



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 11, 2012**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, September 11, 2012, at 9:38 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, arrived during closed session.

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 MATTER1. **MOMENT OF SILENCE** (9:39 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Marine Corps Gunnery Sergeant Ryan Jeschke, as well as the members of his unit and all those serving the country. Sergeant Jeschke was killed on August 10 while conducting combat operations in Helmand Province, Afghanistan. He was a true hero – this was his third tour to Afghanistan after having served two tours in Iraq. He voluntarily reenlisted to serve in Afghanistan at the request of the Marine Corps due to his special skill set and experience. His decorations include two purple hearts, the Navy and Marine Corps Achievement medal, and the Navy and Marine Corps Good Conduct Medal. He was a graduate of Herndon High School.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. William A. Hazel, who died recently. Famous for his company's bright red dump trucks, he was involved in most of the major construction projects in Northern Virginia. However, Mr. Hazel was best known for his philanthropy, particularly in education – including his significant contributions to the community colleges, George Mason and Youth for Tomorrow. He helped found the Virginia Literacy Foundation and served as a member of the Metropolitan Washington Airports Authority Board from 1998 to 2007.

Supervisor McKay asked everyone to keep in thoughts the family a recently retired County employee, Olawale Ayodeji, who died last week. He was a Soil Scientist and most recently worked in the Department of Transportation. He was a very dedicated employee who fought a courageous battle with cancer. Supervisor McKay announced that a memorial service will be held for Mr. Ayodeji on Saturday at 10 a.m. at the McLean Bible Church.

Supervisor Foust asked everyone to keep in thoughts the family of Ms. Agnes Straussman Wolf, who died recently. She was a 60 year resident of McLean and a major figure in local democratic politics and civic life. She was the first woman investigator on the Truman Committee, investigating contract fraud during World War II. She served on the McLean Citizens Association and numerous other civic organizations.

Supervisor Gross also commented on the death of Mr. Ayodeji. She noted that he was the design and project head for the Elmdale Road Walkway Project, which the County has been working on for approximately 16 years. Supervisor Gross said it saddens her that he will not see the results of this project that he worked so hard on. He will be sorely missed.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Alzine Cuppett, who died recently. She was a dance teacher and founder of the Cuppett Performing Arts Center in Vienna, which celebrated its fiftieth anniversary this year. Ms. Cuppett's first dance instructor was Mr. Gene Kelly, and she used that

skill and shared it with many young people who go all around the world experiencing the art of dance and performing.

Supervisor Cook asked everyone to keep in thoughts the family of Retired Air Force Lieutenant Colonel Wesley J. Hatfield, who died recently. He moved to the County in 1968 with the US Air Force. After military retirement in 1976 he entered the real estate business and his name and face were familiar to many in the Burke, Fairfax, and Chantilly areas. He and his wife were original owners in Kings Park West and lived there for many years before moving to Fairfax Station. He participated in the Look Back at Braddock Oral History Project.

Chairman Bulova asked everyone to keep in thoughts the family of Dr. William Hoofnagle, who died recently. He served as the chairman of the Board during the early 1970's. She thanked him for his contributions to the County.

Chairman Bulova asked everyone to keep in thoughts the father of Park Authority employee Tawny Hammond, who had a heart attack. He would have been at the Board meeting today for the Sheriff's Office Honor Guard recognition which will be presented later in the meeting. Ms. Hammond's sister, Jill, is a member of the Honor Guard.

Chairman Bulova also recognized the presence of Scott Hammond, Ms. Hammond's brother, and wished him a happy birthday.

AGENDA ITEMS

2. PRESENTATION OF THE COLORS (9:48 a.m.)

Chairman Bulova welcomed the Sheriff's Office Honor Guard for a Presentation of the Colors.

ADDITIONAL BOARD MATTERS

3. FILL-THE-BOOT CAMPAIGN (9:50 a.m.)

Chairman Bulova announced that the Fairfax County Firefighters raised money for the 2012 Fill-the-Boot Campaign, benefitting the Greater Washington Muscular Dystrophy Association that took place from Friday, August 31, through Monday, September 3. To raise money firefighters collected at controlled intersections all over the County and the personnel of the Department of Public Safety Communications held raffles, contests, and silent auctions, dinners, and other very creative fundraisers. This year's final total of \$568,634.89 earned the County the honor of having the most successful fill the boot campaign in the nation. This year the County bested the 2011 winner, Houston, Texas, by over \$65,000. The 2012 campaign yielded not only the most ever collected in the

County's 25-plus year tradition of Fill-the-Boot, but it also was thought to be the most collected in the entire 58 year history of Fill-the-Boot nationwide.

4. **COUNTY ATTORNEY DAVID P. BOZIEN TO RECEIVE A GOLDEN GAVEL AWARD** (9:52 a.m.)

Supervisor Gross announced that the Fairfax Law Foundation Society of Fellows is hosting its first Golden Gavel Awards Dinner on Thursday, September 20, 2012. David P. Bobzien, County Attorney, will be receiving a Golden Gavel Award for his exceptional service to the community. On behalf of the Board, she congratulated him.

AGENDA ITEMS

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SHERIFF'S OFFICE HONOR GUARD** (9:53 a.m.)

Supervisor McKay moved approval of the Certificate of Recognition presented to the Sheriff's Office Honor Guard for winning first place for the third consecutive year at the competition sponsored by the Metropolitan Washington Council of Governments. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Smyth not yet having arrived.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO COUNTY RESIDENTS AND BUSINESSES** (10:01 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificates of Recognition presented to residents and businesses that have made properties available to County public safety personnel for training, as follows:

- Charlton and Debbie Apgar
- Mazen and Fadia Ayoubi
- Jeffrey and Margaret Balistrere
- JP Brehony
- Kent and Moll Carstater
- Bruce Edwards
- Michael J. Filan and Elizabeth McElroy
- Timothy and Jennifer Gale
- Shengmei Geng

- Charles Hallab
- David and Lisa McCaskill
- Scott Mitchell
- William and Mo Osborn
- Daniel and Diana Nash
- William and Maurine Sloan
- Jeff and Christie Veatch
- Claude “Sonny” A. Wheeler II
- Emmanuel Wong and Nga Yee Yuen
- Emad Yasin

Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Smyth not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

7. **PROCLAMATION DESIGNATING SEPTEMBER 2012 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY**
(10:08 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation to designate September 2012 as "*Emergency Preparedness Month*" in Fairfax County. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

Vice-Chairman returned the gavel to Chairman Bulova.

8. **RESOLUTION OF RECOGNITION PRESENTED TO THE ARC OF NORTHERN VIRGINIA** (10:24 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to The Arc of Northern Virginia for its fiftieth anniversary. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. TRUDY HARSH** (10:34 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Ms. Trudy Harsh for establishing the Brain Foundation to provide housing for people with brain disease. Supervisor Hudgins and Supervisor Hyland jointly

seconded the motion and it carried by a vote of eight, Supervisor Cook being out of the room, Supervisor Smyth not yet having arrived.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JAS BOOTHE**
(10:42 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Jas Boothe, founder and president of Final Salute, Incorporated, for providing transitional housing for female veterans and their children. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

11. **PROCLAMATION DESIGNATING SEPTEMBER 9-15, 2012, AS "SUICIDE PREVENTION WEEK" IN FAIRFAX COUNTY** (10:50 a.m.)

Supervisor Frey moved approval of the Proclamation to designate September 9-15, 2012, as "*Suicide Prevention Week*" in Fairfax County. Supervisor Herrity and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

12. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2012, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY**
(11 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate September 15 – October 15, 2012, as "*Hispanic Heritage Month*" in Fairfax County. Supervisor Gross and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

PMH:pmh

13. **10:30 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2012 CARRYOVER REVIEW TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FY 2013 REVISED BUDGET PLAN** (11:22 a.m.)

(FPR) (SAR) 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 August 24 and August 31, 2012.

Following the public hearing, which included testimony by 2 speakers, Chairman Bulova briefly explained the Carryover Review process.

Chairman Bulova said that the *FY 2012 Carryover Review* requires that the Board focus its attention on two major issues; the first is addressing the projected

Community Services Board (CSB) funding shortfall for FY 2013. The second is the challenges facing it for FY 2014 which include the federal budget showdown and the County's revenue projections which continue to reflect very slow growth.

On behalf of the Board, Chairman Bulova expressed her appreciation to members of the Human Services Council, representatives of the CSB, the Human Services Advisory Boards, advocates, clients, and families for their participation and hard work throughout the process.

To close the CSB projected shortfall and to prepare for a difficult year ahead, Chairman Bulova provided the following specifics on actions that are proposed:

- It is important to note that this Plan will not delay entry into the Early Intervention services of the Infant Toddler Connection, and service requirements for existing clients and new graduates of the Fairfax County Public Schools with Intellectual Disabilities will be met.
- While direct revenue from the Federal government is about 1 percent or \$35 million of General Fund revenue, there are also significant Federal grant dollars in the County's budget and residents receive important services that are funded by additional Federal pass-through dollars, particularly in the human services arena.

Chairman Bulova noted that staff is working to identify potential impacts on the County based on a number of scenarios which may result from federal budget reductions and information regarding these impacts will be provided to the Board as available.

This Carryover package includes a Reserve of \$8.1 million which will give the Board the ability to address changes during FY 2013 that could dramatically impact services. Given the potential refunds from a number of significant tax appeals that are currently being addressed, the County Executive recommended, and the Board endorses, the establishment of a "Litigation Reserve" of \$5 million. The Board has been briefed in closed session about the status of a number of these and staff will continue to bring updates to the Board as new information is available.

Chairman Bulova noted that there is one Consideration item, related to speeding and unsafe driving in neighborhoods, which is funded from a new Transportation Reserve.

Chairman Bulova explained that a shortfall is being projected for the next several years that need to be addressed. To assist in addressing these projected shortfalls, the County Executive is implementing a multi-year budget process to provide more insight into how decisions in the budget year will impact the following year.

This multi-year budget will serve as a planning tool to provide the Board with a broader perspective of issues and options by providing a more complete outline of issues that need to be addressed as part of the budget process. As one of the components of budget development for FY 2014 and FY 2015, agencies have been asked to identify spending reduction options totaling 5 percent for each year which will be considered as staff develops the budget.

Chairman Bulova said that another round of budget reductions, on top of multiple years of constrained resources is going to be difficult and it is important that the community be informed and engaged as the Board considers possible impacts to the delivery of services. She added that she is working with staff to plan for community engagement opportunities this fall and winter.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 13022 and amendment to the Fiscal Planning Resolution (FPR) AS 13900, including the FY 2012 Carryover Review package as presented on July 31, 2012.

In addition to the adjustments included in the County Executive's recommended Carryover package, the Board approves:

- A. The appropriation of \$200,000, from the Transportation Reserve included in Carryover, to address speeding and neighborhood issues specifically as it relates to traffic calming, as well as scheduling a discussion for the development of a neighborhood safe driving campaign/program at the next Public Safety Committee meeting.
- B. The Plan to address the projected CSB shortfall includes the use of \$3.02 million from the Federal State Reserve established as part of the FY 2013 Adopted Budget and \$2.38 million of prioritized reductions as follows:

Community Services Board Plan

FY 2013 Shortfall	(\$9.48) million
Less: Funding included in Carryover for Fringe Benefits and savings based on actions to date.	<u>4.08 million</u>
Of this amount, \$3.5 million reflects an increased General Fund transfer to support increasing Fringe Benefit costs within the CSB.	
Remaining Shortfall	(\$5.40) million

There were a number of CSB reduction options reviewed but not recommended (numbering below as reflected on Attachment 2 to the July 23 memorandum from the HSC to the Board). These reductions are not included in this Plan and as such:

1. New Horizons will remain open.
2. Sojourn House will remain open.
3. Emergency Services will continue to be provided at the Gartlan Center.
4. Daytime Shift Mobile Crisis Services will continue to be provided.
5. The start of Early Intervention Services for Infant Toddler Connection for new admissions will not be delayed. We will continue to actively pursue additional funding required from the State and to maximize opportunities for billing private insurance to offset the County cost of service. In addition, funding has been reserved for ITC projected costs pending any additional funds from the State in response to a memo from the Board.
6. Full funding for contracted employment and day services for adults with Intellectual Disabilities (ID) and for new FY 2013 ID graduates is included in the FY 2013 CSB budget.
8. FY 2013 contract rate increases are funded pending final negotiations with individual vendors. The FY 2014 CSB contract process will include only targeted increase as necessary.
13. CSB funding for the contract with Crisis Link will be maintained for FY 2013. As part of the development of the FY 2014 budget, the Board of Supervisors directs the CSB Board to review the service needs regarding "hotline" services and make any necessary programmatic changes to improve integration with CSB's services and use a competitive procurement process to then meet those defined service needs.

This Plan includes the following CSB reductions to address the shortfall, totaling \$2.38 million (numbering below as reflected on Attachment 2 to the July 23 memorandum from the HSC to the Board):

7. Funding will be eliminated for emergency services at Northwest Center. This is a redesign which will result in savings of \$97,090 and the elimination of 1 position.

9. Limit Prevention Services to only those services funded by State/Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant for youth substance abuse prevention and treatment. The Council has recommended that the Human Services System investigate consolidating the remaining CSB prevention staff and other prevention staff across the system into another agency or create an Office of Prevention Services under the Deputy County Executive for Human Services. This redesign will result in savings of \$376,395 and the elimination of 7 positions.
10. Consolidate Youth Day Treatment Services. Day services for youth will still be available at three other sites across the County. Youth will receive priority access to less-intensive services while waiting for day services. This consolidation will result in savings of \$185,226.
11. Maintain existing managed position vacancies. The CSB will continually monitor its position coverage. This management of vacancies will result in savings of \$1,100,000.
12. Reduce the planned expanded staffing of the Intensive Community Treatment Teams (ICTTs) that provide intensive community-based services for chronically homeless individuals that have substance abuse, mental health and medical issues. The proposed action eliminates the expansion of this service to three new sites.

Existing services such as homeless outreach and targeted case management will continue to be available through the four teams that are in existence.

Four existing teams will be maintained. This reduction will result in savings of \$619,797 and the elimination of 9 positions that would have been created.

Reductions 7, 9, 10, 11, 12 from above totaling: \$2.38 million

Remaining Shortfall (\$3.02) million

Fund Remaining Balance from Reserve for State/Federal Cuts \$3.02 million

The remaining balance in the Reserve is \$1.1 million after Managed Reserve adjustments. This balance will be added to the Reserve for State and Federal reductions and potential Federal Sequestration cuts.

Remaining CSB Shortfall \$0

As a result of these actions, the following reserves are in place as of the FY 2012 Carryover Review: Reserve for Federal Sequestration Cuts of \$8.1 million,

Litigation Reserve of \$5.0 million, Transportation Reserve of \$0.54 million and Reserve for FY 2014 of \$0.74 million.

Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Supervisor Hyland asked unanimous consent that the Board direct agencies to report the impacts of proposed reductions on the delivery of services to citizens. Without objection, it was so ordered.

Discussion ensued, with input from Edward L. Long Jr., County Executive, and Susan Datta, Chief Financial Officer and Director, Office of Management and Budget, regarding the

- Budget process
- School Board's plans for addressing the shortfall
- CSB budget
- Process for converting the reserve for transportation into projects
- Reserve for the contract rate increase

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Smyth not yet having arrived.

DET:det

14. **ADMINISTRATIVE ITEMS** (12:06 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting "AYE," Supervisor Smyth not yet having arrived.

ADMIN 1 – AUTHORIZATION FOR THE OFFICE FOR WOMEN AND DOMESTIC AND SEXUAL VIOLENCE SERVICES (OFWDSVS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE AVON FOUNDATION DOMESTIC VIOLENCE SURVIVOR EMPOWERMENT PROGRAM

Authorized OFWDSVS to apply for and accept grant funding, if received, in the amount of \$65,000 from the Avon Foundation Domestic Violence Survivor Empowerment Program, to support the establishment of a Social Worker II grant

position (Avon Domestic Violence Survivor Empowerment Coordinator). The grant period of 12 months will run approximately January 1, 2013, to December 31, 2013. No local cash match is required.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, MASON, MOUNT VERNON, SPRINGFIELD, AND
SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Dodd Property	Dranesville	Symphony Court Davidson Road (Route 975) [Additional Right-of-Way (ROW) Only]
Sunrise at Sunset	Mason	Sunset Lane (Route 895) (Additional ROW Only)
Occoquan Park	Mount Vernon	Mariah Jefferson Court
Pulte and Centex Homes, and BOS (Laurel Hill Silverbrook Road)	Mount Vernon	Silverbrook Road (Route 600) (Additional ROW Only)
Lancaster Estates	Springfield	Hazel Ferguson Drive
The Shops at Centreville's Gateway	Sully	Lee Highway (Route 29) (Additional ROW Only) Braddock Road (Route 620) (Additional ROW Only)

**ADMIN 3 – DESIGNATION OF PLANS EXAMINER STATUS UNDER
THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following individuals, identified with a registration number, as Plans Examiners:

- Christina M. Arllen (296)
- Eric Duvall (297)

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (HUNTER MILL DISTRICT)

- Endorsed a traffic calming plan for Dunn Meadow Road in the Hunter Mill District consisting of a Multi-Way Stop on Dunn Meadow Road at Yellow Pine Drive
- 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, APPENDIX G, TO EXPAND THE SUNSET MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 18 (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **October 16, 2012, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Sunset Manor RPPD, District 18. The proposed district expansion includes:

- Magnolia Lane (Route 1869), from Seminary Road to the western boundaries of 5620 and 5627 Magnolia Lane
- North Rosser Street (Route 2781), from Bouffant Boulevard to the northern boundaries of 3717 and 3718 North Rosser Street
- Paul Street (Route 1844), from Bouffant Boulevard to Dannys Lane

ADMIN 6 – EXTENSION OF REVIEW PERIOD FOR A PUBLIC FACILITY 2232 REVIEW APPLICATION (PROVIDENCE DISTRICT)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P12-4	Park Authority Neighborhood Park 2733 Hartland Road, Falls Church Providence District	February 24, 2013

15. **A-1 – APPROVAL FOR THE POLICE DEPARTMENT TO DONATE A SURPLUS MOTOR VEHICLE** (12:07 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the Police Department to donate a surplus motor vehicle to the Jefferson County Sheriff Reserve for use in its operations to support local law enforcement in Jefferson County, West Virginia. Supervisor McKay seconded the motion.

Discussion ensued concerning the genesis of the request with input from Charles Bond, Director, Logistics and Property Division, Police Department, who explained the process, noting that because the value of the vehicle is in excess of \$5,000, this matter was being brought before the Board.

Discussion continued concerning the possible development of a process to publicize the availability of surplus vehicles and/or equipment, with input from Cathy Muse, Director, Department of Purchasing and Supply Management, regarding the current process for advertising surplus property, noting that it is advertised first for redistribution within the County, and then for sale to the public. She added that the Department does, on occasion, receive requests directly from organizations for donations of specific equipment, and the Department is developing criteria to deal with those to prioritize the requests.

Edward L. Long Jr., County Executive, noting a sense of concern about this being out-of-state, stated that there would be a review of the County's criteria to determine priorities.

Following further discussion regarding making information regarding surplus equipment/vehicles available to the public, particularly organizations in need in the County, the question was called on the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

16. **A-2 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2011 (FISCAL YEAR 2012)** (12:14 p.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Hyland and Chairman Bulova, and carried by a vote of nine, Supervisor Smyth not yet having arrived, the Board concurred in the recommendation of staff and directed staff to continue to pursue the collection of delinquent taxes as found in Attachment A of the Board Agenda Item and remove certain small uncollectable overdue accounts listed in Attachments B and C pursuant to Virginia Code Section 58.1-3921. Supervisor Gross noted that 99.67 percent of the real estate tax had been collected.

17. **A-3 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) TASK FORCE** (12:15 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Smyth not yet having arrived, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU between the FCPD and the DEA Task Force (Washington Division Group 21 and Hagerstown Resident Office).

18. **A-4 – APPROVAL OF A RESOLUTION FOR THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO ISSUE TRANSPORTATION DISTRICT IMPROVEMENT (TDI) REVENUE BONDS (SILVER LINE PHASE I PROJECT), SERIES 2012 BONDS TO THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) FOR DULLES METRORAIL SILVER LINE PHASE I** (12:16 p.m.)

(R)

(BONDS)

On motion of Supervisor Hudgins, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth not yet having arrived, the Board concurred in the recommendation of staff and adopted a Resolution which:

- Requests the EDA to issue Transportation District Improvement Revenue Bonds (Silver Line Phase I Project), Series 2012
- Approves a form of a Second Supplemental Trust Agreement between the EDA and a trustee, a preliminary official statement, and a final official statement.
- Approves the form of a Bond Purchase Agreement and authorizes the approval of the County to such agreement.
- Makes a continuing disclosure undertaking.
- Authorizes the execution and delivery of such offer documents and agreements relating to such transactions as may be necessary or required.

19. **A-5 – APPROVAL OF A LEASE AGREEMENT FOR COMMUTER PARKING AT SPRINGFIELD PLAZA (LEE DISTRICT)** (12:17 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Herrity, and carried by a vote of nine, Supervisor Smyth not yet having arrived, the Board concurred in

the recommendation of staff and:

- Approved the lease agreement to continue commuter parking at Springfield Plaza.
- Authorized the County Executive, or his designee, to execute the agreement.

20. **A-6 – ENDORSEMENT OF ROLLING ROAD LOOP RAMP WIDENING AT FAIRFAX COUNTY PARKWAY, FRANCONIA-SPRINGFIELD PARKWAY, AND ROLLING ROAD (SPRINGFIELD DISTRICT)**
(12:17 p.m.)

On motion of Supervisor Herrity, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Smyth not yet having arrived, the Board concurred in the recommendation of staff and endorsed the design plans for the Rolling Road Loop Ramp project, generally as presented at the Design public meeting held on July 18, 2012, with the conditions as outlined in the revised Board Agenda Item dated September 11, 2012.

21. **A-7 – ENDORSEMENT OF US ROUTE 1 (RICHMOND HIGHWAY) WIDENING PREFERRED ALTERNATIVE (REVISED) BETWEEN BELVOIR ROAD AND MOUNT VERNON MEMORIAL HIGHWAY (MOUNT VERNON DISTRICT)** (12:18 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and endorse Alternative B Revised, presented in the decision document prepared in accordance with the National Environmental Policy Act (NEPA) by the Federal Highway Administration (FHWA) – Eastern Federal Lands Division, which widens the roadway in place between Telegraph Road and Belvoir Road, and realigns the roadway between Belvoir Road and Mount Vernon Memorial Highway through the Woodlawn Historic District. Supervisor Gross seconded the motion.

Following a statement by Supervisor Hyland concerning the impact on the Woodlawn Stables, discussion ensued concerning:

- The Stables
- The difficulties of major scale redevelopment and improvement in very tight revitalization and historic areas
- The decision by the Historic Trust

The question was called on the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

22. **A-8 – APPROVAL OF A RESOLUTION AUTHORIZING THE REFINANCING OF LOANS FROM THE VIRGINIA WATER FACILITIES REVOLVING FUND RELATING TO THE FINANCING OF THE COUNTY’S SHARE OF UPGRADES TO THE ALEXANDRIA RENEW ENTERPRISE’S WASTEWATER TREATMENT FACILITIES**

(12:30 p.m.)

- (R) On motion of Supervisor Gross, seconded by Chairman Bulova, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth not yet having arrived, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the execution of allonges (riders) to 2001 and 2002 Local Bonds to refinance loans from the Virginia Water Facilities Revolving Fund and approve amendments to the 2001 and 2002 Financing Agreements between the County and the Virginia Resources Authority (VRA), as administrator of the Fund.

23. **A-9 – APPROVAL OF A PARKING REDUCTION FOR 6803 WHITTIER AVENUE LOCATED IN THE MCLEAN COMMERCIAL REVITALIZATION DISTRICT (DRANESVILLE DISTRICT)** (12:31 p.m.)

On motion of Supervisor Foust, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Smyth not yet having arrived, the Board concurred in the recommendation of staff and approved a parking reduction of 20 percent for parcel 30-4 ((3)) 35 pursuant to Paragraph 3(A), Section A7-309, of the Fairfax County Zoning Ordinance, on the conditions as outlined in the Board Agenda Item dated September 11, 2012, with an amendment to replace condition 3 as follows:

- Site upgrades to the parcel will be in substantial conformance to what is shown in the attached graphic, *as per Virginia Department of Transportation (VDOT) standards for sidewalks.*

24. **A-10 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE EXTENSION OF GENERAL OBLIGATION BONDS** (12:32 p.m.)

- (R)
(BONDS) On motion of Supervisor Gross, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, and Chairman Bulova voting “AYE,” Supervisor Smyth not yet having arrived, the Board concurred in the recommendation of staff and adopted the Resolution requesting the Circuit Court to order an extension of the period for issuance of County bonds authorized on November 2, 2004, from eight years to ten years.

25. **A-11 – APPROVAL OF A DRAFT BOARD OF SUPERVISORS' (BOS) MEETING SCHEDULE FOR CALENDAR YEAR (CY) 2013** (12:32 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the draft meeting schedule for January through December, 2013. Supervisor Foust seconded the motion and carried by a vote of nine, Supervisor Smyth not yet having arrived.

Chairman Bulova asked the Board to reserve Tuesdays solely for Board and Board-related committee meetings.

Supervisor Gross, noting this year's December calendar, moved that the Board amend the County's 2012 Holiday Schedule to reflect the following:

- Monday, December 24, 2012 – full day holiday
- Monday, December 31, 2012 – full day holiday

Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Following discussion concerning the cost, the question was called on the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

26. **I-1 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-Y11-9, NEWPATH NETWORKS, LLC, NEW CINGULAR WIRELESS PCS, LLC (SULLY DISTRICT)** (12:40 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2012, announcing the PC's approval of Public Facilities Application 2232-Y11-9. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia. The application sought approval to install ten distributed antenna system (DAS) nodes on ten proposed replacement utility poles. These utility poles will vary in height from 49-62 feet, 6 inches, with a diameter of 18 inches. Each pole will contain three Cingular panel antennas located within Virginia Department of Transportation rights-of-way on Fox Mill Road (Nodes 1, 2, 3, 4, 8, 9, and 13) and Vale Road (Nodes 5, 6, and 7), (Portions of public rights-of-way on Tax Maps 36-1, 36-3, 36-4, 46-1, and 46-2).

27. **I-2 – PLANNING COMMISSION (PC) ACTION ON APPLICATION 2232-V11-25, FAIRFAX COUNTY PARK AUTHORITY (MOUNT VERNON DISTRICT)** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2012, announcing the PC's approval of Public Facilities Application 2232-V11-25. The PC noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of

the Code of Virginia. The application sought approval to develop a two-acre interim off-leash dog area within Westgrove Park, located at 6801 Fort Hunt Road, Tax Map 93-2((1)) 6.

The PC also directed staff to report with detailed updates on the Park Authority's Master Planning process for Westgrove Park, particularly regarding environmental issues that may be raised during this process, and consideration of other uses or non-uses.

28. **I-3 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR (CY) 2013**
(12:41 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2012, regarding the County holiday schedule for CY 2013.

The staff was directed administratively to proceed as proposed.

29. **I-4 – IMPLEMENTATION OF THE TYSONS CORNER EXPRESS LANES BUS SERVICE PLAN, JANUARY – MARCH 2013 (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2012, announcing that the Department of Transportation will implement changes to the Tysons Corner Express Bus Service Plan in January 2013 and March 2013.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide information concerning fares and fare recovery rates. Without objection, it was so ordered.

Discussion ensued concerning fare structure and incentive pricing with input from Tom Biesiadny, Director, Department of Transportation, regarding incentives and promotional materials for the service. Additional discussion ensued with input from Mr. Biesiadny regarding Board approval of the fare structure.

Discussion continued concerning:

- Cross-County travel
- Use of Virginia Railway Express (VRE) stations
- Success of the Burke Centre to Tysons express bus and the Braddock Road stretch

The staff was directed administratively to proceed as proposed.

30. **I-5 – SUMMARY OF TRANSPORTATION ADVISORY COMMISSION (TAC) RECOMMENDATIONS FOR A TRANSPORTATION FUNDING OUTREACH PLAN** (12:48 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2012, announcing that staff will implement recommendations made by TAC and proceed with the public outreach efforts as described in the Board Agenda Item.

Following a request for clarification by Supervisor Hudgins concerning further discussion of this item at the Transportation Committee, Supervisor McKay stated that this is to begin the public engagement with the results of the analysis and engagement to be presented to the committee.

Additional discussion ensued regarding the importance of the message the County will be delivering to the public concerning transportation needs, with input from Tom Biesiadny, Director, Department of Transportation, concerning an upcoming briefing on the specific materials at the Transportation Committee's meeting next Tuesday.

Supervisor McKay stated that the time-line is very significant as the Board wanted to ensure it had the feedback and the opportunity to analyze it before the General Assembly session begins and before the Board confirms its legislative package in the event there are matters to be pursued legislatively that are a result of this effort. Supervisor McKay added that a very important aspect of the survey is the availability of the on-line tool which the Office of Public Affairs will publicize so the community will have the opportunity to weigh-in on this important endeavor.

The staff was directed administratively to proceed as proposed.

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ADDITIONAL BOARD MATTERS

31. **ORDERS OF THE DAY** (12:54 p.m.)

Chairman Bulova announced that the Board would proceed with Board Matters but would recess for Closed Session at approximately 1:15 p.m. and resume Board Matters later in the meeting.

32. **REQUESTS FOR RECOGNITION** (12:54 p.m.)

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

- Prepare and send a proclamation to the National Center on Addiction and Substance Abuse at Columbia University recognizing Family Day – A Day to Eat Dinner with Your Children.
- Prepare and send a proclamation to the National Association of Insurance and Financial Advisors (NAIFA) recognizing September as “*Life Insurance Awareness Month*” in Fairfax County.
- Invite representatives from the Electoral Board to appear before the Board to recognize September 25–October 2 as “*Voter Registration Week*” in Fairfax County and direct the Office of Public Affairs to publicize the article “Three Things You Need to Know for November 6 Elections.”

Without objection, it was so ordered.

33. **UPDATING AND MODERNIZING THE SIGN ORDINANCE** (12:55 p.m.)

Chairman Bulova said late last month, Board Members were made aware of a legal challenge to an enforcement action taken under the County's sign ordinance. This action revealed the outdated nature of the ordinance as it relates to electronic signs and the use of changing messages. Staff has rescinded the notice of violation, as well as two other notices to other properties for similar violations.

Since these actions, staff has already begun exploring ways to change the ordinance in a way that allows reasonable use of changing messages on electronic signs. While it is unfortunate it took a legal challenge to be made aware of the issue, staff is moving quickly to address the problem.

Staff has already started to review the ordinances of neighboring jurisdictions for how electronic signs are regulated and how moving and changing messages are treated. As their work continues, staff will investigate complaints about moving messages, but will not take enforcement actions.

Therefore, Chairman Bulova moved that:

- The Board direct the Department of Planning and Zoning to continue its work to develop recommendations on how to update and modernize the sign ordinance as it pertains to moving copy, flashing, and intermittent lights and visuals on electronic signs. The recommendations should strike a balance between allowing reasonable usage of changing copy on electronic signs while preventing the creation of a safety issue for passing motorists or a nuisance for neighbors.

- This matter be presented to the Board's Development Process Committee for the Board's consideration.

Supervisor Foust seconded the motion and discussion ensued regarding the grandfathering of existing signs.

Supervisor Cook asked unanimous consent that the Board direct staff to include the School Board in the discussions. Without objection, it was so ordered.

Chairman Bulova noted that schools not in conformance with the ordinance are exempt and would not be grandfathered. A brief discussion ensued, and Supervisor Herrity noted that the same applies to the Park Authority.

Vice-Chairman Gross clarified that Chairman Bulova's motion directing staff to continue its work would encompass all of the issues raised.

Following further discussion regarding the motion and enforcement of the ordinance, the question was called on the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

34.

TYSONS TRANSPORTATION FUNDING PLAN PUBLIC COMMENT
(1:04 p.m.)

Chairman Bulova said that over two years ago the Board adopted a new and bold vision for the transformation of Tysons Corner. By next spring, six redevelopment plans submitted under the new plan are expected to have come before the Board for approval. Construction has already begun on the first phase of the demonstration project, Spring Hill Station. By the end of next year, the four new Metro stations will be operational and bringing residents, employees, customers and clients to and from Tysons Corner.

Last March the Board requested that the Planning Commission (PC) develop a process to address several of the follow-on motions associated with the Comprehensive Plan Amendment for Tysons Corner. Since then, the PC's Tysons Committee has held 24 public meetings and has approved a set of recommendations to address the motions.

The recommendations that the Tysons Committee developed will affect current and future Tysons residents, landowners, and developers, as well as residents and business of neighboring areas like McLean and Vienna. The Tysons Committee members and Chairman Walter Alcorn and staff did an outstanding job at bringing these groups to the table and working through the myriad of issues they raised during two dozen committee meetings, informal meetings, and numerous formal letters and submissions to the committee. The recommendations will be presented to the PC this Thursday night and a formal PC recommendation is expected on September 20.

Staff will present an update on the PC's progress at the September 18 meeting of the Board's Transportation Committee. The PC's recommendations will be presented to the Board at its Revitalization Committee meeting on October 2.

Given the importance of the recommended plan, and in anticipation of the PC recommendation, Chairman Bulova stated her belief that the Board should schedule time at an upcoming Board meeting to invite public comment to hear directly from the affected stakeholders.

Therefore, jointly with Supervisor Foust, Supervisor Hudgins, and Supervisor Smyth, Chairman Bulova moved that the Board direct staff to schedule an opportunity for public comment at the Board's September 16 (*sic*) meeting. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

Chairman Bulova clarified the date of the Board meeting as October 16, instead of September 16.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

35.

SUPPORT FOR EFFORTS TO RESTRUCTURE THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) BOARD OF DIRECTORS (1:08 p.m.)

Jointly with Chairman Bulova, Supervisor Herrity said that on August 7, 2012, Congressman Frank Wolf announced that he would be putting forward legislation to restructure the MWAA Board of Directors. The bill would create a board similar to the one which governed MWAA for more than 20 years. Under this new structure, Virginia would have six seats. Maryland, the District of Columbia, and the Federal government would each have one seat.

While some effort has been made recently by the MWAA Board to repair the situation, legislation comes as a result of countless reports of a lack of transparency and accountability, questionable hiring practices, conflicts of interest, inappropriate travel by Board Members, and overall dysfunction. The problems with the current MWAA Board of Directors have not gone unnoticed. On August 12, Transportation Secretary Ray LaHood said "I have serious questions about how the board has operated. I want the people of the DC area to know that we don't agree with what they've been doing."

The MWAA Board of Directors is far too important a body to allow this dysfunction to continue. As Congressman Wolf points out "The health of these two airports-and the rail project-has an enormous impact on Northern Virginia." The impending construction of Phase 2 of the Silver Line, which is under the MWAA Board of Directors' authority, necessitates swift action on this matter. The MWAA Board will have exclusive control over the toll rates that are

overwhelmingly paid by Virginians and the composition of the board should reflect that.

As a testament to the need for reform, former Governors Gerald Baliles and Linwood Holton, as well as former Senators John Warner and Chuck Robb, have all joined Congressman Wolf in calling for this needed change. Congressman Gerry Connolly, former Congressman Tom Davis, and Congressman Jim Moran have added their names to the list of leaders who have given their support to Congressman Wolf's endeavor. In addition to current and former elected officials, the Fairfax County Chamber of Commerce and the Northern Virginia Technology Council have all called for support of Congressman Wolf's efforts to reform a broken board and give Virginia control. This is truly a bipartisan voice.

Therefore, Supervisor Herrity moved that the Board add supporting this legislation as an agenda item for the Legislative Committee meeting next week. Chairman Bulova seconded the motion.

Chairman Bulova noted that MWAA staff has done an outstanding job of managing Phase 1 and this Board Matter should not be construed as a reflection on the good work being done.

Discussion ensued regarding the MWAA Board of Directors and Board Members expressed their concerns.

The question was called on the motion and it carried by a vote of nine, Supervisor Smyth not yet having arrived.

(NOTE: Later in the meeting, additional Board Matters were presented. See Clerk's Summary Items #52 – #66.)

36. **RECESS/CLOSED SESSION** (1:21 p.m.)

Supervisor Herrity 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. *Chantilly Partners Limited Partnership v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County, Virginia*, Case No. CL-2011-18289 (Fx. Co. Cir. Ct.) (Springfield District)
 2. Application of Virginia Electric and Power Company, PUE-2012-00064 (Va. State Corp. Comm'n) (County-wide)
 3. *Taesuk Lee Campbell v. Fairfax County, Virginia, M.F. Colorado, Ivan Roeske, and Does 1-5, inclusive*, Civil Action No. 1:10-cv-1245 (E.D. Va.)
 4. *Saad Lodhi v. Fairfax County Police Department*, Case No. 1:12cv485 (E.D. Va.)
 5. *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case No. CL-2011-0012980 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 6. *Louise Root v. County of Fairfax*, Case No. CL-2012-0005097 (Fx. Co. Cir. Ct.)
 7. *Xuli Zhang v. Police S. Regan and Police PEC [sic] M. Green*, Case No. 12-1389 (U. S. Ct. of App. for the Fourth Cir.)
 8. *Alvin Mosier v. Commonwealth of Virginia, et al.*, Case No. 12-1397 (U.S. Ct. of App. for the Fourth Cir.)
 9. *Khadija Ahmed v. Phimmery Mounkhoth*, Case No. CL 2012-0002136 (Fx. Co. Cir. Ct.) (Providence District)
 10. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2010-0013912 (Fx. Co. Cir. Ct.)

11. *Charlotte Ness v. Fairfax County Board of Supervisors and Fairfax County Department of Tax Administration*, Case No. CL-2012-0008988 (Fx. Co. Cir. Ct.) (Providence District)
12. *Beatriz Karina Roa v. Fairfax County, Chairman Sharon Bulova, David Bobzien, Oakton Fire and Rescue Department, Jason G. Pryor and Man Y. Li*, Case No. CL-2011-0016728 (Fx. Co. Cir. Ct.)
13. *Bassam Mohamednizar Zhed, by GEICO, subrogee v. Jose Carlos Paredes*, Case No. GV12-017352-00 (Fx. Co. Gen. Dist. Ct.)
14. *Manuel J. Sandoval v. Fairfax County, Virginia and Officer J. Luety*, Case No. GV12018761-00 (Fx. Co. Gen. Dist. Ct.)
15. *Allstate Insurance Co. a/s/o Narcisa Moreira v. Fairfax County, Virginia*, Case No. GV1218832-00 (Fx. Co. Gen. Dist. Ct.)
16. *The Church of the Good Shepherd, United Methodist v. The Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:12cv925 (E.D. Va.) (Hunter Mill District)
17. *Sagres Construction, Inc. v. County of Fairfax, Virginia*, Case No. CL-2012-0009264 (Fx. Co. Cir. Ct.) (Hunter Mill District)
18. *Joseph F. and Juliana Campagna, Fairfax Christian School, Inc., Hunter Mill East, LLC, Hunter Mill West, LLC, Robert L. and Rosemary S. Thoburn, and Thoburn Limited Partnership v. Fairfax County Board of Supervisors*, Case No. CL-2010-0005862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *U.S. Bank National Association, Trustee for Wells Fargo Mortgage Backed Securities WFMBS 2006-AR16, and Samuel I. White, P.C., Substitute Trustee v. Shamsa Khan, Fairfax County Maintenance and Stormwater, Suntrust Bank, and Laurel Highlands Homeowners Association, Inc.*, Case No. CL-2012-0010506 (Fx. Co. Cir. Ct.) (Mount Vernon District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Akmal Ghani and Hamida Ghani*, Case No. CL-2012-0008004 (Fx. Co. Cir. Ct.) (Braddock District)
21. *Suli Wang and Renni Zhao v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2012-0011367 (Fx. Co. Cir. Ct.) (Providence District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)
23. *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)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY West Spring Plaza, LLC*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. KF Bailey's Crossroads, LLC*, Case No. CL-2011-0000048 (Fx. Co. Cir. Ct.) (Mason District)
26. *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)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Lagarteria and Maria A. Lagarteria*, Case No. CL-2007-0014790 (Fx. Co. Cir. Ct.) (Mason District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu*, Case No. CL-2012-0001906 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jaime R. Rueda*, Case No. CL-2009-0008709 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. James J. Hodges*, Case No. CL-2011-0009176 (Providence District)
32. *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)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Russell J. Young and Kathryn L. Young*, Case No. CL-2012-0003527 (Fx. Co. Cir. Ct.) (Mason District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. and Phyllis E. Knick*, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. David L. Coy and Christy L. Coy*, Case No. CL-2012-0002584 (Fx. Co. Cir. Ct.) (Springfield District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax*

- County, Virginia v. Melba B. Clarke*, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael A. Quigley*, Case No. CL-2012-0006380 (Fx. Co. Cir. Ct.) (Providence District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Evenizer Nanalig*, Case No. CL-2012-0010799 (Fx. Co. Cir. Ct.) (Lee District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mazen Ayoubi and Fadia Ayoubi*, Case No. CL-2012-0006599 (Fx. Co. Cir. Ct.) (Dranesville District)
41. *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)
42. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Miguel Hercules*, Case No. CL-2012-0007546 (Fx. Co. Cir. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charles DeWeese Construction, Inc.*, Case No. CL-2012-0006715 (Fx. Co. Cir. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard L. McEntee and Virginia L. McEntee*, Case No. CL-2012-0008990 (Fx. Co. Cir. Ct.) (Mount Vernon District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cynthia Elaine Porter*, Case No. CL-2012-0004358 (Fx. Co. Cir. Ct.) (Sully District)

46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Betty I. Morales*, Case No. CL-2012-0009225 (Fx. Co. Cir. Ct.) (Mason District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2012-0008003 (Fx. Co. Cir. Ct.) (Dranesville District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Old Dominion Nominee Trust, Donna R. Wiesner, Trustee, and David A. Keene, Trustee*, Case No. CL-2011-0012323 (Fx. Co. Cir. Ct.) (Mason District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ronald C. Hutchison and Cherie A. Hutchison*, Case No. CL-2012-0005048 (Fx. Co. Cir. Ct.) (Hunter Mill District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adam Marcetich*, Case No. CL-2012-0008909 (Fx. Co. Cir. Ct.) (Lee District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abhijit Dutta and Jil Dutta*, Case No. CL-2012-0012685 (Fx. Co. Cir. Ct.) (Dranesville District)
52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clyde E. Nishimura*, Case No. CL-2012-0005565 (Fx. Co. Cir. Ct.) (Lee District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Ramos*, Case No. CL-2012-0008222 (Fx. Co. Cir. Ct.) (Mason District)
54. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eduardo Mendez Alvarez*, Case No. CL-2012-0006511 (Fx. Co. Cir. Ct.) (Mount Vernon District)

55. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio C. Ramos and Georgianna W. Ramos*, Case No. CL-2011-0015479 (Fx. Co. Cir. Ct.) (Dranesville District)
56. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yvonne W. Pompan*, Case No. CL-2012-0008907 (Fx. Co. Cir. Ct.) (Mount Vernon District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghassem Sharifi and Farideh Sharifi*, Case No. CL-2012-0006897 (Fx. Co. Cir. Ct.) (Mason District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Amir Houshang Fazilat*, Case No. CL-2012-0008797 (Fx. Co. Cir. Ct.) (Hunter Mill District)
59. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Milagro Velasquez Romero*, Case No. CL-2012-0006600 (Fx. Co. Cir. Ct.) (Mount Vernon District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Anil Sareen, Anil Sareen, Trustee, and Anil Sareen 7237 Trust*, Case No. CL-2012-0006267 (Fx. Co. Cir. Ct.) (Providence District)
61. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James J. Hodges*, Case No. CL-2012-0007873 (Fx. Co. Cir. Ct.) (Providence District)
62. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Michaely*, Case No. CL-2012-0008722 (Fx. Co. Cir. Ct.) (Providence District)

63. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randal S. Cordes*, Case No. CL-2012-0009999 (Fx. Co. Cir. Ct.) (Dranesville District)
64. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kee Cho Han and Ae Young Han*, Case No. CL-2012-0010629 (Fx. Co. Cir. Ct.) (Mason District)
65. *Eileen M. McLane, Fairfax County Zoning Administrator v. Culmore Investment Properties, Inc., and New Horizon Group, Inc.*, Case No. CL-2012-0010711 (Fx. Co. Cir. Ct.) (Mason District)
66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen L. Spitz and Marie Pierre Menu-Orsinger*, Case No. CL-2012-0010797 (Fx. Co. Cir. Ct.) (Mason District)
67. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen Thomas Smith, Initial Trustee of The Stephen Thomas Smith Living Trust*, Case No. CL-2012-0010869 (Fx. Co. Cir. Ct.) (Mason District)
68. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gerson J. Cuellar and Rummy Nhim*, Case No. CL-2012-0010868 (Fx. Co. Cir. Ct.) (Dranesville District)
69. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sidney B. Hill and Wanda C. Hill*, Case No. CL-2012-0011053 (Fx. Co. Cir. Ct.) (Hunter Mill District)
70. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nancy Chen and Youming Chen*, Case No. CL-2012-0011148 (Fx. Co. Cir. Ct.) (Dranesville District)

71. *Eileen M. McLane, Fairfax County Zoning Administrator v. Home Properties Huntington Metro, LLC*, Case No. CL-2012-0011235 (Fx. Co. Cir. Ct.) (Mount Vernon District)
72. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duc Dang*, Case No. CL-2012-0011237 (Fx. Co. Cir. Ct.) (Providence District)
73. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. R. Joun Enterprises, LLC, Roland G. Joun, Trustee, Maria Joun, Trustee, Roland G. Joun Revocable Living Trust, and Maria Joun Revocable Living Trust*, Case No. CL-2012-0011286 (Fx. Co. Cir. Ct.) (Lee District)
74. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard C. Hayward*, Case No. CL-2012-0011387 (Fx. Co. Cir. Ct.) (Mount Vernon District)
75. *Eileen M. McLane, Fairfax County Zoning Administrator v. Osob Farah*, Case No. CL-2012-0011473 (Fx. Co. Cir. Ct.) (Mount Vernon District)
76. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert D. Edmonds, Jr.*, Case No. CL-2012-0011472 (Fx. Co. Cir. Ct.) (Dranesville District)
77. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edwin M. Hirschfield*, Case No. CL-2012-0011844 (Fx. Co. Cir. Ct.) (Mount Vernon District)
78. *Eileen M. McLane, Fairfax County Zoning Administrator v. 8428 Richmond Highway, LLC, and Cuco Lindo, Inc.*, Case No. CL-2012-0012780 (Fx. Co. Cir. Ct.) (Lee District)
79. *Eileen M. McLane, Fairfax County Zoning Administrator v. Git Rid of It, LLC, and Michael L. Barnes*, Case No. CL-2012-0012708 (Fx. Co. Cir. Ct.) (Providence District)

80. *Eileen M. McLane, Fairfax County Zoning Administrator v. Steven Ko*, Case Nos. GV12-014030 and GV12-014031 (Fx. Co. Gen. Dist. Ct.) (Mason District)
81. *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)
82. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lady Del Socorro Guadamuz*, Case No. GV12-017059 (Fx. Co. Gen. Dist. Ct.) (Mason District)
83. *Eileen M. McLane, Fairfax County Zoning Administrator v. Susan V. Retter*, Civil Case Nos. GV12-012700 and GV12-012701 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
84. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michele Ann Von Kelsch*, Case No. GV12-014861 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
85. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melissa S. Malone*, Case No. GV12-014860 (Fx. Co. Gen. Dist. Ct.) (Lee District)
86. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mayra Hernandez*, Case No. GV12-018722 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
87. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cory A. Miller*, Case No. GV12-019326 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
88. *Eileen M. McLane, Fairfax County Zoning Administrator v. Frank R. Tacaraya, Anthony R. Tacaraya, Richard Tacaraya, and Carlos Marin*, Case No. GV12-019320 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

89. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hever Joel Rosales and Margarita Rosales*, Case No. GV12-019429 (Fx. Co. Gen. Dist. Ct.) (Lee District)
90. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel Flores-Alvarez and Leonor Flores-Alvarez*, Case No. GV12-019430 (Fx. Co. Gen. Dist. Ct.) (Mason District)
91. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert J. Stalker*, Case No. GV12-020651 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District/Town of Vienna)

And in addition:

- *City of Falls Church v. County of Fairfax*
- Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012
- *Hager v. Federal National Mortgage Association*
- Fairfax County's Service Agreement with Covanta Fairfax, Incorporated
- *FX Analytics, ex rel, Commonwealth of Virginia v. Bank of New York Mellon Corporation*

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being absent.

EBE:ebe

At 3:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

37. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:48 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which

closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

38. **AUTHORIZATION TO FILE COMMENTS IN STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2012-00064** (3:48 p.m.)

Supervisor Gross moved that the Board authorize the Department of Cable and Consumer Services and the County Attorney's Office to file comments consistent with the recommendations of staff concerning the Petition for approval of a special tariff to facilitate customer-owned distributed solar generation filed by Virginia Electric and Power Company in SCC Case Number PUE-2012-00064. Supervisor Hyland seconded the motion and it carried by unanimous vote.

39. **APPROVAL OF SETTLEMENT IN THE CASE OF COMMONWEALTH OF VIRGINIA EX REL. FX ANALYTICS V. THE BANK OF NEW YORK MELLON CORPORATION** (3:49 p.m.)

Supervisor Gross moved that the Board approve the settlement of the case of *Commonwealth of Virginia ex rel. FX Analytics v. The Bank of New York Mellon Corporation* on the terms and conditions outlined by the County Attorney in closed session.

Supervisor Gross further moved that the Board authorizes and directs the Executive Director of the Retirement Administration Agency to execute on behalf of the County and its Retirement Systems any documents necessary to implement the settlement. Supervisor Foust seconded the motion.

Supervisor Cook announced that he had recused himself from the matter and will abstain from the vote.

The question was called on the motion, and it **CARRIED** by a recorded vote of nine, Supervisor Cook abstaining.

40. **APPROVAL OF SETTLEMENT OF CHANTILLY PARTNERS, LP V. BOARD OF SUPERVISORS** (3:50 p.m.)

Supervisor Herrity moved that the Board approve a settlement of *Chantilly Partners, LP versus Board of Supervisors*, Case Number CL-2011-18289, on the terms and conditions outlined by the County Attorney in closed session. Supervisor McKay seconded the motion and it carried by unanimous vote.

AGENDA ITEM

41. **3:30 P.M. – PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 77-C-076 (RTC PARTNERSHIP, LLC) (HUNTER MILL DISTRICT)** (3:51 p.m.)

(NOTE: On July 31, 2012, the Board deferred the public hearing on this item until September 11, 2012.)

The application property is located at 1760 Reston Parkway, Reston, 20190, Tax Map 17-1 ((1)) 2C.

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

Following a presentation by the applicant's representative, Andrew Painter, Walsh, Colucci, LLC, discussion ensued, regarding the proposed parking reduction condition.

The public hearing was held and included testimony by thirteen speakers. Following the testimony of Ms. Tammi Petrine (Speaker 11), a brief discussion ensued regarding the cost of the parking spaces.

Mr. Williams presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Barbara Berlin, Director, ZED, DPZ, and David P. Bobzien, County Attorney, regarding staff's recommendation and questions and concerns raised by citizens.

Supervisor Hudgins moved approval of Planned Residential Community Application PRC 77-C-076, subject to the development conditions dated September 11, 2012, amended. Supervisor Herrity and Supervisor Hyland jointly seconded the motion.

Following discussion regarding the application, Supervisor Smyth said she will be abstaining from the vote.

Supervisor Hudgins asked to amend her motion to approve Planned Residential Community Application PRC 77-C-076, subject to the development conditions dated August 28, 2012, as amended, with the new conditions, as distributed and dated September 11, 2012. This was accepted.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, with Supervisor Smyth abstaining.

Supervisor Hudgins submitted items for the record.

ADDITIONAL BOARD MATTER42. **INTRODUCTION OF BOY SCOUT BRYAN SITKO** (5:27 p.m.)

Chairman Bulova recognized the presence of Boy Scout Bryan Sitko from Troop 160, and, on behalf of the Board, warmly welcomed him to the Board Auditorium. He lives in the Oak Hill Community, and is sponsored by Franklin Middle School. He is working on his Communications Merit Badge.

AGENDA ITEMS43. **3:30 P.M. – PH 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** (5:28 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 August 24 and August 31, 2012.

Shahram Mosenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, which included testimony by three speakers, discussion ensued, with input from Mr. Mosenin, regarding the deadline, the list of hardship items, and who qualifies for the extension.

Supervisor Gross submitted items for the record.

Supervisor Gross moved adoption of the 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. Supervisor Herrity, Supervisor McKay, and Supervisor Smyth jointly seconded the motion.

Discussion ensued, with input from James Patteson, Director, DPWES, regarding properties in Shirley Acres and Piney Run communities.

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

44. **3:30 P.M. – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-S-077-05 (BROOKFIELD-BEVERLY ROAD ASSOCIATES LIMITED PARTNERSHIP) (SULLY DISTRICT)** (5:41 p.m.)

Supervisor Frey moved to defer the public hearing on Special Exception Amendment Application SEA 88-S-077-05 until **September 25, 2012, at 3 p.m.** Chairman Bulova, Supervisor Foust, and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

45. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-MA-004 (JOOAN PEACE, INCORPORATED) (MASON DISTRICT)** (5:42 p.m.)

Supervisor Gross said that Special Exception Application SE 2012-MA-004 is a request to permit the construction of a parking lot in a residential district. It is proposed to serve an existing restaurant, which is located on property adjacent to the Annandale Commercial Revitalization District (CRD), which currently has insufficient parking on site. Supervisor Gross noted that, since this application was approved by the Planning Commission on July 26, 2012, her office has been contacted by representatives of the townhouse community to the west of the application property.

To provide the applicant additional time to work with these citizens and staff to resolve their concerns, Supervisor Gross moved:

- To defer the public hearing on Special Exception Application SE 2012-MA-004 until **September 25, 2012, at 3 p.m.**
- That the Board direct the Director of Public Works and Environmental Services to concurrently process the site plan for the application property.

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 Hyland being out of the room.

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-DR-003 (TD BANK, NA) (DRANESVILLE DISTRICT)** (5:44 p.m.)

The application property is located at 6256 and 6260 Old Dominion Drive, McLean, 22101, Tax Map 31-3 ((1)) 112A and 116A pt.

Ms. Lori Murphy reaffirmed the validity of the affidavit for the record.

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

- Mr. Frederick R. Taylor, Bean, Kinney and Korman, P.C.

Supervisor Hudgins disclosed a campaign contribution in excess of \$100 which she had received from:

- Mr. Frederick R. Taylor, Bean, Kinney and Korman, P.C.

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

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

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

Supervisor Foust moved:

- Approval of Special Exception Application SE 2012-DR-003, subject to the development conditions dated July 26, 2012.
- Waiver of the minimum lot size requirements to permit a lot area of 29,595 square feet instead of the required 40,000 square feet.
- Modification of the transitional screening and waiver of the barrier requirements along the site's southern boundary along Old Dominion Drive in favor of what is shown on the SE plat.
- Modification of the transitional screening and barrier requirements along the site's northern and northeastern boundaries in favor of what is shown on the SE plat.
- Modification of the trail requirement along Old Dominion Drive in favor of the sidewalks shown on the SE plat.
- Waiver of the loading space requirement for the drive-in financial institution use.

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

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-DR-019 (SIVNAM PARTNERSHIP LLC) (DRANESVILLE DISTRICT)**
(5:52 p.m.)

The application property is located at 12218 Leesburg Pike, Great Falls, 22066, Tax Map 6-1 ((1)) 18.

Ms. Lori Greenlief reaffirmed the validity of the affidavit for the record.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

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

Supervisor Foust moved:

- Approval of Special Exception Application SE 2010-DR-019, subject to the development conditions dated July 26, 2012.
- Waiver of the trail requirement along the north side of Route 7 in favor of existing conditions.
- Modification of the transitional screening requirement along the northeastern property line in favor of that depicted on the SE plat.
- Waiver of the barrier requirement along the northeastern property line in favor of that depicted on the SE plat.

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor McKay and Supervisor Herrity being out of the room.

48. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING HEIGHT LIMITS FOR CERTAIN INDEPENDENT LIVING FACILITIES** (6:02 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 August 24 and August 31, 2012.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

A brief discussion ensued, with input from Ms. Pesto, regarding independent living facilities that have an assisted living option and whether they are included in the ordinance.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding height limits for certain independent living facilities, as recommended by the Planning Commission, with an effective date of 12:01 a.m. on the day following adoption. Supervisor Hudgins seconded the motion.

Following a brief discussion, regarding the height limits; Supervisor Foust commended Mr. Mark Zetts, a member of the McLean Citizen's Association Planning and Zoning Committee, for his hard work.

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."

49. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING TRUCK RENTAL ESTABLISHMENTS IN THE PLANNED RESIDENTIAL COMMUNITY (PRC) DISTRICT** (6:06 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 August 24 and August 31, 2012.

Roger Marcy, Staff Coordinator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding truck rental establishments in the PRC District, as recommended by the Planning Commission, with an effective date of 12:01 a.m. on the day following adoption. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor McKay being out of the room.

50. **4 P.M. – PH ON THE ADOPTION OF PROPOSED AMENDMENTS TO THE HUNTINGTON CONSERVATION PLAN (MOUNT VERNON DISTRICT)** (6:10 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 August 24 and August 31, 2012.

John Payne, Deputy Director, Real Estate, Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the Resolution approving the amended Huntington Conservation Plan as approved by the County Redevelopment Housing Authority on June 14, 2012. Chairman Bulova seconded the motion.

Following a brief discussion regarding the proposed amendment, 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.”

51. **4 P.M. – PH 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** (6:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and August 31, 2012.

Robert L. Mears, Executive Director, Retirement Systems, presented the staff report.

Following the public hearing, which included testimony by two speakers, Chairman Bulova acknowledged members of the Fairfax County Government Employees Union and, on behalf of the Board, welcomed them to the Board Auditorium.

Chairman Bulova stated that she had items for the record.

Following discussion, regarding changes to the benefit system, Supervisor Gross called the Board’s attention to a correction to page 321 of the Board agenda item that had been distributed at the dais and the highlighted Section to read **3-3-1(a)(2)**.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding the retirement systems. Supervisor Foust and Supervisor Hyland jointly seconded the motion.

Following a brief discussion, regarding challenges that will affect the proposed amendments, the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

Supervisor Gross thanked staff who spent a lot of time working on these changes.

DET:det

ADDITIONAL BOARD MATTERS

52. **STATUS OF THE NORTHERN VIRGINIA TRAINING CENTER (NVTC) LAND (BRADDOCK DISTRICT)** (6:35 p.m.)

Supervisor Cook stated that with final approval of the negotiated agreement between the United States Department of Justice (DOJ) and the Commonwealth of Virginia, the plan to discharge all of the NVTC residents into a community setting will now begin implementation. This plan, which is currently targeted to be completed by 2015, would result in the more than 80 acre Training Center site along Braddock Road to be vacated.

Supervisor Cook, recognizing both the potential benefit and risk of any transfer of ownership of this property, noted that he wished to ensure that it is used for the greatest benefit to County residents while being cognizant of the need to engage residents, and particularly Braddock District residents, in a dialogue on potential future uses of the land and any land development that could occur.

Supervisor Cook said it is recognized that among the uses of this land, is the development of services for developmentally and physically disabled residents and their families which would benefit many individuals who do not have sufficient community support at this time. He added that in typical cases, these land use discussions would occur as a matter of routine, but given the current State ownership of this land, that planning could occur without input from the citizens or the Board.

Supervisor Cook moved that the Board authorize the Chairman to send the letter, included in his written Board Matter, to Governor McDonnell proposing the initiation of negotiations to transfer the ownership of the land to the County as the NVTC closure proceeds. Chairman Bulova seconded the motion and it carried by unanimous vote.

53. **ORDERS OF THE DAY** (6:37 p.m.)

Chairman Bulova announced that Supervisor Hyland needed to leave for a 7:30 p.m. meeting with the South County Federation so they would proceed with his Board Matters next.

54. **REQUEST TO CREATE THE JOHN R. BYERS MEMORIAL SERVICE AWARD (MOUNT VERNON DISTRICT)** (6:37 p.m.)

Supervisor Hyland announced that Mount Vernon lost an inspirational leader with the death of Colonel John R. Byers. He served as Mount Vernon District Representative on the Planning Commission for 21 years, was Chair of the Group Residential Facilities Commission, served on the Human Services Council, Water Authority, Economic Advisory Commission, Area Plan Review Task Forces, Mount Vernon Visioning Task Force, was a member of the Mount Vernon Council Planning and Zoning Committee for 35 years, was Lord Fairfax and Mount Vernon Council Citizen of the Year. These are just a few of the many Boards, Authorities, Commissions, and positions he held and accolades he received over the years.

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

- Create a Colonel John R. Byers Memorial Service Award.
- Promote the award, in cooperation with Fort Belvoir, the Military District of Washington and other military organizations in the County, and select candidates to be recognized by the Board annually.

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

Discussion ensued concerning the type of award that would be made.

55. **REQUEST TO RECOGNIZE JANET COLDSMITH, RECENTLY RETIRED DIRECTOR, REAL ESTATE DIVISION, DEPARTMENT OF TAX ADMINISTRATION (DTA)** (6:40 p.m.)

Supervisor Hyland said that Janet Coldsmith recently retired as Director, Real Estate Division, DTA. He referred to his written Board Matter which outlined Ms. Coldsmith's accomplishments.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Coldsmith to appear before the Board to be recognized for her service to the County. Without objection, it was so ordered.

PMH:pmh

56. **GREAT FALLS CENTER WITHOUT WALLS (DRANESVILLE DISTRICT)** (6:41 p.m.)

Supervisor Foust noted that the County has 13 dedicated senior center facilities where older adults have opportunities to socialize and participate in wellness, entertainment and educational activities. Currently there is no dedicated “bricks and mortar” senior facility in Great Falls.

To expand opportunities for older adults within the Great Falls community, Supervisor Foust said that a Great Falls Senior Center Without Walls is proposed, based on the very successful Burke-West Spring Center Without Walls established in 2009. The events of the Center will make use of existing facilities in Great Falls.

Supervisor Foust said that guidelines for this initiative are based on the County’s emphasis on public/private partnerships, community engagement, and building community capacity to address neighborhood issues.

Supervisor Foust explained that the primary focus of the Center will be to provide a wealth of activities for older adults in the Great Falls community through a collaborative network of public and private entities. These activities will be created to meet seniors' cultural and service needs and programs will encompass a variety of interests-from lectures to exercise classes for the mind and body, and from tours to bridge games.

Through the same collaborative network cited above, the Center also will assist family caregivers who may have as many needs as the seniors for whom they care. By providing activities in a safe and friendly environment for seniors, caregivers can gain time for themselves to address their own needs.

Supervisor Foust said that a working group, chaired by Robert Lundegard of the Great Falls Citizens Association, has been successfully soliciting the support of individuals, organizations, religious groups and businesses to be members of the working group and sponsors of the group’s initiatives. Community support for the initiative is widespread.

Therefore, Supervisor Foust moved that the Board approve the letter contained in his written Board Matter that will be sent to various organizations in the Great Falls community informing them of the initiative for a Center and requesting that people become involved if interested. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

57. **RECOGNIZING REBUILDING TOGETHER AND SEARS AT HOME PROGRAMS** (6:44 p.m.)

Supervisor Foust said that on July 24, Captain Patrick Horan and his wife moved into a new home that was retrofitted to meet Captain Horan's physical needs resulting from a severe injury sustained while on duty in Iraq.

Supervisor Foust noted that Captain Horan was born and raised in Springfield, Virginia, and graduated from Radford University in 1997. Later that year, he enlisted in the Infantry and graduated first in his class from Officer Candidate School. He deployed to Iraq in the summer of 2006; in the summer of 2007, Captain Horan was shot and gravely injured.

Supervisor Foust said that Captain Horan was completely debilitated but he has defied the odds and after five years of intensive physical and occupational therapy, he has made a remarkable recovery and is able to walk and talk. Unfortunately, he still suffers many residual effects from the injury.

With much of his rehabilitation occurring at Walter Reed, he and his wife Patty initially looked for a home in Montgomery County. But, after being outbid for a house, they returned to Northern Virginia and purchased a four-bedroom home in McLean.

Several changes needed to be made to the house to create a safe environment for Captain Horan. After seeing a story about Captain Horan on a national television program, representatives from the Heroes at Home project, sponsored by Sears, and Rebuilding Together stepped in. The Sears' program for wounded veterans has helped rebuild homes for more than 1,000 veterans since 2007. Rebuilding Together is the nation's leading nonprofit organization working to preserve affordable homeownership and revitalize neighborhoods. Nationally 10,000 houses a year are renovated. The Arlington/Fairfax/Falls Church Rebuilding Together affiliate renovates about 40 houses in the County each year assisting low-income homeowners, particularly seniors, persons with disabilities, families with children, and veterans. What was unique about this effort, is that the Montgomery affiliate of Rebuilding Together joined the team of volunteers.

The project team lined up local contractors to provide free or reduced-price services. The value of the improvements to the Horan house are valued at over \$100,000 and include an elevator and a new handicapped-accessible bathroom with telephone.

Supervisor Foust asked unanimous consent that the Board direct staff to invite the following to appear before the Board on October 30 to be recognized:

- Representatives of the Heroes at Home and Rebuilding Together programs for their exemplary efforts to improve the quality of life for a wounded veteran.

- Captain Horan and his family for his service to the country and extraordinary fortitude in dealing with his injuries.

Without objection, it was so ordered.

Chairman Bulova consulted with Merni Fitzgerald, Director, Office of Public Affairs, concerning scheduling the appearances.

58. **RAMP CLOSURE LOCATED SOUTH OF THE FAIRFAX COUNTY PARKWAY (LEE DISTRICT)** (6:47 p.m.)

Supervisor McKay said that on August 30 the Virginia Department of Transportation's (VDOT) Mega projects office distributed a fact sheet on an I-95 express lanes project ramp closure. This ramp located south of the Fairfax County Parkway allows access from the southbound high occupancy vehicle (HOV) lanes to the southbound general purpose lanes on I-95 and allows HOV vehicles to exit at Lorton Road. VDOT plans to permanently close this ramp as early as next week to allow for construction of a third HOV travel lane and convert the facility to express lanes (HOV high occupancy toll lanes). The permanent closure of this ramp will require southbound vehicles to exit the HOV/express lanes further north adding a longer commute and possibly more congestion to the general purpose lanes. Although this ramp closure was disclosed during the 2011 fall public hearing it was not well understood. The flyer that VDOT has only recently distributed gives little time between clear public notice and the actual ramp closure.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to urgently communicate with VDOT and request that the ramp closure be delayed and that a specific closure date be determined and publicized to give the public sufficient time to prepare for this construction activity. Without objection, it was so ordered.

59. **BEST OF AQUATICS 2012 SPRAY PARK AWARD (LEE DISTRICT)** (6:48 p.m.)

Supervisor McKay announced that Lee District Park has won a national award - the Best of Aquatics 2012 Spray Park Award by Aquatics International.

60. **CAR FREE DAY** (6:50 p.m.)

Supervisor Hudgins said that September 22 is *Car Free Day* campaign sponsored by Metropolitan Washington Council of Government's (MWCOG) Transportation Planning Board (TPB). Car Free Day is organized in 1,500 cities in 40 countries throughout the world to encourage people to use more environmentally friendly transportation modes. Pledge to go car free at

www.carfreemetrodc.com for a chance to win great prizes. The TPB asks that you pledge even if you're already using transportation alternatives.

While these events are sponsored by the State and MWCOG's TPB respectively, Supervisor Hudgins moved that the Board direct staff to add this information to the County's website so that residents who are not already aware of this annual program can be encouraged to participate. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

61. **MS. KATHLEEN McKEE RETURNS TO THE HUNTER MILL DISTRICT OFFICE** (6:51 p.m.)

Supervisor Hudgins announced that Ms. Kathleen McKee has returned to the Hunter Mill District office and will be working on operations and outreach.

On behalf of the Board, Chairman Bulova warmly welcomed Ms. McKee to the Board Auditorium.

62. **NO BOARD MATTERS FOR SUPERVISOR PENNY GROSS (MASON DISTRICT)** (6:52 p.m.)

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

63. **RECOGNIZING NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC) FOR J.C. POWER AND ASSOCIATES' RANKING** (6:52 p.m.)

Supervisor Herrity noted that the County is served by two outstanding electric utilities - Dominion Power and Northern Virginia Electric Cooperative (NOVEC). J.D. Power and Associates recently announced that NOVEC ranked highest in customer satisfaction among midsize electric utilities in the South region and first among the 126 largest United States electric utilities surveyed in its 2012 Electric Utility Residential Customer Satisfaction Study.

Supervisor Herrity said that J.D Power and Associates based its findings on responses from more than 100,000 online interviews conducted from July 2011 through May 2012 among residential customers of the largest electric utility brands across the US.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite representatives of NOVEC to appear before the Board to receive a resolution recognizing its accomplishment, innovation, and service to the citizens of the County. Without objection, it was so ordered.

64. **THE CENTREVILLE AREA ROAD FUND (SULLY DISTRICT)** (6:54 p.m.)

Supervisor Frey said that the Centreville Area Road Fund was established as a way to pool developer contributions for transportation to allow off-site

improvements to be completed. There are no active projects in the Centreville Area Road Fund, since all previous projects have been completed. There is currently a need for a traffic signal with pre-emption capabilities at the Fire Station 17 located at 5856 Old Centreville Road. This signal is required due to the widening of Old Centreville Road in front of the fire station. Adequate funds exist with the Centreville Area Road Fund to accomplish this signal, but improvements to Old Centreville Road must be identified as an approved project before funds can be authorized for expenditure.

Therefore, Supervisor Frey moved that the Board approve adding "Improvements to Old Centreville Road" as a project for the Centreville Area Road Fund. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

65. **COUNTY CIVIL WAR SESQUICENTENNIAL EVENT REGARDING THE BATTLE OF OX HILL (SPRINGFIELD DISTRICT)** (6:55 p.m.)

Supervisor Frey said that he had received the program for the County Civil War Sesquicentennial Event which was distributed to Board Members.

Supervisor Frey asked unanimous consent that the Board direct:

- The Facilities Management Department to work with the History Commission to display some of the events in the lobby of the Government Center.
- Staff to invite Mr. Ed Wenzel to bring the map that he created showing the County in relation to the areas around the County and the activity that occurred throughout the civil war.

Without objection, it was so ordered.

Following a brief discussion about the event, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite those who participated in the event to appear before the Board to be thanked for their efforts. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

66. **NO BOARD MATTERS FOR SUPERVISOR LYNDA SMITH (PROVIDENCE DISTRICT)** (No time)

Supervisor Smyth had no Board Matters to present today.

67. **BOARD ADJOURNMENT** (7 p.m.)

The Board adjourned.

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