announced that this was the Board's last meeting before the August recess, with the next meeting scheduled for September 11.

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

Supervisor Herrity asked everyone to keep in thoughts the family of Ms. Helen Caldwell, wife of Mr. Lon Caldwell, who died on July 8. She was a military spouse as well as an Army dental hygienist whose service spanned decades and stretched across the country. She and her husband had been residents of West Springfield since 1969.

Supervisor McKay asked everyone to keep in thoughts the family of Ms. Elizabeth Ernst, who died recently. She was the wife of Richard "Dick" Ernst, former long-time president of Northern Virginia Community College. The Ernsts' had been long-time residents of Greenspring Village.

Supervisor Foust announced the third fatality associated with the recent derecho, the death of Mr. Dylan Shawn Cooper two weeks after he had been found unconscious next to a downed power line. Supervisor Foust asked everyone to keep his family in thoughts.

Supervisor Foust asked everyone to keep in thoughts the family of Mr. Albert Roeth, who died recently. Mr. Roeth was a Dranesville District resident, and the victim of a natural disaster when a tree fell and crushed his car. Supervisor Gross noted that Mr. Roeth previously had been a resident of Mason District with whom she had many dealings.

Supervisor Hyland asked everyone to keep in thoughts the family of former Planning Commissioner John Byers, who died this past Sunday. A loss for the entire Mount Vernon community, at the time of his death Mr. Byers served on no less than six boards, authorities, or committees for the County. In addition, he served as Mount Vernon's Planning Commissioner for 21 years, 10 of them as vice-chair; was a member of the Mount Vernon Council's Planning and Zoning Committee for over 35 years; and was a charter member of the Southeast Fairfax Development Corporation, among many other civic and community organizations. Supervisor Hyland noted that Mr. Byers was the Mount Vernon Council's Citizen of the Year in 1994, and in 1997 he received the Lord Fairfax award for outstanding volunteer service in the Mount Vernon District.

Supervisor Hyland stated that Mr. Byers' accomplishments included:

- Laying the framework for the revitalization and transformation of Richmond Highway from an automobile-oriented strip commercial

area to a corridor comprising community business centers filled with residential development between commercial node.

- The development of the land at Parkers Lane and Sherwood Hall Lane.
- The development of the Lorton and Laurel Hill parklands.

Supervisor Hyland announced that the County flag will fly at half-mast on August 14 in honor of this citizen and war veteran.

Chairman Bulova asked to keep in thoughts the family of Mr. Bob Stamper who recently died. A resident of Greenspring, Mr. Stamper had served at Board meetings and took pictures.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. LAWRENCE WALKER, A RETIRING FAIRFAX COUNTY PUBLIC SCHOOL (FCPS) EDUCATOR** (9:45 a.m.)

Supervisor Frey moved approval of a Certificate of Recognition presented to Mr. Lawrence Walker for 28 years of outstanding and noteworthy service to the FCPS serving as the Instrument Music Director and Department Chair at Franklin Middle School in Chantilly. Supervisor Gross seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MAYO STUNTZ** (9:53 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Mayo Stuntz for his devoted, noteworthy and distinguished service to the County. Supervisor Frey and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SUZANNE LEVY** (10:03 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Ms. Suzanne Levy, upon her retirement, for her 31 years of dedicated and noteworthy service to the County as the Virginia Room librarian at the City of Fairfax Regional Library; maintaining the collection of regional history and genealogy; local and state government information; legal resources; and serving as an invaluable resource for historic preservation. Supervisor Gross seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MASTER JOHNNY KARLINCHAK** (10:15 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Master Johnny Karlinchak for his initiative, outreach and, desire to help a neighbor whose house was severely damaged during the derecho on June 29 when a 60-foot oak tree fell on their home by donating his piggy bank savings and establishing a lemonade stand to raise funds to fulfill the insurance deductible. The motion was multiply seconded and it carried by unanimous vote.

Following a presentation by Ms. Lisa Myers, the neighbor, Johnny, as well as representatives of Shift-B from Station Number 14 in Burke that responded to the incident, were recognized.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO MISS FAITH KIM AND HER FATHER, BILL** (10:25 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to Miss Faith Kim, for her quick and decisive action to alert her father to danger after noticing smoke coming from a neighbor's home, and her father, Bill, for his valiant effort to enter the home of neighbors whose house was on fire and lead them to safety. These actions resulted in saving the lives of two adults, one child and a dog. Supervisor McKay seconded the motion and it carried by unanimous vote.

John J. Caussin, Jr., Assistant Fire Chief, presented the Fire and Rescue Department's lifesaving award. Miss Kim was unable to attend.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MAAME BINEY** (10:32 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Maame Biney for striving spirit and athletic ability, winning five gold medals; breaking the record in the 500 meter race; and being named the overall winner for the Midget Ladies Group at the 2012 US Speedskating Short Track Age Group National Championship competition. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

It was noted that "Midget Ladies Group" is a competition category.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. EILEEN McLANE** (10:42 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to Ms. Eileen McLane, upon her retirement, for 27 years of dedicated and invaluable service to the County and the Board in the Department of Planning and Zoning, Zoning Administration Division, most recently as the Zoning Administrator since 2006. Supervisor Hudgins and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING AUGUST 7, 2012, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (10:57 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate August 7, 2012, as "*National Night Out*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Lieutenant Colonel Edwin Roessler informed the Board that this is the County's twenty-ninth National Night Out and over 140 events are expected.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **PROCLAMATIONS DESIGNATING AUGUST 2012 AS "IMMUNIZATION AWARENESS MONTH" AND SEPTEMBER 2012 AS "FOOD SAFETY EDUCATION MONTH" IN FAIRFAX COUNTY** (11:08 a.m.)

Supervisor Gross moved approval of the Proclamation to designate August 2012 as "*Immunization Awareness Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

Supervisor Hudgins moved approval of the Proclamation to designate September 2012 as "*Food Safety Education Month*" in Fairfax County. Supervisor Gross seconded the motion.

Following discussion about changes in food handling and inspections over the last 20 years, the question was called on the motion and it carried by unanimous vote.

Dr. Gloria Addo-Ayensu, Director, Health Department, called the Board's attention to the importance of:

- Community immunity
- Practice of the four steps of food safety in the home

Because this is back-to-school season, Dr. Addo-Ayensu added that she would like to encourage parents who have questions about what immunizations their children need for school to:

- Contact their health care providers
- Go to the Health Department website
- Call one of the Health Department's five clinics throughout the County

She also noted that clinic hours have been extended for the month of August for back-to-school immunizations, and all school-required immunizations are available for free at Health Department clinics.

ADDITIONAL BOARD MATTERS

12. **INTRODUCTION OF INTERNS AND NEW STAFF** (11:23 a.m.)

Supervisor McKay introduced Ms. Joelle Luginbill, who just completed an internship in his office through the County's Youth Leadership Program. She is a rising senior at Edison High School and a very accomplished dancer.

Chairman Bulova introduced Mr. Troy Manos, a new staff member in her office who will be doing communications, and warmly welcomed him.

Supervisor Hudgins introduced Ms. Emma Brandon, who will be interning in the Hunter Mill District office. She is a resident of Reston, a James Madison High School graduate, and a rising senior of Boston University.

13. **MS. SUSAN DATTA AND COUNTY'S YOUTH LEADERSHIP PROGRAM** (11:24 a.m.)

Supervisor McKay recognized the presence of Susan Datta, Director, Department of Management and Budget, in the Board Auditorium and thanked her for the work that she puts into the internship program.

EBE:ebe

14. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:25 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 31, 2012," as distributed around the dais. Supervisor Hyland seconded the motion.

Supervisor Gross announced the resignation of Dr. Samuel Jones, as the Provider #1 Representative to the Health Systems Agency Board and stated that she will be appointing his replacement soon.

Chairman Bulova announced that Dr. Michael Trahos will be replacing Dr. J. Martin Lebowitz as the At-Large Chairman's Representative on the Health Care Advisory Board, and will be sending a letter thanking Dr. Lebowitz for his many years of service.

(NOTE: Later in the meeting, Dr. Trahos was confirmed as the At-Large Chairman's Representative to the Health Care Advisory Board. See page 10.)

Chairman Bulova asked to amend the motion to appoint Mr. John Theodore Fee as the Fairfax County Resident #10 Representative to the Consumer Protection Commission. This was accepted.

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

Appointments are as follows:

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

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

ATHLETIC COUNCIL

Appointment of:

- Mr. James F. Pendergast as the Braddock District Representative

The Board deferred the appointments of the Dranesville District Principal Representative and the Women's Sports Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointments of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative
- Hon. Emilie F. Miller as the Providence District Representative

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Appointment of:

- Mr. Brian J. Loo as the Providence District Representative

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

Appointment of:

- Ms. Gita D'Souza Kumar as the Sully District Representative

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

CITIZEN CORPS COUNCIL

Appointment of:

- Mr. Wes Callender as the Dranesville District Representative
- Ms. Asif Akhtar as the Lee District Representative

The Board deferred the appointment of the Providence District Representative.

COMMISSION ON AGING

Appointment of:

- Ms. Glenda A. DeVinney as the Lee District Representative

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Appointment of:

- Ms. Linda Whitman Thomas as the Providence District Representative
- Mr. Jay Hilbert as the Sully District Representative

CONSUMER PROTECTION COMMISSION

Reappointments of:

- Mr. Matthew Martz as the Fairfax County Resident #6 Representative
- Mr. Harold Belkowitz as the Fairfax County Resident #8 Representative
- Mr. Hung Quoc Nguyen as the Fairfax County Resident #9 Representative
- Mr. John Theodore Fee as the Fairfax County Resident #10 Representative
- Ms. Samiah Bahhur as the Fairfax County Resident #12 Representative

Appointment of:

- Ms. Leiann K. Leppin as the Fairfax County Resident #13 Representative

The Board deferred the appointment of the Fairfax County Resident #3, #7, and #11 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Reappointment of:

- Ms. Joy Marlene Bryan as the Lee District Representative

The Board deferred the appointments of the At-Large Representative, Hunter Mill, Mason, Providence, and Springfield District Representatives.

ECONOMIC ADVISORY COMMISSION

Appointment of:

- Mr. Marcus Simon as the Dranesville District Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Springfield District Representative.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Thomas Stanners as the appointment of the At-Large #3 Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

(NOTE: The nomination of Ms. Martha Lloyd, previously announced on June 19, 2012, was withdrawn.)

Nomination of:

- Ms. Suzette Kern as the Lee District Representative

(The Board is scheduled to take action on this appointment on September 25, 2012.)

HEALTH CARE ADVISORY BOARD

Appointment of:

- Dr. Michael C. Trahos as the At-Large Chairman's Representative

Reappointment of:

- Mr. William Finerfrock as the Springfield District Representative

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

Reappointments of:

- Ms. Sally Patterson as the Consumer #3 Representative
- Mr. Dave Lucas as the Provider #2 Representative

Appointment of:

- Ms. Batul N. Alsaigh as the Consumer #5 Representative

The Board deferred the appointments of the Consumer #1 and #6 Representatives and the Provider #1 and #3 Representatives.

HISTORY COMMISSION

Reappointment of:

- Ms. Carole Herrick as the At-Large #1 Representative

HUMAN SERVICES COUNCIL

Reappointments of:

- Ms. Myra Herbert as the At-Large #2 Chairman's Representative
- Ms. Kathleen Murphy as the Dranesville District #2 Representative
- Dr. Gerald V. Poje as the Hunter Mill District Representative

Appointment of:

- Mr. David P. Dunlap as the Providence District Representative

The Board deferred the appointment of the Mount Vernon District #1 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Appointment of:

- Mr. John K. Kidwell as the Sully District Representative

LIBRARY BOARD

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Reappointment of:

- Mr. William Uehling as the Braddock District Representative

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Mr. Robert C. Carlson as the Sully District Representative

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #2 and #3 Representatives.

TENANT LANDLORD COMMISSION

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

TRANSPORTATION ADVISORY COMMISSION

Reappointment of:

- Mr. Frank Cohn as the Mount Vernon Representative

The Board deferred the appointment of the Dranesville District Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Hank H. Kim as the Citizen Appointed by BOS #3 Representative

VOLUNTEER FIRE COMMISSION

Confirmations of:

- Mr. Jeffrey D. Sargent as the Volunteer Fire Association #1 Representative
- Mr. Gerald B. Strider as the Zone I Representative
- Mr. Timothy G. Fleming as the Zone II Representative

WETLANDS BOARD

The Board deferred the appointment of the Alternate #1 Representative.

EBE:ebe/PMH:pmh

15. **ADMINISTRATIVE ITEMS** (11:27 a.m.)

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

Supervisor Gross called the Board's attention to Admin 3 - Streets into the Secondary System (Braddock, Dranesville, Lee, Mount Vernon, and Sully Districts) and noted that the item had been revised.

Supervisor Frey expressed his appreciation to staff for working with his office to get Stonecroft Boulevard included in list of streets to be added to the State Secondary System as part of the Board Agenda Item for Admin 3.

Chairman Bulova called the Board's attention to Admin 1 - Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 2013 Revised Budget Plan and noted that she will be contacting Board Members to discuss this item prior to the next Board meeting scheduled for September 11. She added that the Board had held a Human Services Committee meeting last week and the Fairfax-Falls Church Community Services Board (CSB) shortfall was discussed. She said that she would address this issue prior to the Board's action on proposed advertisement for public hearing.

Chairman Bulova also stated that she would like to discuss the following items:

- The reserve of \$1 million for the Infant Toddler Connection (ITC)
- Funding for a full year contract rate increase for CSB vendors with a more rigorous negotiation process for Fiscal Year (FY) 2014

A brief discussion ensued regarding:

- CSB services
- Lack of funding by the State for the ITC
- Surplus in the State budget
- The County's contribution towards aid to the Commonwealth to close a shortfall.

Supervisor Cook asked unanimous consent that the Board direct staff to include as a Consideration item for Carryover the "Neighborhood Speeding Campaign." Without objection, it was so ordered.

Chairman Bulova announced that the following dates are available for a joint School Board and Board of Supervisors meetings:

- Tuesday, September 18, 2012, from 4 p.m. - 5:30 p.m.
- Tuesday, November 27, 2012, from 4 p.m. - 5:30 p.m.

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

(NOTE: Later in the meeting, the State budget surplus and ITC were discussed. See Clerk's Summary Items #58 and #59.)

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2013 REVISED BUDGET PLAN

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

Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2012, at 10:30 a.m.** to increase the FY 2013 appropriation level. The advertisement encompasses both the County and the Schools' FY 2012 Carryover Reviews.

ADMIN 2 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FOR A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

Authorized FRD to apply for funding in the amount of \$2,476,460 to be received over two years from the Department of Homeland Security for the SAFER grant program to hire an additional 15 SYE merit firefighter positions. No local cash match is required.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, LEE, MOUNT VERNON, AND SULLY DISTRICTS)

(R) (NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 13.)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Church of the Good Shepherd	Braddock	Braddock Road (Route 620) [Additional Right-of-Way (ROW) Only]
		Olley Lane (Route 787) (Additional ROW Only)
Fair Oaks Senior Campus	Braddock	Lee Highway (Route 29) (Additional ROW Only)
		Forest Hill Drive (Route 1286) (Additional ROW Only)
Chanel Estates	Dranesville	Landy Lane (Route 8677)
		Georgetown Pike (Route 193) (Additional Row only)
Guest House Property	Dranesville	Safa Street (Route 7663)
Hastings Estates (Formerly Mori Street Subdivision)	Dranesville	Adeline Court (Formerly Beall Drive) (Route 3606)
		Kirby Road (Route 695) (Additional Row only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
McLean Bible Church (Jill's House)	Dranesville	Leesburg Pike (Route 7) (Additional ROW Only)
SP Herndon Development LP (Dulles View)	Dranesville	Dulles View Drive
Gayfields Road	Lee	Bulfinch Court (Route 8009) Gayfields Road Venture Drive
Yorkshire Subdivision	Mount Vernon	Khalsa Court
Fairfax County School Board (Stonecroft Boulevard Extension)	Sully	Stonecroft Boulevard (Route 8460) Old Lee Road (Route 661) (Additional ROW Only)

**ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AND
INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS
AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION
PROGRAM (RTAP) (MASON AND DRANESVILLE DISTRICTS)**

- (R)
- Endorsed the following traffic calming plan measures:
 - Two Speed Humps on Monroe Drive (Mason District)
 - Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Idylwood Road between Leesburg Pike and Dulles Access Road (Dranesville District)
 - Directed staff to schedule the installation of the approved measures as soon as possible.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7, REGARDING FAIRFAX COUNTY RETIREMENT SYSTEMS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding Fairfax County Retirement Systems, to implement the changes recommended by the Retirement Study and requiring active, vested members of the Uniformed and Police Officers Retirement Systems who become Deputy County Executive to remain in their respective systems.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), SECTION 67.1-10-2(B), TO EXTEND THE PERIOD FOR CONNECTING TO COUNTY-CONSTRUCTED EXTENSION AND IMPROVEMENT FACILITIES AT THE CONNECTION RATES IN EFFECT PRIOR TO JULY 1, 2011

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2012, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Section 67.1-10-2(b), to provide a limited extension of the deadline for connection to County constructed sewerage facilities at the rates in effect prior to July 1, 2011.

16. **A-1 – APPROVAL OF A PARKING REDUCTION FOR 6803 WHITTIER AVENUE LOCATED IN THE MCLEAN COMMERCIAL REVITALIZATION DISTRICT (DRANESVILLE DISTRICT)** (11:37 a.m.)

Following a brief discussion, this item was withdrawn.

17. **A-2 – APPROVAL OF A COOPERATIVE AGREEMENT – EXPANSION OF THE WATER RESOURCES MONITORING NETWORK FOR FAIRFAX COUNTY IN PARTNERSHIP WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS)** (11:38 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County to enter into a Joint Funding Agreement with USGS in an amount of \$179,000 for an expansion of the existing water resources network established in 2007. The County has the option to extend the agreement annually to continue the additional monitoring at a cost of approximately \$130,000 per year for a term of five years, as outlined in Table One of the attachment to the Board Agenda Item dated July 31, 2012.

18. **A-3 – AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE WORKFORCE INVESTMENT ACT (WIA) TITLE I GRANT AWARD AGREEMENT BETWEEN THE VIRGINIA COMMUNITY COLLEGE SYSTEM (VCCS) AND THE NORTHERN VIRGINIA WORKFORCE INVESTMENT AREA XI (NVWIA)** (11:39 a.m.)

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

- Designate the Chairman as the Chief Local Elected Official (CLEO) for the County.
- Authorize the CLEO to sign the WIA Title I Grant Award Agreement between the VCSS and the NVWIA Area XI and the NVWIA Area XI Consortium Agreement, so that the NVWIA Area XI may continue to receive WIA funds and also meet the requirements of the federal WIA.

Supervisor Hyland seconded the motion.

A brief discussion ensued regarding the definition of CLEO, with input from Juani Diaz, Program Director, Self Sufficiency, Department of Family Services.

Discussion continued regarding the accomplishments of the WIA.

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

19. **A-4 – ACCEPTANCE OF THE ALTERNATIVES ANALYSIS/ ENVIRONMENTAL ASSESSMENT AND APPROVAL OF THE LOCALLY PREFERRED ALTERNATIVE FOR THE COLUMBIA PIKE TRANSIT INITIATIVE** (11:41 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the streetcar as the Locally Preferred Alternative resulting from the Columbia Pike Transit Initiative Alternatives Analysis/Environmental Assessment. Supervisor Hyland seconded the motion.

Supervisor Gross submitted for the record a resolution from the Sierra Club, Virginia Chapter and the Northern Virginia Streetcar Coalition urging approval of the recommendation.

Discussion ensued regarding the staff recommendation to approve the streetcar as the Locally Preferred Alternative resulting from the Columbia Pike Transit Initiative Alternatives Analysis/Environmental Assessment.

Supervisor Smyth stated for the record that her husband and members of his family have an interest in property located near this route and she would be abstaining from the vote and any further discussion.

Discussion continued with input from Leonard Wolfenstein, Planning Section, Department of Transportation (DOT) and Tom Biesiadny, Director, DOT, regarding:

- Travel times on the streetcar versus the express bus routes
- Availability of express bus routes
- Operational expenses
- Special tax districts
- High quality transit
- The plan if the federal government does not approve its portion

Supervisor Herrity referred to the Hampton Roads Transit System and stated for the record that the original forecast for it in 2003 was 10,400 riders and cost approximately \$22 million more than originally planned. It was constructed three years later than planned.

Discussion ensued regarding:

- The Portland line
- Streetcar systems
- Inter-connected multi-modal systems

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Frey and Supervisor Herrity voting “NAY,” and Supervisor Smyth abstaining.

20. **A-5 – APPROVAL OF HEAD START/EARLY HEAD START POLICY COUNCIL BYLAWS, SELF-ASSESSMENT REPORT, AND CONVERSION OF THE FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) HOME-BASED PROGRAM OPTION** (12:13 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the Head Start/Early Head Start Policy Council Bylaws, self-assessment report, and conversion of the FCPS Early Head Start home-based option. Supervisor Hyland seconded the motion.

Supervisor Hudgins noted Board approval of Policy Council actions is necessary. She added that the conversion of the FCPS home-based program into the school was very positive. The question was called on the motion and it carried by unanimous vote.

21. **A-6 – BOARD APPROVAL OF FISCAL YEAR (FY) 2012 YEAR-END PROCESSING** (12:14 p.m.)

(SAR) On motion of Supervisor Gross, seconded by Chairman Bulova, 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 2012 for the interim period from July 1 until the Board approves the FY 2012 Carryover Review, which is scheduled for action on September 11, 2012.
- Supplemental Appropriation Resolution AS 12146 for one County fund and one School Board fund requiring an additional appropriation for FY 2012.

22. **A-7 – APPROVAL FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO DONATE A SURPLUS ROAD TRACTOR** (12:14 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize DPWES to donate a surplus road tractor to the Northern Virginia Community College Education Foundation. Supervisor Gross seconded the motion.

Following discussion, with input from Cathy Muse, Director, Department of Purchasing and Supply Management, and Edward L. Long Jr., County Executive, regarding the policy for donation of other vehicles, the question was called on the motion and it carried by unanimous vote.

23. **A-8 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE A SMALL GENERATOR INTERCONNECTION AGREEMENT BETWEEN VIRGINIA ELECTRIC AND POWER COMPANY d/b/a DOMINION VIRGINIA POWER (DVP) AND THE COUNTY TO FACILITATE THE USE OF STANDBY GENERATORS AT THE NOMAN M. COLE, JR., POLLUTION CONTROL PLANT** (12:17 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and

authorized the County Executive to execute a Small Generator Interconnection Agreement between the County and DVP to facilitate the use of standby generators at the Noman M. Cole, Jr., Pollution Control Plant.

24. **I-1 – CONTRACT AWARDS DURING BOARD OF SUPERVISORS' RECESS** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2012, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to award contracts during the period between the July meeting and the first meeting in September. Whenever a contract exceeds the estimate by 10 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.

25. **I-2 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON MOUNT VERNON HOUSE (MOUNT VERNON DISTRICT)** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2012, requesting authorization for the County Executive to sign a letter of support and Consolidated Plan certification for Mount Vernon Apartments and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

26. **I-3 – STATUS REPORT ON THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PROGRAM** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2012, regarding the status report on the Board's second four-year transportation program.

Supervisor Gross expressed her appreciation to staff for keeping Board Members apprised of projects in their districts.

ADDITIONAL BOARD MATTERS

27. **ORDERS OF THE DAY** (12:21 p.m.)

Chairman Bulova announced that the Board would recess at 1 p.m. for lunch and resume Board Matters later in the meeting.

28. **REQUEST FOR RECOGNITION** (12:21 p.m.)

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

- Staff to invite representatives from the Fire and Rescue Department (FRD) to appear before the Board to receive a proclamation recognizing “Fire Prevention Week” in Fairfax County.
- Staff to invite representatives from Volunteer Fairfax to appear before the Board to receive a proclamation recognizing October 27, 2012, as “National Make A Difference Day” in Fairfax County.
- Staff to invite representatives from the Office to Prevent and End Homelessness to appear before the Board to receive a proclamation recognizing November 30, 2012, as “Jeans Day” in Fairfax County.
- The Office of Public Affairs to publicize FRD annual backpack drive and distribution. Each Board Member will have a collection box delivered to their office and collection from the community will continue through August 20. FRD’s goal for 2012 is to collect 2800 backpacks "for needy students in Kindergarten through high school" with community assistance. FRD will distribute the collected backpacks to "over 50 schools, shelters, and nonprofits.”

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

29. **SRI VENKATESWARA LOTUS TEMPLE OF VIRGINIA – REQUEST FOR CONCURRENT AN SIMULTANEOUS PROCESSING (SPRINGFIELD DISTRICT)** (12:23 p.m.)

Supervisor Herrity said that Sri Venkateswara Lotus Temple of Virginia has been diligently pursuing site plan approval of its religious facilities that were approved in 2009. Presently, the Temple has an interpretation request for minor modifications pending with the Zoning Evaluation Division, Department of Planning and Zoning. Given that there is a development condition that limits the number of years that temporary trailers are permitted, the Temple is anxious to proceed with the site plan process and commence construction as soon as possible.

Therefore, Supervisor Herrity moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous processing any site plans, architectural drawings, or other documentation, as may be necessary in conjunction with the pending interpretation of special permit conditions associated with Special Permit

Application SPA 2004-SP-052. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the Board's consideration of this application in any way. Chairman Bulova and Supervisor Foust jointly seconded the motion and it carried by unanimous vote.

30. **RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH IN FAIRFAX COUNTY** (12:24 p.m.)

Supervisor Herrity asked unanimous consent that the Board:

- Proclaim October as “*Breast Cancer Awareness Month*” in Fairfax County.
- Direct staff to invite representatives from the Office for Women, the Commission for Women, the Health Department, the "Relay for Life" coordinators, and other relevant organizations to accept a resolution at a September Board meeting.
- Direct the Office of Public Affairs to publicize the resolution and remind citizens of the benefits of early detection.

Without objection, it was so ordered.

DET:det

31. **FOLLOW-UP ON THE JUNE 29 DERECHO** (12:25 p.m.)

Supervisor Foust said that this is a very long Board Matter that had been distributed in advance of today's meeting and proceeded to summarize the contents. He noted that it is a joint Board Matter with Supervisor Hyland, Chairman of the Board's Public Safety Committee.

Supervisor Foust stated that on July 10 the Board received a preliminary summary of information regarding the June 29 storm from the County Executive. As noted in that report, “The Office of Emergency Management will conduct a complete after-incident report, bringing in County agencies, partner agencies and external partners.”

Supervisor Foust said that the purpose of this Board Matter is to request that the Board direct that specific issues identified herein be included in staff's review and that the Board direct staff to prepare and present a comprehensive report to document the results of the review and make recommendations for improving response to future disaster events. He added that he anticipates in its review and reports, staff will address a broad spectrum of issues regarding the storm and its aftermath and said that this Board Matter is not intended to limit the scope of staff's review to the specific items identified herein. He proceeded to list the

general subject matters addressed in the Board Matter with questions and issues that should be addressed which include:

- **The Warning of Potential Disaster** and how it was handled in this case and how it might be improved
- **The County's 9-1-1 Response** as opposed to the issues of the Verizon 9-1-1 which is being addressed by the Council of Government's (COG); looking specifically at what the County did while 9-1-1 was still operating and whether improvements can be made and how the County handled the situation after 9-1-1 was no longer operating
- **Cooling/Warming Centers:** Supervisor Foust noted the problems in the Drainesville District, particularly in McLean and Great Falls and how the County prioritizes facilities for cooling and warming centers
- **Setting priorities for Power Restoration:** Supervisor Foust noted activity at the Emergency Operations Center (EOC) but added that feedback to the Supervisors was needed including knowing how the County will progress in setting priorities for power restoration before the next emergency
- **Traffic Management:** A recurrent issue after every disaster when power goes out with massive problems at intersections without power; he noted that there were several issues and questions that need to be addressed before the next event
- **Communication with Supervisors and the Public**
- **Minimizing duration of future outages:** Whether it is acceptable in the County to go a week without power and address with Dominion Power how to minimize the duration of future outages
- **Minimizing extent of future outages:** Use this opportunity in between storms to look at the network to determine what improvements can, if any, under funding restraints, be made to minimize the extent of future outages
- **Coordination between the Virginia Department of Transportation (VDOT) and Dominion:** Working out issues in advance so they do not recur
- **Dominion web dashboard:** Supervisor Foust noted the number of questions and concerns his constituents expressed regarding the website provided by Dominion for information

Therefore, jointly with Supervisor Hyland, Supervisor Foust moved that the Board direct the County Executive to address the issues and questions raised herein in the after-action report staff is preparing on the June 29 storm and the subsequent recovery efforts. Supervisor Hyland and Supervisor McKay jointly seconded the motion.

Chairman Bulova noted that this will be added to the discussion on the storm at the last Board meeting to include these in the consideration of an after-action report.

Discussion ensued concerning:

- Neighborhoods that are always the last to have power restored and whether there is a fix for those pockets
- How power lines work and whether there are ways to reroute power structures and isolate the damage area quicker instead of blacking out an entire neighborhood

Supervisor Foust noted that those items had been specifically addressed in his Board Matter.

Chairman Bulova asked Edward L Long Jr., County Executive, when the Board could expect the after-action report. Mr. Long stated that there is a meeting later this week and it was his desire to have teams come out and talk to Supervisors to ensure that every question is answered. He added that he did not want a general answer from Dominion but specifics and stated that it would probably be early fall before he could provide a response. In addition, he advised that he would like to include recommendations because of the number of components involved.

Discussion continued concerning the need for Dominion to provide better communication in providing explanations for pocket outages.

Supervisor Herrity, noting that he had submitted comments after the last Board meeting, stated that utilities keep statistics by residence on down time to identify areas with consistent problems. He cited a problem in Fairfax Station that had been resolved by working with the utility company utilizing various types of technologies including spacer cables. He stated that there are options available that are less expensive than undergrounding; and pointed out the need to look at the statistics, identify where the problem pockets are and then determine what new and innovative technologies can be used.

Discussion continued concerning whether improvements have been made to help reduce outage time, with Supervisor Hudgins pointing out the huge investment made by the Northern Virginia Electric Co-operative, a small, not-for-profit

company, as identified at a recent meeting of the Northern Virginia Regional Commission (NVRC).

Supervisor Hudgins asked unanimous consent that the Board direct the County Executive to provide information on the economic loss in tax revenue for the outages for that time period. Without objection, it was so ordered.

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

32. **OFFICE OF FINANCIAL AND PROGRAM AUDIT'S (OFPA) QUARTERLY REPORT - JULY 2012** (12:43 p.m.)

Supervisor Foust stated that this is a motion to adopt the July 2012 Quarterly Report of the OFPA. He noted that most of the time the Board's Audit staff over the past quarter has been spent working on Community Services Board (CSB) issues that the Board directed it to investigate in cooperation with the overall investigation and studies being conducted by the County Executive. He noted this has resulted in there not being a lot of subjects specifically addressed although it does continue to monitor the Dulles Rail Project Phase I which is discussed in the report.

Supervisor Foust stated that in addition to the CSB work in the upcoming quarter, the Auditor will continue the efforts started last quarter and initiate activity on previously approved studies which include:

- Continued Monitoring of the Dulles Metrorail Project
- Indirect Cost Rate Allocations
- Position Classification Trends and Transactions
- Contractor/Vendor Evaluation
- Payment of Administrative Fees
- Health Insurance Billings
- Proffer Tracking System
- IT Contingency Planning/Disaster Recovery
- Department of Information Technology Help Desk

Supervisor Foust noted that at 3 p.m. today, an effort of the Board's Auditor will come to fruition in cooperation with the County Executive and others who will now have the uniform policy on the application of penalty and interest, definition

of due dates, and the imposition of returned check fees for non-tax accounts assuming that that Ordinance passes.

Future study areas are laid out in the report and are there for the Board's information and consideration.

In addition to these studies, the Auditor will continue to follow up on previous recommendations approved by the Audit Committee and adopted by the Board.

Supervisor Foust moved adoption of the July 2012 Quarterly Report of the OFPA. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following an explanation by Chairman Bulova of the County's two audit organizations, the question was called on the motion and it carried by unanimous vote.

33. **RECOGNIZING THE FORTIETH ANNIVERSARY OF LINK, INCORPORATED (DRANESVILLE DISTRICT)** (12:46 p.m.)

Supervisor Foust noted that 2012 marks the fortieth anniversary of Link, Incorporated. Established in 1972, the group is an all-volunteer emergency support organization working to provide emergency food and financial assistance to people in need in the Herndon, Sterling, and Ashburn, Virginia communities.

Supervisor Foust asked unanimous consent that the Board direct staff to invite LINK, Incorporated president Lisa Lombardozzi and other representatives to appear before the Board on October 16 to be recognized for their contributions to the western Fairfax County/eastern Loudoun County community and to celebrate its fortieth anniversary. Without objection, it was so ordered.

34. **LORTON ARTS FOUNDATION (LAF) PERSONAL PROPERTY TAX MAILING INSERT (MOUNT VERNON DISTRICT)** (12:47 p.m.)

Supervisor Hyland noted that the LAF is a 501(c) (3) organization operating an arts center on land purchased from the federal government by the Board for \$4.2 million in 2002. Over the intervening years, the County approved a rezoning of the land and provided much-needed financial assistance to the organization which has struggled with fundraising during the great recession and encountered numerous construction issues during the adaptive reuse of the prison buildings. He noted that Phase Two of the development of LAF will bring more uses and people to the countywide arts asset. The new Executive Director, John Mason, former mayor of the City of Fairfax, has charted a course for the organization that will put them on a path to self-sufficiency which includes a wide-spread marketing, promotion, and fundraising effort.

Supervisor Hyland said that LAF requests that the Board authorize an insert, which is attached to his Board Matter, consistent with what has been done with

the Fairfax County Park and Law Enforcement Foundations. He stated that LAF will pay for the publication of the insert and provide it to the County's Department of Tax Administration (DTA) and noted the County's ownership of the land and level of involvement over the past several years with the LAF.

Therefore, Supervisor Hyland moved that the Board authorize the inclusion of an insert in the County's personal property tax mailings. Supervisor Foust seconded the motion.

Discussion ensued concerning the setting of precedent as LAF is not a County foundation unlike the Park Authority and Library Foundations. Supervisor Hyland noted the commitment the County has made to the organization in the past financially, and in the present, as well as the County's financial interest in trying to ensure the success of the Foundation at its present location.

Discussion continued with input from Edward L. Long Jr., County Executive, who stated that the County does not have a policy on what is included with the tax bills at the present and suggested in a memorandum he signed today that a policy group be set up, including the Office of Public Affairs, the County Attorney, and DTA, to determine what is appropriate. He noted that one of the items identified in the memorandum is whether there are other communication opportunities to be reviewed and suggested deferring this until he can report with a proposed policy to determine the appropriate venue to go forward.

Supervisor Hyland noted that this had been coordinated with staff who had no objection.

Supervisor Cook, citing the need for criteria, moved a substitute motion to defer further consideration of this item and have staff prepare policy recommendations. Supervisor Smyth seconded the motion.

Following discussion regarding the need to capture private sector dollars to support priorities of the Board by defining:

- Priorities
- A significant outreach as to how to do that

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

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

(NOTE: Later in the meeting, additional Board Matters were presented. See Clerk's Summary Item #58 and #72.)

35. RECESS/CLOSED SESSION (12:59 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. *Fairfax County Redevelopment and Housing Authority v. Shadowood Condominium Association, et al.*, Case No. CL-2010-0013282 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 2. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Record No. 120240 (Va. Sup. Ct.) (Lee District)
 3. *Xuli Zhang v. Police S. Regan and Police PEC [sic] M. Green*, Case No. 11-2375 (U. S. Ct. of App. for the Fourth Cir.)
 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)
 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rudy A. Urrutia, Sandra C. Urrutia, Adolfo Urrutia, and Jose Urrutia*, Case No. CL-2011-0013511 (Fx. Co. Cir. Ct.) (Lee District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hui Son Pak, Hae Bon Kang, and Jin Ja Kang*, Case No. CL-2012-0009481 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Son Tran, Dung H. Tran, and Anh Dao Tran*, Case No. CL-2009-0008760 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. KF Bailey's Crossroads, LLC*, Case No. CL-2011-0000048 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY West Spring Plaza, LLC*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sun Ja Yoon and Richard L. Gill, Sr.*, Case No. CL-2012-0004128 (Fx. Co. Cir. Ct.) (Sully District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eliodoro Guzman*, Case No. CL-2012-0007927 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose E. Lainez*, Case No. CL-2011-0013803 (Fx. Co. Cir. Ct.) (Mason District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Esther Schwartz, Morris Goldberg, Rose Goldberg, Alvin Peck, Stella Peck, Melvin Zweig, Kathryn Zweig, M.A.M. Enterprises, and the Heirs of Alvin Peck*, Case No. CL-2012-0004129 (Fx. Co. Cir. Ct.) (Providence District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clarence N. Cichy, II*, Case No. CL-2012-0004312 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Anette M. Emery*, Case No. CL-2012-0005409 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bertha Postigo-Paredes*, Case No. CL-2012-0008163 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Babur, LLC*, Case No. CL-2012-0007479 (Fx. Co. Cir. Ct.) (Sully District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sherry Worsham Harlow*, Case No. CL-2012-0005224 (Fx. Co. Cir. Ct.) (Springfield District/Town of Clifton)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bradley C. Johnson*, Case No. CL-2012-0005673 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Yeh and Mary Yeh*, Case No. CL-2012-0002343 (Fx. Co. Cir. Ct.) (Dranesville District)

23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gay S. Bowman and Suzanne L. Bowman, a/k/a Suzanne L. Bowman Crampton*, Case No. CL-2012-0000511 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phu Khac Do and Tuyen N. Le*, Case No. CL-2012-0008223 (Fx. Co. Cir. Ct.) (Lee District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lawrence J. Quinn, Jr., and Cynthia M. Quinn*, Case No. CL-2012-0004843 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sohrab Hejazi*, Case No. CL-2012-0006271 (Fx. Co. Cir. Ct.) (Sully District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia Soledad Nina*, Case No. CL-2012-0009251 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Betty I. Morales*, Case No. CL-2012-0009225 (Fx. Co. Cir. Ct.) (Mason District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alcides A. Gutierrez and Argentina M. Gutierrez*, Case No. CL-2012-0006897 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Suzan D. Lewett and Affectionate Pet Care, LLC*, Case No. CL-2012-0009759 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veronica Lim*, Case No. CL-2012-0009702 (Fx. Co. Cir. Ct.) (Braddock District)

32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Grace Y. Hurr*, Case No. CL-2012-0009757 (Fx. Co. Cir. Ct.) (Dranesville District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard D. Green*, Case No. CL-2012-0009832 (Fx. Co. Cir. Ct.) (Braddock District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brett Holleman*, Case No. CL-2012-0010000 (Fx. Co. Cir. Ct.) (Providence District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald R. Goodwin and Teresa Ann Goodwin*, Case No. CL-2012-0009833 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patrick McAlee and Barbara McAlee*, Case No. CL-2012-0010063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thelma D. Avery and Twanda D. Arrington*, Case No. CL-2012-0010165 (Fx. Co. Cir. Ct.) (Braddock District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samreen Mansoor and Shaheen Sultan*, Case No. CL-2012-0010165 (Fx. Co. Cir. Ct.) (Dranesville District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mai Land Corporation and Unidos, Inc., t/a Las Americas Restaurant*, Case No. CL-2012-0010167 (Fx. Co. Cir. Ct.) (Mason District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ryan Riad Filali*, Case No. CL-2012-0010275 (Fx. Co. Cir. Ct.) (Mount Vernon District)

41. *Eileen M. McLane, Fairfax County Zoning Administrator v. George L. Karsadi and Trisha D. Karsadi*, Case No. CL-2012-0010272 (Fx. Co. Cir. Ct.) (Mount Vernon District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Huynh Quang Ngo and Ngoc-Tien Nguyen*, Case No. CL-2012-0010274 (Fx. Co. Cir. Ct.) (Braddock District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. North Fairfax Drive Investments, L.L.C.*, Case No. CL-2012-0010273 (Fx. Co. Cir. Ct.) (Sully District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martin N. Argueta*, Case No. CL-2012-0010368 (Fx. Co. Cir. Ct.) (Braddock District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joaquin A. Villagomez and Eliana M. Villagomez*; Case No. CL-2012-0009080 (Fx. Co. Cir. Ct.) (Providence District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Van Nguyen, Thu Hong Thi Nguyen, Binh T. Ly, and My H.N. Ly*, Case No. CL-2012-0010436 (Fx. Co. Cir. Ct.) (Mason District)
47. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas V. Leffler*, Case No. CL-2012-0010430 (Fx. Co. Cir. Ct.) (Lee District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thao Van Nguyen and Moon T. Nguyen*, Case No. GV12-013342 (Fx. Co. Gen. Dist. Ct.) (Providence District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dilnawaz A. Baig*, Civil Case Nos. GV12-013834, GV12-013835, GV12-013836 (Fx. Co. Gen. Dist. Ct.) (Lee District)

50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Katerina Francis*, Case No. GV12-013131 (Fx. Co. Cir. Ct.) (Hunter Mill District)
51. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dilnawaz A. Baig*, Case No. GV12-013343 (Fx. Co. Gen. Dist. Ct.) (Lee District)
52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Bracamonte Castillo*, Case Nos. GV12-014032 and GV12-014033 (Fx. Co. Cir. Ct.) (Lee District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Karem Vanessa Ibanez Padilla*, Case Nos. GV12-014036 and GV12-014037 (Fx. Co. Gen. Dist. Ct.) (Lee District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hugo R. Hinojosa and Gladys Hinojosa*, Case No. GV12-014859 (Fx. Co. Gen. Dist. Ct.) (Mason District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Cosio and Zelma Cosio*, Case Nos. GV12-015735 and GV12-015736 (Fx. Co. Gen. Dist. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca Ramirez, Ruth G. Chavez-Ramirez, and Moises A. Chavez*, Case Nos. GV12-016492 (Fx. Co. Gen. Dist. Ct.) (Providence District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafael Antonio Trejo Nolasco*, Case Nos. GV12-017057 and GV12-017060 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lady Del Socorro Guadamuz*, Case No. GV12-017059 (Fx. Co. Gen. Dist. Ct.) (Mason District)

59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Trung T. Nguyen and Nga T. Chou*, Case No. GV12-017166 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *City of Falls Church, et al. v. Board of Supervisors, et al.* Case Number CL-2012-03411
- *Corr v. Metropolitan Washington Airports Authority*, Case Number 2011-1401 (US Court of Appeals for the Federal Circuit)
- *Joseph F. and Juliana Campagna, et al. v. Fairfax County Board of Supervisors*, Case Number CL-2012-0004851
- Proposed Zoning Ordinance Amendment Regulating Large Assemblies
- Georgetown Pike/Walker Road Trail Project
- *Virginia Code Section 22.1-274.2(C)*; Administration of Epinephrine in the Schools

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

DAL:dal

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

ACTIONS FROM CLOSED SESSION

36. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:32 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust seconded the motion.

Chairman Bulova noted that Supervisor Frey was present for closed session, but was not here for this motion.

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

37. **AUTHORIZATION TO FILE A FRIEND OF THE COURT BRIEF**
(3:33 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to file a friend of the court brief on behalf of the Board and the County in any appeal of the decision of the United States District Court in July 2011 in the case of *Corr v. Metropolitan Washington Airports Authority*. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

38. **AUTHORIZATION TO PETITION THE FAIRFAX COUNTY CIRCUIT COURT FOR THE CONVEYANCE OF REAL PROPERTY KNOWN AS MANCHESTER LAKES** (3:33 p.m.)

Supervisor McKay moved that the Board authorize the Office of the County Attorney to petition the Fairfax County Circuit Court for the conveyance of the real property located at the intersection of Hayfield Road and Manchester Boulevard, also known as Manchester Lakes, Outlot B (Tax Map Number 91-3((1)) parcel 91), to Fairfax County as outlined by the County Attorney in closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

AGENDA ITEMS

39. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 1 (GENERAL PROVISIONS) TO IMPOSE A UNIFORM BAD CHECK FEE AND NON-TAX DELINQUENCIES LATE PAYMENT PENALTIES AND INTEREST RATE** (3:34 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 13 and July 20, 2012.

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

Following the public hearing, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 1 (General Provisions), to add a new:

- Section 1-1-17, imposing a uniform bad check fee in the amount of \$50 for County receivables.

- Section 1-1-18, imposing a penalty and interest rate of 10 percent annually, for the late payment and delinquent County receivables, as provided by law.

Supervisor Gross 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.

40. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-P-111-02 (YOUNG WOMEN’S CHRISTIAN ASSOCIATION OF THE NATIONAL CAPITAL, INCORPORATED) (PROVIDENCE DISTRICT) (3:37 p.m.)**

- (O) The application property is located at 8101 Wolftrap Road, Vienna, 22182, Tax Map 39-4 ((35)) A.

Ms. Lynne J. Strobel 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.

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, which included testimony by one speaker, Mr. Williams presented the staff and Planning Commission (PC) recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 85-P-111-02, and the associated Conceptual Development Plan Amendment, subject to the proffers dated July 10, 2012.
- Modification of the barrier requirement along the western property line in favor of that shown on the plan.
- Waiver of the barrier requirement along the southern property line in favor of that shown on the plan.
- Modification of the transitional screening requirement along the western and southern property line to allow existing vegetation to serve as the transitional screening.

- Modification of a loading space requirement.

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

(NOTE: On May 31, 2012, the PC approved Final Development Plan Amendment Application FDPA 85-P-111-02.)

41. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-PR-041-03 [ESKRIDGE (E&A) LLC] (PROVIDENCE DISTRICT)** (3:48 p.m.)

- (O) The application property is located in the southwestern quadrant of the intersection of Strawberry Lane and District Avenue Tax Map 49-3 ((37)) C, J pt., L and N pt.

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

Supervisor Smyth disclosed:

- That she is a member of the Board of Directors of the Mosaic District Community Development Authority (CDA).
- Campaign contributions in excess of \$100 which she had received from the following:
 - Mr. Steven C. Boyle
 - Ms. Jessica A. Bruner
 - Mr. William C. Caldwell
 - Mr. Jeffrey S. Kaufman
 - Mr. Tom B. Kiler

Supervisor Foust disclosed that he is a member of the Board of Directors of the Mosaic District CDA.

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

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

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

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2005-PR-041-3, subject to the proffers dated July 25, 2012.
- Approval of Conceptual Development Plan Amendment Application CDPA 2005-PR-041-3, subject to the development conditions dated June 27, 2012.
- Reaffirmation of the previously-approved waivers, modifications and associated with Rezoning/Final Development Plan Application RZ/FDP 2005-PR-041, Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 2005-PR-041 and PCA/FDPA 2005-PR-041-2 including:
 - Modification of the private street limitations of Section 11-302 of the Zoning Ordinance.
 - Modification of the loading space requirement 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 between uses within the site zoned PDC and PRM in favor of the treatments depicted on the 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 locate underground stormwater management facilities for all residential development, subject to Waiver Number 0561-WPFM-002-3.

- Directive to the Director of the 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.
- Directive to the Director of DPWES to approve a modification of the Public Facilities Manual (PFM) and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more than four percent of the stall area, of structural columns into parking stalls in parking structures.
- Directive to the Director of DPWES to waive the PFM on-site stormwater detention requirements, in favor of providing stormwater management off-site in the Merrifield Town Center vault.

Supervisor Foust seconded the motion.

Supervisor Herrity expressed concerns about the workforce housing proffer.

Discussion ensued regarding the proposed development, transportation improvements, and the workforce housing proffer.

Supervisor Hudgins asked unanimous consent that the Board direct staff to report with the current market rate housing numbers. Without objection, it was so ordered.

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

(NOTE: On July 12, 2012, the PC approved Final Development Plan Amendment Application FDPA 2005-PR-041-3, subject to the development conditions dated June 27, 2012, with the addition of "Exterior wall insulation 15 R-value" to Development Condition 6.1.)

42. **3 P.M. – PH ON REZONING APPLICATION RZ 2011-MA-029 (NEIGHBORHOODS, LLC) (MASON DISTRICT)** (4:04 p.m.)

- (O) The application property is located in the southwest quadrant of the intersection of Willow Run Drive and Little River Turnpike, Tax Map 71-2 ((1)) 36; 71-2 ((10)) 17A and 71-2 ((13)) 1.

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

William O'Donnell, 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, which included testimony by two speakers, Chairman Bulova stated that she had an item for the record.

Mr. Riegle presented rebuttal.

Supervisor Gross raised a question regarding concerns of the property owner being able to access her property, which is located directly across the street from the proposed development, and discussion ensued with input from Mr. Riegle, regarding access adjustments.

Supervisor Gross raised a question regarding stormwater mitigation and retrofitting of the stream, and discussion ensued with input from Mr. O'Donnell.

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

Following remarks concerning the proposed application, Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2011-MA-029, be amended from the R-2 and HC Districts to the PDH-4 and HC Districts, subject to the proffers dated May 14, 2012.
- Waiver of the 600-foot maximum length of a private street.
- Modification of the trail requirements on Little River Turnpike in favor of right-of-way dedication shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).

- Waiver of the service drive along the Little River Turnpike frontage in favor of right-of-way dedication shown on the CDP/FDP.

Supervisor McKay seconded the motion.

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

(NOTE: On June 14, 2012, the PC approved Final Development Plan Application FDP 2011-MA-029, subject to the development conditions dated May 31, 2012.)

43. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2012-MV-001 (WOODLAWN HOSPITALITY, LLC) (MOUNT VERNON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2012-MV-001 (WOODLAWN HOSPITALITY, LLC) (MOUNT VERNON DISTRICT)

(4:41 p.m.)

- (O) The Rezoning Application RZ 2012-MV-001 property is located in the northwest quadrant of the intersection of Richmond Highway and Woodlawn Court, Tax Map 101-3 ((1)) 96.

The Special Exception Application SE 2012-MV-001 property is located at 8668 Richmond Highway, Alexandria, 22309, Tax Map 101-3 ((1)) 96.

Mr. Keith C. Martin 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. Martin 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 Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2012-MV-001, from the C-6, CRD, and HC Districts to the C-8, CRD, and HC Districts, subject to the proffers dated July 31, 2012.
- Approval of Special Exception Application SE 2012-MV-001, subject to the development conditions dated July 6, 2012.
- Approval of an increase in the maximum building height from 50 feet to 57 feet, 6 inches, pursuant to Section 9-607 of the Zoning Ordinance.
- Approval of an increase in the maximum floor area ratio (FAR) from 0.50 to 0.62, pursuant to Section 9-618 of the Zoning Ordinance.
- Waiver of the transitional screening and barrier requirements along the southern property boundary in favor of that depicted on the Generalized Development Plan/Special Exception (GDP/SE) Plat.
- Waiver of the construction road frontage improvements along the Richmond Highway frontage of the site.
- Waiver of the service drive requirement along Richmond Highway in favor of the interparcel connections shown on the GDP/SE Plat.
- Modification of the tree planting requirement along the western property line in favor of that shown on the GDP/SE Plat.
- Modification of minimum travel-isle width requirement.

Supervisor McKay seconded the motion.

Supervisor McKay raised a question regarding the proffers and discussion ensued, with input from Mr. Williams.

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

44. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-W-001-12 (THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY PUBLIC SAFETY BUILDING) AND CONSIDERATION OF 7203-WRPA-001-1 (BRADDOCK DISTRICT)**
(4:51 p.m.)

- (O) The application property is located in an area bounded by Monument Drive (north); Government Center Parkway (east and south); Post Forest Drive (south); and Legato Road (west), Tax Map 56-1 ((15)) 5A, 5B, 6, 7, 8, and 14.

Also under consideration is the applicant's Water Quality Exception Request 7203-WRPA-001-1 under Section 118-6-9 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax to permit encroachment within a Resource Protection Area (RPA) for the purpose of office development.

Hossein Malayeri, Project Coordinator, Building Design and Construction Division, Department of Public Works and Environmental Services (DPWES), reaffirmed the validity of the affidavit for the record.

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

Discussion ensued, with input from Ms. Zottl, regarding the parking garage, oversized vehicle parking, and RPA standards.

Additional discussion ensued, with input from Kris Abrahamson, Branch Chief, ZED, DPZ, regarding antenna screening.

Mr. Malayeri 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 the case.

Supervisor Herrity raised a question regarding the cost of the green roof and the rain garden versus a regular roof and stormwater retention and discussion ensued, with input from Mr. Malayeri.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding the incremental costs and the benefits of the green roof and rain garden. Without objection, it was so ordered.

Supervisor Herrity raised a question regarding the current athletic fields and whether the Park Authority has identified a potential location for games that are currently played on the fields, and discussion ensued with input from Mr. Malayeri.

Discussion continued, with input from Mr. Malayeri, regarding issues raised earlier in the meeting concerning the parking garage and oversized vehicle parking.

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

Following remarks regarding the proposed public safety complex, Supervisor Cook moved:

- Approval of Proffered Condition Amendment Application PCA 86-W-001-12, and the associated Conceptual Development Plan Amendment (CDPA), subject to the proffers dated July 24, 2012.
- Modification of loading spaces to provide four rather than ten for both the Public Safety Building and the Herrity building.
- Modification of transitional screening and barrier requirements for the site's Legato Road frontage to provide a 50-foot wide yard with landscaping, as depicted on the CDPA/FDPA and as conditioned, in lieu of the 25-foot wide transitional screening yard and barrier.
- Modification of the sidewalk requirement for the portion of the site's frontage along Monument Drive west of the existing bus stop in favor of a trail connection through the site.
- To direct the Director of DPWES to waive or modify the Public Facilities Manual (PFM) Standards as necessary to achieve a safe paved pedestrian pathway connecting the existing sidewalk on Legato Road to the existing asphalt trail on Random Hills Road, generally as shown on the CDPA/FDPA and detailed in the proffers, including the proffered exhibit.

Supervisor Hyland seconded the motion. Supervisor McKay expressed his belief that, if not for time constraints, another central location could have been identified for this application.

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

(NOTE: On July 26, 2012, the PC approved Final Development Plan Amendment Application FDPA 86-W-001-07, subject to the development conditions dated July 18, 2012.)

45. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2008-MD-003 (WRI HILLTOP VILLAGE, LLC) (LEE DISTRICT)** (5:16 p.m.)

(O) The application property is located in the northeast quadrant of the intersection of Beulah Street and Telegraph Road, Tax Map 100-1 ((1)) 9A, 11A, 11A1, 14 and 15.

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

William Mayland, 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, which included testimony by one speaker, discussion ensued regarding issues raised by the speaker, Cynthia Smith, Representative of the Newington Civic Association.

Supervisor McKay gave remarks regarding the application's Comprehensive Plan language and proffers, and noted that improvements were put into the application based on maintaining a level of service, with input from Ms. Smith.

Following rebuttal by Ms. Mariska, Mr. Mayland presented the staff and Planning Commission (PC) recommendations.

Following remarks regarding the application, Supervisor McKay moved:

- Approval of Proffered Condition Amendment Application PCA 2008-MD-003, and the associated Conceptual Development Plan Amendment, subject to the proffers dated June 27, 2012.
- Approval of a Planned District variance in accordance with the provisions of Section 16-401(8) of the Zoning Ordinance to allow the proposed secondary uses in Hilltop Village Center to exceed 25 percent of the proposed principal uses and allow up to 243,000 square feet of secondary uses.
- Reaffirmation of the modification of transitional screening and barrier requirements along all boundaries in favor of the landscaping shown on the Conceptual/Final Development Plan Amendment (CDPA/FDPA).

- Reaffirmation of a waiver of the required loading spaces for the two approved drive-in financial institutions and a modification of the loading spaces for the uses as shown on the CDPA/FDPA.
- Reaffirmation of the right to construct the proposed Hilltop Village Center Development on the closed landfill sooner than 20 years after the closure of the landfill, pursuant to Section 9-205 (9) of the Zoning Ordinance.

Supervisor Gross 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 July 26, 2012, the PC approved Final Development Plan Amendment Application FDPA 2008-MD-003, subject to the development conditions dated July 12, 2012.)

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-HM-008 (RESTON HOSPITAL CENTER, LLC AND INOVA HEALTH SYSTEM SERVICES) (HUNTER MILL DISTRICT) (5:33 p.m.)**

The application property is located at 1800 Cameron Glen Drive, Reston, 20190, Tax Map 17-1 ((1)) 14E pt.

Mr. Ben I. Wales reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed:

- That she is a Trustee on the Inova Health System Foundation Board.
- An in-kind contribution in excess of \$100 which she had received from John G. Lavoie of Cooley LLP
- That she attended, with her spouse, the Inova Health System Foundation 2011 Annual Gala with complimentary tickets having a face value in excess of \$100 each

Supervisor Foust disclosed that he attended, with his spouse, the Inova Health Systems Foundation 2011 Annual Gala with complimentary tickets having a face value in excess of \$100 each.

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

- Todd A. Stottlemeyer, Trustee, Inova Health System Foundation Board

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

- Todd A. Stottlemeyer, Trustee, Inova Health System Foundation Board

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

- Stephen M. Cumbie, Chairman and Trustee of the Inova Health System Foundation Board and Trustee of the Inova Health System Services Board
- Supervisor Gross, Trustee, Inova Health System Foundation Board

Mary Ann Tsai, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Wales 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.

Discussion ensued, with input from Mr. Wales, regarding the helistop location and accessibility.

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

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2012-HM-008, subject to the development conditions dated July 24, 2012.
- Modification of a Category 4 Special Exception standard contained in Paragraph 5, Section 9-404 of the Zoning Ordinance requiring a 200-foot setback for the helistop along the south and west property lines.

- Modification of a Category 4 Special Exception standard contained in Paragraph 7, Section 9-404 of the Zoning Ordinance requiring a minimum six-foot high fence.

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

47. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 77-C-076 (RTC PARTNERSHIP, LLC) (HUNTER MILL DISTRICT)** (5:49 p.m.)

Supervisor Hudgins moved to defer the public hearing on Planned Residential Community Application PRC 77-C-076 until **September 11, 2012, at 3:30 p.m.** Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Frey being out of the room.

48. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LORTON ROAD IMPROVEMENTS (MOUNT VERNON DISTRICT)** (5:49 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 13 and July 20, 2012.

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

The public hearing was held and included testimony by two speakers.

Following the testimony of Henry Choffrey (Speaker Two), discussion ensued regarding issues raised by Mr. Choffrey, with input from Ms. Kresge and Jeanmarie Roberson, Project Manager, Department of Transportation, regarding the easements, land rights for the proposed improvements, and the right-of-way.

Supervisor Hyland moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 4YP213, also known as 5G25-053-0000, Lorton Road Improvements, Fund 304, also known as 300-C30050 Transportation Improvements. Supervisor McKay and Chairman Bulova jointly seconded the motion.

Discussion ensued, with input from Ms. Roberson, regarding the right-of-way.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information regarding the width of the right-of-way and the projected usage of the on-road bike lanes. Without objection, it was so ordered.

Following additional discussion regarding the proposed improvements, Supervisor Cook asked unanimous consent that the Board direct staff, in the future, to provide more detailed references regarding proposed projects. Without objection, it was so ordered.

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

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-40, REGULATION OF PARKING ADJACENT TO BUS STOP** (6:16 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 13 and July 20, 2012.

Andrew Suggs, Bus Stop Coordinator, Transit Services Division, Department of Transportation (DOT), presented the staff report.

Discussion ensued, with input from Mr. Suggs and Tom Biesiadny, Director, DOT, regarding signage and the outreach efforts to citizens concerning the proposed change.

Supervisor Cook asked unanimous consent that the Board direct staff to work with staff in the Department of Neighborhood and Community Services to notify homeowners and civic associations of the changes. Without objection, it was so ordered.

Discussion continued, regarding the proposed amendments, signage, and enforcement, with input from Mr. Biesiadny.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-40, Regulation of Parking Adjacent to Bus Stop, to restrict parking, stopping, or standing within 60 feet on the approach of a bus stop sign and within 10 feet on the department side in the County. Supervisor Hudgins 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.

50. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE FALLS HILL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 44 (PROVIDENCE DISTRICT)** (6:39 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 13 and July 20, 2012.

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

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

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, establishing the Falls Hill RPPD, District 44. The proposed District includes Gordons Road from Chestnut Street to Dale Drive and from Shreve Road to Chestnut Street south side only. Chairman Bulova 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.

51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)** (6:41 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 13 and July 20, 2012.

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

Following the public hearing, Supervisor Smyth submitted items for the record.

Supervisor Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Dunn Loring RPPD, District 3. The proposed expansion includes Marymount Lane from Cottage Street to Villanova Drive. Supervisor McKay and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Frey being out of the room.

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE POLO FIELDS RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT 43 (HUNTER MILL DISTRICT)** (6:43 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 13 and July 20, 2012.

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

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Polo Fields RPPD, District 43. The proposed District expansion includes the following street blocks:

- Bayard Drive (Route 7850), from Thunder Chase Drive to the cul-de-sac inclusive
- Darius Lane (Route 7851), from Bayard Drive to the cul-de-sac inclusive
- Stirupp Iron Lane (Route 5375), from Cross Country Lane south and north to the cul-de-sacs inclusive

Chairman Bulova 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.

53. **4:30 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 700 UTTERBACK STORE ROAD, GREAT FALLS, VA 22066 (DRANESVILLE DISTRICT)** (6:44 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 13 and July 20, 2012.

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

Discussion ensued, with input from Mr. Dzierzek regarding the property.

Following the public hearing, Supervisor Foust moved:

- Adoption of the Ordinance declaring 700 Utterback Store Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 700 Utterback Store Road.

Supervisor Gross 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.

54. **4:30 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 115 TINNER HILL ROAD, FALLS CHURCH, VA 22046 (PROVIDENCE DISTRICT)** (6:49 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 13 and July 20, 2012.

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

Following the public hearing, a brief discussion ensued regarding the property and whether it was part of the historic preservation area.

Supervisor Smyth moved:

- Adoption of the Ordinance declaring 115 Tinner Hill Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 115 Tinner Hill Road.

Supervisor Gross 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.

55. **4:30 P.M. – PH ON A PROPOSED SPOT BLIGHT ABATEMENT ORDINANCE FOR 8409 LORTON ROAD, LORTON, VA, 22079 (MOUNT VERNON DISTRICT)** (6:55 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 13 and July 20, 2012.

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

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

- Adoption of the Ordinance declaring 8409 Lorton Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 8409 Lorton Road.

Supervisor Foust 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.

56. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-7 (DESIGNATION OF RESTRICTED PARKING), APPENDIX R, AND TO REPEAL SECTIONS 82-5-37.1 AND 82-5-38** (6:59 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 13 and July 20, 2012.

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

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

With regard to Leesburg Pike, Supervisor Gross noted that the Baileys Crossroads Revitalization Corporation is supportive of the proposed parking restriction.

Supervisor Smyth raised a question regarding the proposed parking restriction on Dorr Avenue and the construction connecting Dorr Avenue to Prosperity Avenue, and a brief discussion ensued with input from Ms. Turner.

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, Designation of Restricted Parking, and Appendix R.
- To repeal Sections 82-5-37.1 and 82-5-38, related to restricted parking in non-residential areas and the penalty for violation of Section 82-5-37

Supervisor Gross seconded the motion.

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

57. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:26 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 13 and July 20, 2012.

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

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

- Mr. Donald Hinman, thanking the Board for services provided

PMH:pmh

ADDITIONAL BOARD MATTERS

58. **INFANT TODDLER CONNECTION (ITC) PROGRAM** (7:34 p.m.)

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

In a joint Board Matter with Supervisor Hudgins and Chairman Bulova, Supervisor McKay said that the Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning, and movement. The CSB is the local lead agency for the County as part of the State's compliance with the Federal Individuals with Disabilities Education Act (IDEA) Part C grant.

As the benefits of early intervention have become more widely known throughout the nation, enrollment in this program has grown from about eight percent per

year to 38 percent in the last two years. The County has gone from serving 789 children on average each month in Fiscal Year (FY) 2010 to serving 1,155 children on average per month by FY 2012.

Supervisor McKay noted that this type of explosive growth vastly exceeds committed State funding, not just in the County but throughout Virginia. In the last two years, some of this funding shortfall has been filled by one-time federal funds and some stopgap funding from the Commonwealth, but the local ITC program is still facing at least a \$1 million shortfall for FY 2013. Additionally, this shortfall assumes only a minimal increase in children to be served, contrary to recent trends, which could increase the size of the funding gap.

Supervisor McKay stated that State funding levels are not sufficient to keep pace with enrollment growth. The Board is working with the CSB and outside consultants to identify potential improvements to this program and ensure the best allocation of resources. The County also provides \$2.8 million in local funds to this vital program, which comprises one-third of the ITC budget. The County may be forced to place newly eligible families on a wait list beginning in February if additional State funding is not committed. The CSB may also need to assess the feasibility of continuing as the local lead agency for this program.

Supervisor McKay said that the Virginia Association of Community Services Boards (VACSB) will be making increased funding for Part C its number one priority, and will be seeking \$8.5 million in additional State funding for Part C programs statewide in FY 2013. A continued increase in funding of approximately that magnitude will likely be needed in FY 2014 and beyond, depending on enrollment growth.

Therefore, Supervisor McKay moved that the Board direct staff to:

- Send the letter contained in his written Board Matter, under the Chairman's signature, to the Governor, urging him to increase funding for the Infant Toddler Connection program by \$8.5 million Statewide each year, beginning in FY 2013, and address any potential shortfall for FY 2014.
- Continue working with the Administration to provide the funding necessary to ensure the continued success of this program.

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

59. **STATE FUNDING CUTS** (7:35 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item #15.)

Supervisor McKay said that beginning in Fiscal Year (FY) 2009, the Commonwealth began requiring localities to return funds to the State to help balance the State's budget essentially creating a new reverse concept of local aid to the Commonwealth. In FY 2009 and FY 2010, the State required localities to 'give back' \$50 million in funds each year, increasing to \$60 million per year in FY 2011 and FY 2012. Over the last five years, this has translated into over \$20 million in State funding cuts to the County.

Supervisor McKay said that earlier this month, the governor announced that the Commonwealth will have a surplus for the third straight year. Unfortunately, those State 'surpluses' have been generated in part by localities throughout Virginia. A recent national report issued by 24/7 Wall Street (a web-based analysis and commentary publication) indicates that only a handful of state governments in recent years cut more funds to local governments and school districts than did Virginia. Though the Commonwealth's budget shortfall was the twentieth largest in the nation, the state funding cut to localities was third highest among states (approximately \$ 1 billion). Essentially, Virginia has relied on cuts to localities and school divisions to a greater extent than most other states.

Supervisor McKay explained that though the governor and the General Assembly reduced the cut in Aid to Localities in the 2012-2014 biennium budget (to \$50 million in FY 2013 and \$45 million in FY 2014), the fact is that the State cut should be completely eliminated. If the State has had three years of State budget 'surpluses' then there is no longer any need for localities to help the State balance its budget.

Supervisor McKay said that it is important to note that, while State revenues declined during the national economic recession, local revenues were hit particularly hard because the recession was precipitated by the mortgage and housing crisis, as the real estate tax is the main source of local revenue. It is also important to understand that this across-the-board cut in Aid to Localities is in addition to the numerous reductions in State funding for local programs and services including K-12, public safety, and human services in recent years.

Therefore, Supervisor McKay moved that the Board direct staff to:

- Send the letter, contained in his written Board Matter, under the chairman's signature to the governor urging him to eliminate the annual Aid to Localities reductions. This is similar to a letter signed by the chairman last year.

- Send a copy of the letter to the members of the County's General Assembly delegation and the Virginia Association of Counties (VACo).

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

60. **LACKAWANNA DRIVE (LEE DISTRICT)** (7:38 p.m.)

Supervisor McKay said that the owners of three parcels located at 7201, 7209, and 7215 Lackawanna Drive in Springfield, Virginia, intend to file an application requesting a rezoning of these parcels from the PDH-2 District to the R-1 District, and he expressed the belief that good cause exists to waive the associated, application fees pursuant to Section 18-106 of the Zoning Ordinance. These parcels were zoned to the R-1 District until a PDH-2 rezoning was requested by a contract purchaser in 2007. He added that the contract purchaser subsequently failed to follow through with the contract, and no action has ever been taken to develop these properties in accordance with, the PDH-2 zoning. All of the original owners of these properties are now deceased, and their estates and trustees report that they unable to sell the properties as currently zoned, yet they cannot afford the fees necessary to pursue an application, to rezone these parcels.

Therefore, after consultation with the County Attorney's Office, Supervisor McKay moved waiver of all fees associated with the filing and processing of applications to rezone the properties located at 7201, 7209, and 7215 Lackawanna Drive (Tax Map Numbers 90-3((3) parcels 6, 7, and 8) from the PDH-2 District to the R-1 District. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

61. **PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-L-008 (LEE DISTRICT)** (7:40 p.m.)

Supervisor McKay said that the School Board has filed Proffered Condition Amendment Application PCA 89-L-008 to amend the existing proffers that apply to the Garfield Elementary School property as a result of the original 1989 rezoning of that site. The purpose of the application is to increase the proffered maximum, gross floor area to allow the construction of an addition to the elementary school a part of the renovation project which was approved for funding in the 2011 School Bond referendum. The proposed addition will increase the previously approved gross floor area from 73,776 square feet to 77,840 square feet which reflects an increase of approximately 4,064 square feet.

Due to time constraints in seeking approval and the need to expeditiously complete these improvements, the applicant has requested a Board public hearing date be scheduled for the application and. authorization to concurrently process the site plan for this project. The application is in conformance with the Comprehensive Plan and applicable provisions of the Zoning Ordinance.

Therefore, Supervisor McKay moved that the Board direct staff to:

- Schedule a public hearing to be held before the Board on Proffered Condition Amendment Application PCA 89-L-008 for January, 2013.
- Accept the associated plans for processing concurrent with Proffered Condition Amendment Application PCA 89-L-008.

This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this application in any way. Supervisor Foust and Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

62. **SPRINGFIELD COMMUNITY BRIDGEWALK 2012 (LEE DISTRICT)**
(7:41 p.m.)

Supervisor McKay said that on Tuesday, August 28 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 a community celebration at the American Legion end of the bridge. The celebration will feature music, food from local restaurants.

Supervisor McKay stated that this year's BridgeWalk – the eleventh—will continue the tradition of renewing the Army/Community Covenant signing that began in 2009. The covenant is an affirmation of support by state and local communities to active, guard, and reserve service members and their families.

Supervisor McKay noted that Edison High School Student Government will be joining the local elementary schools—Garfield, Crestwood, and Lynbrook—as enthusiastic participants of this event. The Student Government leadership team will be encouraging students and parents to honor veterans and participate in the community by helping with this event.

Supervisor McKay explained that the BridgeWalk is a community building event that began 11 years ago to mark the installation of new lighting on Veteran's Bridge in central Springfield. Veterans Bridge (also known as the Amherst Avenue Bridge) crosses over Old Keene Mill Road and links both sides of Springfield's commercial revitalization area. The bridge is a gateway to central Springfield. With its acorn lights, wide sidewalks, pedestrian stairway, and attractive façade, it dovetails nicely with the community's vision for a revitalized Springfield and is an attractive gateway to the central business district.

Therefore, Supervisor McKay invited Board Members to join him on August 28 and experience the celebration in Lee District and he asked unanimous consent that the Board direct the Office of Public Affairs to advertise this event. Without objection, it was so ordered.

63. **RECOGNITION OF MR. GEORGE TOWERY (LEE DISTRICT)**
(7:42 p.m.)

Supervisor McKay said that two years ago, the Cameron Elementary School community bid farewell to George Towery, its principal of 30 years. It was a bittersweet farewell with parents, children, and staff wishing him well on the next chapter of his life but thinking about how they would miss him and his energy, dedication, and devotion to the children and families of the Cameron community. He announced that Mr. Towery has written a book—*Touched by a Child: A Principal's Story*—that tells the story of his 40 years as principal of two Title I schools.

Supervisor McKay referred to his written Board Matter which outlined Mr. Towery's history and presented a copy of the book to each Board Member.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite Mr. Tower to appear before the Board for recognition on September 25. Without objection, it was so ordered.

64. **DUNN LORING WOODS FIFTIETH ANNUAL BLOCK PARTY (PROVIDENCE DISTRICT)** (7:46 p.m.)

Supervisor Smyth said that on Saturday, September 8, 2012, the 18 families residing on Syracuse Circle, located in the Dunn Loring Woods area of Fairfax, will gather together with former residents to celebrate its fiftieth consecutive annual block party.

Supervisor Smyth referred to her written Board Matter and outlined the history of the community.

Supervisor Smyth asked unanimous consent that the Board approve a proclamation for Syracuse Circle to be presented at its fiftieth anniversary block party on September 8, 2012. Without objection, it was so ordered.

65. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (7:47 p.m.)

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

66. **ESTABLISHMENT OF FEE STRUCTURE FOR NOISE VARIANCE APPLICATION REVIEWS, ISSUANCES, EXTENSIONS, AND RENEWALS** (7:47 p.m.)

Supervisor Gross said that the County is a thriving jurisdiction with active construction projects that overall serve the greater public good when they are completed. Some projects require night time work because a potential hardship to the public, construction crews, or both, may be experienced if the work were done during the day Chapter 108, Section 108-6-2 of the Code of the County of Fairfax titled, "*Undue Hardship*," allows any person responsible for a noise source to apply to the Zoning Administrator for a variance or partial variance from the provisions of this chapter. The Zoning Administrator may grant such, a variance or partial variance if:

- The noise does not endanger the public health, safety, or welfare.
- Compliance with the provisions of this chapter from which variance is sought would produce serious hardship without producing equal or greater benefit to the public.

Supervisor Gross said that the number of noise variance requests is increasing, in part, because projects are exceeding the time limits outlined in the original noise variance application. At present, there is no County fee for the initial review, issuance, extension, or renewal of noise variance applications, so projects can drag on, creating inconveniences and, hardships for nearby residents, as well as staff who administers and monitors noise variances. This also applies to annual noise variances approved, for mega projects such as Dulles Metrorail, Express Lanes, the Springfield Interchange, Upper Occoquan Sanitary Sewer, the Woodrow Wilson Bridge, and others.

To encourage more timely completion of projects requesting noise variances, Supervisor Gross moved that the Board direct the County Executive to review the noise variance issues and evaluate the options for a fee structure, especially as it relates to extensions and renewals of noise variance, applications when projects exceed the time limits set during the original application, and report if Board action is necessary. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

67. **TERRASET ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (7:49 p.m.)

Supervisor Hudgins said that Fairfax County Public Schools has submitted Planned Residential Community Application PRC C-203 for building additions and site improvements to Terraset Elementary School located at 11411 Ridge Heights Road, Reston, Tax Map 26-2 ((2)) Parcel 6. The proposed improvements will include five building additions totaling approximately 33,184 square feet. The proposed building additions include an administrative addition, Art/Music,

two classroom additions and a multi-purpose addition. Site improvements include the redesign of the upper parking area and to provide a kiss-and-ride drop off area. The Planning Commission public hearing is currently scheduled for November 29, 2012. The applicant is requesting expedited and concurrent processing to meet the critical time line for this project.

Therefore, Supervisor Hudgins moved that the Board direct the director of the Department of:

- Planning and Zoning to schedule a public hearing to be held before the Board at the next meeting following the Planning Commission hearing.
- Public Works and Environmental Services to accept for simultaneous and concurrent processing any plans as may be necessary in conjunction with Planned Residential Community Application PRC C-203.

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 all applicable ordinances, regulations, or adopted standards. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

68. **REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2012-HM-009 (HUNTER MILL DISTRICT) (7:50 p.m.)**

Supervisor Hudgins said that InSite Real Estate is seeking Special Exception Application SE 2012-HM-009 for a child care center, "The Gardner School" at the northwest corner of Centreville Road and West Ox Road, Tax Map Number 25-1 ((1)), Parcel 18F. The preschool and day care center will offer educational programs for children ranging in ages from six weeks to five years old. To minimize delays that could negatively impact the applicant's, critical construction schedule, the applicant is requesting an expedited Board date and concurrent processing of the site plan and any other associated plans concurrently with the Special Exception.

Therefore, Supervisor Hudgins moved that the Board direct the director of the Department of:

- Planning and Zoning to schedule an expedited public hearing to be held before the Board.

- Public Works and Environmental Services to process the site plan and other associated plans concurrently with Special Exception Application SE 2012-HM-009.

This motion should not be construed as a favorable recommendation by the Board of Supervisors on the proposed applications and does not relieve the Applicant from complying with the provisions of all applicable ordinances, regulations or adopted standards in any way. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

69. **RESTON STREETLIGHT TASK FORCE (HUNTER MILL DISTRICT)**
(7:51 p.m.)

Supervisor Hudgins said that outdoor illumination is a vital part of everyday lives. Reston has participated in a lighting demonstration project with Dominion Virginia Power since the 1980s and that project has now successfully exceeded its original five year term. The Metrorail station at Wienie Avenue will be opening in December 2013 and it will change the travel patterns around the community, which has gradually been shifting to a pedestrian friendly area. Outdoor illumination standards need to be upgraded to respond to these changes.

In 2002, the outdoor lighting task force was re-established to explore the changing issues surrounding street lights in the Reston community. Since that time the task force has periodically met to address the lighting needs. The Hunter Mill District office will be working with the Department of Public Works and Environmental Services to schedule a kick off meeting in the fall. Individuals interested in participating on this task force may contact the Hunter Mill District office by email at Huntermill@fairfaxcountv.gov or call the office at 703-478-0283.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in publicizing this outreach to the community for participating on the Reston Outdoor Lighting Task Force. Without objection, it was so ordered.

70. **RECOGNITION FOR PRINCIPAL MARTY MARINOFF (HUNTER MILL DISTRICT)** (7:52 p.m.)

Supervisor Hudgins said that the Hunter Mill District will be saying goodbye to yet another outstanding educator. Marty Marinoff, principal at Aldrin Elementary School, in Reston for the last 11 years, is leaving his post. Mr. Marinoff will serve a short stint at Fairfax County Public Schools headquarters this fall and retire completely at the end of the year.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to Mr. Marinoff to appear before the Board to be recognized for his many years of service to the County. Without objection, it was so ordered.

71. **NATIONAL SUICIDE PREVENTION WEEK** (7:53 p.m.)

On behalf of Supervisor Frey, Supervisor Herrity said that the week of September 9-15, 2012, has been designated National Suicide Prevention Week.

Therefore, Supervisor Herrity moved that the Board direct the Office of Public Affairs to:

- Invite representatives of CrisisLink to the September 11, 2012, Board meeting to be recognized and to receive a proclamation recognizing their efforts and the significance of the issue.
- Work with CrisisLink to raise the viability of the issue, and to promote the events of National Suicide Prevention Week.

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

72. **SCHEDULING OF PUBLIC HEARINGS FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-H-051 – GBI CORPORATION (DRANESVILLE DISTRICT)** (7:54 p.m.)

Supervisor Foust said that Proffered Condition Amendment Application PCA 92-H-015 – GBI Corporation was originally scheduled for a public hearing to be held by the Board today but due to an advertising error it was necessary to defer the hearing.

To avoid further delay in processing this application, Supervisor Foust moved that the Board direct staff to schedule the following public hearings for Proffered Condition Amendment application PCA 92-H-051:

- Planning Commission - September 13, 2012, at 8:15 p.m.
- Board of Supervisors - **September 25, 2012, at 3: 30 p.m.**

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

73. **BOARD ADJOURNMENT** (7:55 p.m.)

The Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	3-6
Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups	6-13
Items Presented by the County Executive	
Administrative Items	13-17
Action Items	17-20
Information Items	20-21
Board Matters	
Chairman Bulova	3, 6, 21-22, 56-57
Supervisor Cook	n/a
Supervisor Foust	2, 23-27, 65
Supervisor Frey	64-65
Supervisor Gross	61-62
Supervisor Herrity	2, 22-23
Supervisor Hudgins	6, 56-57, 62-64
Supervisor Hyland	2, 27-28
Supervisor McKay	2, 6, 56-61
Supervisor Smyth	61
Actions from Closed Session	36-37
Public Hearings	37-56